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House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 13, 2016.

I hereby appoint the Honorable DANIEL WEBSTER to act as Speaker pro tempore on this day.

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

MORNING-HOUR DEBATE

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

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

THE STATISTICS ARE DEVASTATING

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

Mr. QUIGLEY. Mr. Speaker, last month the Nation watched as our friends in Louisiana were inundated by record rainfall and unprecedented flooding. More than 7 trillion gallons of water fell in Louisiana and Mississippi over 8 days. Thirteen lives have been lost. More than 7,000 people were forced into 37 shelters across Louisiana. There has been an estimated $110 million in agricultural losses, and 40,000 homes have been damaged.

Just a few weeks before the devastating floods in the South, in Ellicott City, Maryland, not too far away from here, nearly 6 inches of rain fell in less than 2 hours, resulting in a torrential flood, the likes of which NOAA has told us happens just once every 1,000 years. Officials say that 90 businesses and 107 homes were damaged and that infrastructure repairs are estimated to cost at least $22 million.

These statistics are devastating, and, if we fail to better prepare ourselves for the severe impacts of manmade climate change, we will only see more disasters like this.

First responders and emergency professionals deserve our utmost praise and admiration, as do the kind citizens on the streets who help their neighbors escape the rushing waters, and the people all over the country who contribute what they can to help put broken cities back together. But we must stop putting our heroes in harm's way.

The science is clear, it is conclusive, and it is settled: these natural disasters aren't all natural. It is imperative that we work to limit our impact on the climate, but we must also prepare for the climate impacts that are now inevitable. Prioritizing disaster preparedness by being thoughtful about where and how we construct homes, businesses, and other vital infrastructure will save lives, will save homes, and will save money.

Devastating weather events are occurring with greater frequency than ever before. Today, the Northeast, Midwest, and upper Great Plains regions see 30 percent more heavy rainfall than they did in the first half of the 20th century, and manmade climate change is already impacting the lives of every single American.

Even if you are not one of the millions who have suffered from extreme heat, widespread drought, or catastrophic flooding, your tax dollars have gone to help those who have. Acting before disasters strike is the only way to reduce the strain on local, State, and Federal emergency response systems, especially as they gear up to handle the predictable and unpredictable changes that climate change will bring.

I am proud to say that my hometown of Chicago is among the 20 percent of global cities that have an adaptation plan to deal with the increased heat, urban flooding, and severe storms that climate change will bring. But it is vital that cities and towns across America also prepare. Responding to climate change demands urgent and decisive action.

This is not a coastal issue, and it is not a partisan issue. Rising seas and severe storms don't care if you are a Democrat or a Republican. All Americans are in this together, and all Americans—including Members of Congress—must be prepared to deal with climate impacts such as severe flooding. Together we must act to hasten the transition to a low-carbon future that protects our communities from the impacts of climate change. The costs of not doing so, in lives, in trillions of dollars, and in changes to our way of life, are too great.

IRAN HAS NOT CHANGED ITS STRIPES

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

Ms. ROS-LEHTINEN. Mr. Speaker, since July 14, 2015, the Iranian regime has conducted four ballistic missile tests with not-so-subtle warnings to our ally and our best friend, the democratic Jewish state of Israel, which its goal was to wipe Israel off the map.

Also, since that date, we have learned that there have been side agreements between Iran and the International Atomic Energy Agency, the

IAEA, that were not submitted to Congress for our review. The IAEA released a report on the possible military dimensions, known as PMD, of Iran's nuclear program that proved that Iran lied about its nuclear program in the past and continued to stonewall investigations into outstanding questions that remain; yet, the Iranian nuclear deal, the JCPOA, was allowed to move forward in spite of that.

Also, the Obama administration purchased 32 metric tons of heavy water from Iran. What makes this so egregious, Mr. Speaker, is that this purchase was arranged in order to prevent Iran from violating the very terms of the Iranian nuclear deal, the JCPOA. As if that were not bad enough, with the administration reselling the purchased heavy water to domestic and commercial buyers, well, that makes the U.S. a proliferator of Iran nuclear materials, all while legitimizing Iran as a nuclear supplier. Outrageous.

Also, Iran has renewed its interest and increased its presence in Latin America and throughout the Western Hemisphere. Iran's Rouhani will be visiting Cuba and Venezuela in the upcoming week.

We learned that the administration allowed the Iran, North Korea, and Syria Nonproliferation Act sanctions against Iran to sit on a desk during the negotiations, despite a legal mandate to provide these reports to Congress every 6 months. That was the law. It was ignored.

Also, Russia announced that it has resumed the sale of S–300s to Iran. And just last month, Iran announced that it deployed these S–300s, Russian surface-to-air missiles, around its Fordow nuclear site to safeguard it from attacks.

The administration announced a $1.7 billion settlement on a 35-year dispute with Iran—conveniently the day after sanctions were lifted on its central bank. What a coincidence. And we learned that Iran plans to use this ransom money for its military budget and for the Islamic Revolutionary Guard Corps, the IRGC, the Quds Force, meaning the U.S. taxpayers not only are on the hook for a ransom payment to Iran, but we are also subsidizing its nefarious activities.

Where has this transparency been? When it comes to Iran and the nuclear deal, the JCPOA, there is an overwhelming sense that we are only beginning to scratch the surface of just how bad this deal really is. We need only to look back at what has happened with North Korea to understand the depth and the breadth of this failed Iranian policy because, as I keep repeating, Mr. Speaker, Iran has been following the North Korea playbook by the page, by the letter.

And what have we just witnessed a few days ago? Well, North Korea just conducted its second nuclear detonation since the JCPOA—the Iran nuclear deal—was made, and it is its fifth detonation in the last 10 years.

Mr. Speaker, the JCPOA has been a foreign policy disaster already, but the real ramifications are yet to come. Congress must take action. First, we must hold the administration accountable, and we must get the full truth behind the details of this JCPOA—the Iran nuclear deal—and the administration's Iran policy.

The supposed most transparent administration in history has been anything but, going out of its way to stonewall and misdirect Congress and our oversight responsibilities on this flawed and dangerous nuclear deal.

Second, Mr. Speaker, we must hold Iran accountable, and that means extending sanctions, expanding sanctions, renewing sanctions, and preventing Iran from being able to continue down this dangerous path.

These are the actions that we must take in Congress, Mr. Speaker, and I stand ready to work with my colleagues in a bipartisan manner to find the right way forward because Iran has not changed its stripes.

ZIKA IS A REAL THREAT

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

Mr. GUTIÉRREZ. Mr. Speaker, it is almost as if the majority would prefer to go into the final stretch of the election season with fresh reminders of how dysfunctional things have become.

No action on commonsense gun control measures, no action on immigration or climate change, no action on the Zika virus that is taking a huge toll in the United States and Puerto Rico and is poised to take an even bigger one.

Congress is still in denial that Zika is a real threat and that the next generation of children could be exposed to the disease with dangerous and debilitating birth defects. It is hard for me to articulate this out loud, but, in just a few weeks, the first group of children born with brain development and physical problems associated with the disease will be born in Puerto Rico.

We are looking at more than 15,000 reported cases of Zika in Puerto Rico and more than 2,000 pregnant women. At the current pace, Zika will infect a quarter of the island in the next year. This is the first mosquito-borne disease that successfully infects children in the womb through the placenta. It can be sexually transmitted. Humans give Zika to mosquitoes and then go on to infect other humans.

And Congress has the same response it has to almost everything—nothing. In this case, nothing flavored with a little partisan posturing over abortion in an election year. The issue for some people seems to be that we can fund research, prevention, and treatment as long as one of the most important proven and effective healthcare delivery mechanisms for women is excluded because Planned Parenthood is on the Republican hit list.

No matter that funding Planned Parenthood in Puerto Rico or anywhere else would be the prudent use of Federal funds if our goal is to prevent the spread of disease and prevent—that is prevent, not terminate—unwanted pregnancies during this crisis. Politics and elections always seem to trump good, sensible policies.

So nothing yet from Congress, despite the pleas from the Obama administration, the CDC, and the American people. But Congress is not the only place in denial about Zika.

Having spent time talking to people on the island of Puerto Rico, the people are also complacent about this disease and the impact it will have. Many suspect that it is all hype from Washington and yet another crisis to give the United States more control over the island of Puerto Rico.

Given the island's history, the point of view is not unreasonable that Congress just appointed an unelected control board, or junta, to take control of the island's government and finances.

For decades, the United States used Puerto Rico, and especially the island of Vieques, for target practice for our military. And for more than a decade, the United States has been denying the health and environmental impact of that bombing, including cancer and other diseases that people on the island know are real because their relatives are dying. And back in my mother's day, in the 1950s and the 1960s, family planning that came from the United States was forced sterilization.

So I understand why people are skeptical when so far it has been hard to demonstrate the consequences of the Zika virus and how it could make life any worse than it already is. But, again, in just a few weeks, when we see children born with mental and physical impairments, it will become clear that Zika is real.

Puerto Rico must rise to the challenge presented by Zika and bridge the deep ocean of distrust between the Puerto Rican people and the United States. That is why I spent a lot of my time over the past month meeting with public health experts, doctors, and scientists. Every one of them was Puerto Rican, not people sent from the U.S. Puerto Rico needs an integrated, comprehensive mosquito vector control center that Puerto Ricans are coming together to discuss, so it can be created quickly.

□ 1015

This is the mosquito tracking eradication that is deployed when a disease is detected so that resources can be concentrated on a neighborhood or city if an infectious disease like Zika is present. You saw it work in Miami.

Puerto Rico does not have access to contraception that you would expect in the 21st century, but Puerto Rican doctors, gynecologists, scientists, and experts are also strategizing about how to make modern, effective, reversible family planning more widely available so that women can delay pregnancy.

But while Puerto Ricans can drive the process of addressing Zika in Puerto Rico—and this will lead to much

greater acceptance of those strategies by the Puerto Rican people and greater success in the long run—that does not get Congress off the hook.

Puerto Rico, like the United States, needs this Congress to fund the President's request for funding and also for the Federal Government to do its job. In Puerto Rico, this includes the Environmental Protection Agency addressing toxic landfills that dot the island, which are breeding grounds for mosquitos but have been overlooked by the EPA.

A generation of children in Puerto Rico and all over the United State are counting on the U.S. Congress to protect them from the Zika virus, and I hope this Congress puts politics aside and rises to the occasion. They are American citizens on the island of Puerto Rico. They will be coming to the United States when they need health care.

Mr. Speaker, I include in the RECORD the op-ed piece I wrote for The Hill newspaper on Zika and Puerto Rico.

[Sept. 12, 2016]

U.S. AND PUERTO RICO MUST COOPERATE ON ZIKA

(By Rep. Luis V. Gutiérrez)

The rapid spread of the Zika virus in Puerto Rico is a very, very big problem for the U.S. and Puerto Rico but the colonial relationship between the U.S. and Puerto Rico is making it a lot worse. The reason this matter is so important to the United States—beyond the obvious concern for the well-being of our fellow citizens in Puerto Rico, of course—is that thousands of U.S. tourists and visitors go back and forth to Puerto Rico and thousands of Puerto Ricans leave the Island permanently for life in the U.S., driven out by the financial crisis gripping the Island. Zika is the first mosquito-borne virus known to cause birth-defects and to be sexually transmitted, so an outbreak of the magnitude that has already hit Puerto Rico is a public health crisis for the United States as well.

If you talk to average Puerto Ricans on the Island as I often do, they are not experiencing Zika as a big issue. They do not think the threat is real. Most people who are infected feel no symptoms and the negative consequences only affects pregnant women—or so most people think. Puerto Ricans, having lived with mosquito transmitted diseases for decades, have become immune to dire warnings from so-called experts and some are resigned to the false notion that nothing can be done.

Even with 13,791 cases reported, an estimated 2,000 pregnant women already infected and a disease trajectory that indicates 20–25% of the population will be affected this year, Puerto Rico has resisted guidance or help coming from Washington.

Why? The colonial attitude of the U.S. towards Puerto Rico and the understandable response to such treatment effects the psyche of the population. A half-century of Navy target practice bombing on the inhabited Island of Vieques (among other places in and around Puerto Rico) was followed by decades of U.S. government denials that cancers and environmental destruction in Vieques were connected to the U.S. government's actions. History is informative: Previous public health interventions from Washington included forced sterilization of women of my mother's generation. This treatment as second-class (at best) citizens of the United States deeply impacts the Puerto Rican psyche, with long term effects. And this is helping Zika spread.

Now, a control board imposed by the U.S. government through Congress' PROMESA legislation is preparing to take over decision-making that will determine the future of all Puerto Ricans living on the Island. Distrust of Washington is at an all-time high in Puerto Rico, based on my observations.

And unfortunately, this is making it harder for health officials to do what needs to be done to control the Zika outbreak. Unlike in Miami, Florida, there was a swift and sharp backlash from Puerto Ricans when the idea of spraying Naled—an insecticide—was raised. The CDC (Centers for Disease Control and Prevention) sent a shipment to the Island in anticipation of the Island requesting help, but the backlash in local media ranged from basic environmental concerns all the way up to elaborate conspiracy theories that a fictitious colonial genocide of the Puerto Rican people was at hand.

In reality, CDC Director Dr. Tom Frieden has personally assured me that Naled is a pesticide used widely for a long time—including in Miami and other U.S. cities—with very few consequences for people. The consequences for the environment and other insects—including bees—can be minimized through sensible application of Naled. But, in this era of deep distrust, none of the facts are reassuring to Puerto Ricans. The Naled shipment, if it is still in Puerto Rico, remains unused. Due to years of random unchecked chemical pesticide use by private providers, mosquitos in Puerto Rico are highly resistant to common chemical strategies. Naled was one of the only effective options currently available. Mosquitos breed quickly, bite quietly and thrive in urban and rural areas—sometimes hitting four or five people in a single meal—so the spread of the disease in Puerto Rico is happening astonishingly quickly.

Part of the problem can be addressed if the CDC and Puerto Rico work together to build on the success they have had in addressing the Dengue Fever virus, another mosquito-borne disease that—like Chikungunya—has hit Puerto Rico hard. The CDC scientists have provided research and resources to combat Dengue for over 35 years.

An important first step would be for Puerto Rico to create an integrated, comprehensive mosquito control center, but given the financial crisis in Puerto Rico, this will only happen if the federal government funds it and the Puerto Rican people accept it. A group of international and local technical experts in vector control management met in San Juan in May of 2016 and came to this same conclusion. The potential to control and eliminate the Zika-carrying mosquito from Puerto Rico is possible with a well-funded mosquito control center that implements an integrated comprehensive vector management approach using safe, effective and innovative strategies. Miami and every major U.S. jurisdiction has a vector control unit and Miami's sprang into action to address the outbreak there, including spraying with Naled. Such a unit provides the infrastructure and expertise to address an outbreak like Zika, manage its spread, and is constantly working to provide protection from mosquitoes that cause diseases like Dengue and Chilcungunya, which are endemic in Puerto Rico.

The Environmental Protection Agency (EPA) could help by addressing the crisis of more than two dozen toxic municipal landfills that seem to be flying under EPA's radar. These are breeding grounds for mosquitos and the Island's government needs help to address these hazards, as I and others have noted to EPA Administrator Gina McCarthy.

This must be combined with an investment to address the immediate needs of those infected and to help women avoid or delay pregnancy. Access to modern, effective, reversible birth control has been late in coming to the public health system in Puerto Rico, but access is growing. Women's reproductive health is a critical need, but for Republicans in Congress, contraception and women's health care are lightning rods that tend to induce divisiveness or paralysis or both.

The most important thing Congress can do is stop squabbling and fund the President's request for a national strategy to fight Zika, which would include funding to help Puerto Rico address the 17 disease at ground zero. Doing nothing is what this Congress is good at, but there comes a time when Republican leaders need to put their country before their party—even in an election year—and let the resources and experts of the federal government fight this disease.

Let us prevent as best we can an outbreak that will be tremendously costly in lives and hardship in the decades to come. Congress must act now. The CDC must be allowed to act now. The next generation, the future of Puerto Rico, is likely to be born with reduced brain capacity, birth defects and a range of developmental disabilities. Let's face it, in the arena of evolution—the mosquitos are winning. Puerto Rico—and Puerto Ricans—must understand how serious this really is and address it aggressively with all tools at their disposal, including help from the federal government. We need to act in concert for the good of Puerto Rico and the United States.

MENTAL HEALTH CRISIS

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

Mr. MURPHY of Pennsylvania. Mr. Speaker, over the weekend, The Denver Post Editorial Board published a piece supporting the Helping Families in Mental Health Crisis Act, H.R. 2646. Their endorsement joins 72 other papers, including The Wall Street Journal, The Washington Post, and the National Review.

I thank my colleagues from Colorado, Representative MIKE COFFMAN and SCOTT TIPTON, who were both cosponsors of H.R. 2646. Their State, unfortunately, is all too familiar with the realities of mental illness and the tragedies that come along when there is no treatment for those who suffer from it.

In Colorado, every 8 hours, one person dies by suicide. Their suicide rate is one of the highest in the country. Sadly, Colorado has also witnessed more mentally troubled mass killers than most, including James Holmes, who, in 2012, took 12 innocent lives at a movie theater in Aurora; and Eric Harris and Dylan Klebold, who murdered 12 of their fellow students, one teacher, and went on to take their own lives at Columbine High School in 1999.

Mental health and the tragedies that occur before treatment are not restricted to one State, however. The Denver Post recognizes this when they report that ''more than 11 million adults suffer from a mental illness, and almost half of them do not seek treatment or cannot find it.''

Mr. Speaker, since the facts make it clear that major mental health reform is needed for our entire Nation, reform must be a priority for all elected Members of Congress on both sides of the Capitol, for we represent the entire Nation.

The House heard the American people when we passed H.R. 2646 in July with overwhelming, near unanimous bipartisan support. If the Senate won't listen to the House, or me, maybe they should listen to The Denver Post Editorial Board. They write:

''One of the best attempts to improve America's mental health crisis in decades will stall if the U.S. Senate does not get its act together before it goes on another month-long break. Freshly back from vacation, senators should pass . . . Helping Families in Mental Health Crisis Act . . . the bill sailed through the House with overwhelming bipartisan support . . . its prospects in the Senate are murky . . . Congress is tantalizingly close to accomplishing something that will address the nation's deplorable treatment of the mentally ill. It should not fall victim to the hyperpartisan gun debate.''

Mr. Speaker, if the Senate won't listen to The Denver Post, The Wall Street Journal, or The Washington Post, will they listen to the voice of the American people?

We have the daily addition of 118 lives lost to suicide. Since September 1, it has been 1,400. Since the House passed the bill, over 8,000 people have died of suicide. There is also the daily addition of 959 families who join thousands mourning individuals with mental illness who have lost their life in one form or another. Since we passed the bill, the total lives lost is 65,212.

More lives will be lost if we do not fix this broken mental health system that is so desperately in need of repair. It is time that the Senate listen to the voices of the millions who are crying out for help. And for today's new total of 959 more lives, tomorrow is too late.

Millions of Americans are pleading with the Senate: do not go home at the end of this month without passing a bill that the House can also pass and get signed into law. The Helping Families in Mental Health Crisis Act is just that law. We need the Senate to vote this week, not another day. Where there is help, there is hope.

NATIONAL LANDS AND MONUMENTS

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

Mr. O'ROURKE. Mr. Speaker, I rise today to discuss our national lands and monuments and explore both our accomplishments and some of our future opportunities.

As you know, the Antiquities Act was passed 110 years ago. Ten years later, in 1916, the National Park System was created. And since then, there have been 151 national monuments created, 84 of them by Republican Presidents—the majority of those by Republican Presidents—showing that this act and its impact is truly bipartisan and American in every sense.

I would also like to call your attention to the accomplishments of our current President, Barack Obama, whom historian Douglas Brinkley calls a Theodore Roosevelt for the 21st century, owing to his commitment to preserving our national heritage, protecting our public places, and ensuring that, whether it is of importance because of its value for wilderness, cultural, or historical impact, we are ensuring all Americans have a chance to enjoy and appreciate our heritage.

I also rise today, Mr. Speaker, to suggest a way that the President can continue this legacy and set the stage for the next 100 years.

Castner Range, pictured behind me, in El Paso, Texas, is 7,000 acres in the heart of the Chihuahuan Desert rising into Rocky Mountain peaks that start at the southern end of that national mountain chain and has rare plant and animal species that distinguish it as a place worthy of preservation.

Ending in 1966, Castner Range was used as a bombing range, but in the 50 years since then, it has been preserved in its natural state. This is an incredible opportunity to ensure that we pass on Castner Range and all that it means to us as a country to not just this generation, but the generations that follow.

Castner Range, beyond the rare plant and animal species, has 10,000 years of recorded human history. There are petroglyphs dating back to 8,000 years ago, literally showing the impressions that this land made on the first Americans who were neither U.S. citizens, Mexican citizens, or really had any citizenship at all. That is particularly poignant, given the fact that Castner Range is part of the world's largest binational community.

El Paso, with its sister city, Ciudad Juarez in southern New Mexico, join 3 million people of two countries, two cultures, two traditions, two languages and become one at this point. Furthermore, El Paso, Texas, is 85 percent Mexican American and happens to be one of the poorest communities in our country.

This is a chance for this President to open up public lands to ensure that we have access and participation by everyone in this country and to ensure that our national monument visitors reflect the communities and the growing, changing demographics in this country.

I also think that it is important to know that this community is unified in ensuring that we protect, preserve, and pass on Castner Range to future generations. Twenty-seven thousand El Pasoans have signed letters to the President. Despite its relative poverty, $1.5 million has been raised by individual donors to complement whatever Federal investment is necessary. The largest school district has made a commitment to ensure that every fourth grader has access to Castner Range, should it be preserved, that it is part of their curriculum, and that they travel to Castner Range to explore and appreciate its wonder.

Lastly, Mr. Speaker, here are some larger themes that the preservation of Castner Range could tie into. It is a cold war relic. It is also a former artillery site. Following the President's recent travel to Laos, which saw more armaments rain down on it than any other part of the world, we have a chance to develop the model of how to turn former conflict sites into places of public use, into examples of peace, and into standards for preservation. That could happen in the United States, where we can set the world standard, and it can happen here at Castner Range.

There are a few national monument ideas that I think make a lot of sense. There is the expansion of the Grand Canyon, Bears Ears, and Gold Butte. And then there is Castner Range. I think the President's attention to these areas and the ability to offer access to more Americans to ensure everyone has a chance to access our national parks and national monuments and to set the standard for preservation and the future of American cities is too good of an opportunity for this President to pass up.

AMERICA'S FINANCIAL OUTLOOK WORSENS WITH FY 2017 CR

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

Mr. BROOKS of Alabama. Mr. Speaker, I have given numerous House floor speeches warning of a looming and debilitating American insolvency and bankruptcy.

In order to drive home the dangers, I have cited Greece, where young adult unemployment nears 50 percent, overall unemployment approximates the worst America suffered during the Great Depression, and public pensions have been slashed by almost 50 percent.

I have cited Venezuela, where inflation last year was 275 percent, is estimated at 720 percent this year, and deadly street and food riots are common.

I have cited Puerto Rico's default on $70 billion in debt, credit rating cut to ''junk bond status,'' abysmal labor participation rate of less than 40 percent, and closure of over 100 schools.

While House Republicans can boast that they helped cut the $1.3 trillion deficit that we inherited in 2011 to $439 billion in 2015, that boast now rings hollow. According to the nonpartisan Congressional Budget Office, the fiscal year 2016 deficit is ballooning by $151 billion, to $590 billion.

Absent correction, the CBO warns that in 2024, America will embark on an unending string of trillion-dollar-a-year deficits. Absent correction, the

CBO warns that America's debt service cost will increase within a decade by $464 billion per year, to roughly $712 billion per year—more than what America spends on national defense. Which begs the question: Where will the money for a $720 billion a year annual debt service payment come from?

Mr. Speaker, America's financially irresponsible conduct has caused both America's Comptroller General and the Congressional Budget Office to repeatedly warn in writing that America's financial path is ''unsustainable.'' I agree with the Comptroller General and CBO warnings and I am convinced that, absent major changes in the economic understanding and backbone of Washington's elected officials, a debilitating American insolvency and bankruptcy is a certainty within three decades, a probability within two decades, and a dangerous risk over the next 10 years.

All of this brings us to the continuing resolution spending bill that Congress will soon vote on. According to the CBO, this continuing resolution spending bill, plus so-called mandatory spending, increased Federal Government spending by $150 billion and blows fiscal year 2017 Federal Government spending through the $4 trillion mark—a new record high amount of spending.

This CR spending bill ignores economic reality and fails to prudently restrain Federal Government spending to reflect America's tax revenue. This CR spending bill reflects Washington and special interest group greed and shortsightedness and continues the worst generational theft in American history by again breaking into our kids' piggy banks and stealing money we don't have and will never pay back, callously letting our children suffer the consequences.

□ 1030

Mr. Speaker, economic principles don't care if you are a family, a business, or a country. If you borrow more money than you can pay back, you go bankrupt. Americans are rightfully angry at Washington elected officials who are all too willing to sacrifice America's future for today's special interest campaign contributions.

Mr. Speaker, I can't speak for anyone else, but as for me, MO BROOKS, from Alabama's Fifth Congressional District, I vote for financial responsibility and prosperity and against a debilitating American bankruptcy, insolvency, and resulting economic depression.

As such, and although this continuing resolution admittedly spends money on lots of good things, I will vote against it because it is financially irresponsible. I will not vote for a debilitating insolvency and bankruptcy of America that will damage so many Americans for so many years to come.

FUND THE ZIKA PUBLIC HEALTH CRISIS

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

Ms. WILSON of Florida. Mr. Speaker, today, at 12:30 p.m., I will be convening an emergency press conference from the U.S. Capitol on Zika. This is a bipartisan press conference of Floridians, Democrats, and Republicans who are concerned about their State. Please join us.

We will send out a clarion call to our fellow Members of Congress to help Floridians by passing a clean Zika bill—no riders, no poison pills, just a clean Zika bill. Our Governor, Governor Scott, will visit Congress tomorrow, and I hope he will urge Congress to act.

Life is too precious, and we should not be playing political football with unborn children and whatever else science will reveal to us about Zika. There is so much yet to be discovered, but we do know this: we are gambling with the developing brain of an unborn fetus.

Florida's 24th Congressional District, which I proudly represent, is the epicenter of the Zika epidemic in America. The district's small boutique community was where they discovered the first local mosquito-borne transmission.

A travel advisory has been put in place to warn pregnant women against coming to this American neighborhood. This is the first time in a long time that an American city has received a travel advisory. It is hurting businesses. It has a huge economic impact that is devastating to this robust business district in Miami. Tourism is down, restaurants are on the verge of closing, and the crowded tourist attractions are literally abandoned.

This public health crisis has grown so serious that one of Florida's major newspapers, the Miami Herald, has created a daily tracker to monitor the virus' spread across our State. I spent most of our 7-week recess working to educate residents in my district about how to protect themselves against this terrible and rapidly spreading virus. Whip HOYER joined me on an occasion.

So Miami is the epicenter. It has evolved into an open laboratory where the CDC is working closely with local health officials and county officials. For weeks, a CDC response team has been on the ground in Miami working to control, contain, and defeat the virus and to educate the community on mosquito control.

The CDC is literally using Miami to teach the Nation how to cope with the Zika virus. They have said to me: We have to use every tool in the toolbox, and that requires adequate funding. They have said: We cannot lose this battle; it is too dangerous. Determining what works and what doesn't work requires adequate funding.

It is sexually transmitted, but how long does the virus live in semen? How long does the virus live in the blood? Should we stop blood donations in affected areas?

The Zika virus has been found in tears and saliva. Research shows that it causes blindness and brain disorders and could cause Alzheimer's in adults. So many questions. So many questions.

We cannot afford to delay much-needed scientific research, but that requires adequate funding. We need resources to help develop a vaccine, to develop medications to stymie the virus. We need resources to find out how long it takes for a pregnant woman to get results from her Zika test. They need to determine how long the Zika virus lives in the body.

The fever, the chills we can deal with, but we can't gamble with the developing brain of an unborn fetus. The bottom line is: the threat of Zika is grave to pregnant women.

There are so many unanswered questions, and it requires funding. We need a clean Zika bill—no poison pills, no riders, just a bill addressing the Zika virus.

Many people who live in Florida are living in fear because there is so much more to be learned about the virus. It is my State now, my beautiful State of Florida. There are 27 of us serving in the House. Many of us have taken votes to help you when your State needed help. I ask you today, my colleagues, to help my State, my district.

And please note, this epidemic has already begun to start in other States. We cannot pretend it does not exist. Please bring a clean bill to the floor.

The people of America are depending on each of us. The unborn children of America are depending on each of us. Let's put our children's future first. Mosquitoes carrying Zika must be dealt with now, and that requires the political will to do the right thing.

NOMINATIONS FOR U.S. SERVICE ACADEMIES

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

Mr. MOONEY of West Virginia. Mr. Speaker, one of the most meaningful things a Member of Congress does is nominate some of the best and brightest students from our congressional district to serve our Nation's service academies.

U.S. service academy graduates receive a first-rate undergraduate education with options to pursue advanced degrees. They spend a minimum of 5 years serving their country on Active Duty as a military officer and are provided with an education and experience that will provide a world of career opportunities.

The full 4-year scholarship is valued at more than $350,000, which includes tuition, room and board, medical and dental care, and also a monthly salary. Students learn discipline, moral ethics, and teamwork in a structured environment that fosters leadership and character development.

Last year, I had the privilege of nominating 20 high school seniors for admission to one or more academies. Half of the young men and women that I nominated received admission to at least one service academy.

Calling each nominee in my district, as I am doing here, to tell them that they have been selected to these prestigious institutions was one of the most special moments of my freshman year in Congress. I hope to make many more phone calls this year. This is a picture of me calling Drew Polczynski last year to tell him he had been accepted to West Point.

If you are highly motivated, looking for a challenge in your life, and want to serve your country, I hope you will consider attending a U.S. Service Academy.

I will be hosing information sessions throughout my district this year. These sessions are a great opportunity for students to explore the possibility of attending one of several prominent academic institutions and meet with admissions representatives. I hope students and their family will attend these events throughout the Second Congressional District.

If you are interested in a congressional nomination, please contact my office in Charleston at (304) 925–5964, or my office in Martinsburg at (304) 264–8810, and ask for the individual who oversees academy applications.

HUMANITARIAN CRISIS IN SYRIA

Mr. MOONEY of West Virginia. Mr. Speaker, this past weekend I met with members of the Syrian community in Charleston, West Virginia, to discuss ways that the Federal Government can help the ongoing humanitarian crisis in Syria. This is us meeting.

In particular, we discussed H.R. 5732, the Caesar Syria Civilian Protection Act of 2016. The bill would hold Syrian human rights abusers accountable for their crimes. The bill would impose sanctions on individuals who do business with dictator al-Assad's brutal regime and would require the President to publish a list of people who are complicit in the grave human rights violations that have occurred and continue to unfold in Syria.

Despite promises and agreements to the contrary, chemical weapons are still being used regularly by the Assad regime in Syria. We cannot look the other way while innocent children are murdered.

I am a proud cosponsor of this critical bill, and I thank my colleagues, Congressman ELIOT ENGEL and Chairman ED ROYCE, for introducing it. I encourage the leadership here in the House to bring the bill to the floor for a vote immediately.

The innocent Syrian people have suffered enough. The current civil war has resulted in 4 million refugees and nearly 500,000 killed.

My mother fled Fidel Castro's Communist Cuba after being unjustly thrown in jail by Fidel Castro's tyrannical Communist regime. We must protect persecuted individuals who have no one to stand up for them.

ENSURING SAFETY, QUALITY, AND RELIABILITY FOR OUR VETERANS WITH PHYSICAL DISABILITIES

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

Mr. COSTELLO of Pennsylvania. Mr. Speaker, I rise today in support of H.R. 3471, the Veterans Mobility Safety Act, a bill I am proud to cosponsor. This legislation would set minimum standards for any individual or company installing or selling mobility products to veterans through a Department of Veterans Affairs equipment program.

These products are used by disabled veterans to increase their mobility and their overall quality of life, but the VA does not currently require vendors who make or repair the products to meet a certain level of certification. Standards in this legislation would help guarantee safety, quality, and reliability.

It is critical that our veterans who have given so much for our country have the best available equipment to accommodate any physical disability. I urge my colleagues to support this bill.

SUPPLYING STUDENTS WITH SKILLS BUSINESSES NEED

Mr. COSTELLO of Pennsylvania. Mr. Speaker, I rise today in support of H.R. 5587, the Strengthening Career and Technical Education for the 21st Century Act, a bill I am proud to cosponsor; and I wish to recognize my colleague from Pennsylvania, G.T. Thompson, for his work on that bill.

This bipartisan legislation would provide State and local educators with greater control and flexibility with respect to career and technical education programs; and it takes an important step in closing the skills gap faced by American employers and manufacturers.

In order to succeed in the modern workforce, students need to emerge with the skills that State and local businesses need. The Strengthening Career and Technical Education for the 21st Century Act does just that, encouraging greater student involvement in work-based learning and, in the classroom, emphasizing the development of employability skills and the importance of attaining credentials.

As co-chair of the 21st Century Skills Caucus, I have been working on legislation with similar goals, and I am very proud to see provisions I have advocated for included in this bill.

I urge my colleagues to support this bill.

HALTING TAX INCREASES

Mr. COSTELLO of Pennsylvania. Mr. Speaker, I rise today in support of H.R. 3590, the Halt Tax Increases on the Middle Class and Seniors Act. This legislation would put taxpayers' hard-earned dollars back into their own pockets. It would lower the required percentage of income that must be spent to qualify for a tax deduction for medical costs.

Americans should be able to deduct high-cost medical expenses, and this legislation would reduce the required percentage from 10 percent to 7.5 percent of adjusted gross income.

I urge my colleagues to support this bill to provide middle class families and seniors with deserved tax relief, as they have already had to spend a significant amount of their income on these expenses.

□ 1045

RICHLAND BOROUGH CELEBRATES 100 YEARS

Mr. COSTELLO of Pennsylvania. Mr. Speaker, I rise today to congratulate Richland Borough, Lebanon County, of my district, on 110 years of incorporation.

On September 17, 1906, Richland became its own municipality, breaking from Millcreek Township, gaining its name from the fertile soil in the area.

Richland is home to the inventor of the air pump used by Henry Ford on the Model T and will celebrate this and the rest of its impressive history this weekend.

I wish to also recognize the Lebanon Daily News for a great article on the history of Richland Borough. Gary Althaus of the Richland Heritage Society and many others have been organizing a series of events that will take place this upcoming Saturday.

A little bit more brief history: August 9, 1906, the citizens of Richland held a public meeting on the subject of the advantages of a borough. On August 12, the plan was put in circulation, and by 11 p.m., it had 50 signatures. Then on August 16, 1906, Mr. Holstein took the petition to the county courthouse and presented it before the court, and on September 17, the presiding judge granted the charter. On February 25, 1907, the first Richland Borough Council meeting was organized at the Union House, which then became the place of many meetings, including borough council meetings thereafter.

Congratulations to Richland Borough and all its residents. I am very proud to represent you in the United States Congress.

CONGRATULATING DR. BILL HOGARTH

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

Mr. JOLLY. Mr. Speaker, I rise today to congratulate Dr. Bill Hogarth, a former director of our Nation's National Marine Fisheries Services. Dr. Hogarth recently retired as director of the Florida Institute of Oceanography based at the University of South Florida in St. Petersburg. Not only do I recognize Dr. Hogarth on his retirement, but also on two honors that he recently received.

First, the American Fisheries Society last month honored Dean Hogarth—as he is known to so many—with the Carl R. Sullivan Fishery Conservation Award, one of our Nation's premier awards in fisheries sciences. The award recognizes Dean Hogarth's long career and leadership in preserving some of the world's most threatened marine species. It recognizes his passionate advocacy for environmental protections and his role in leading Florida's scientific response to the Deepwater Horizon oil spill in 2010.

The second honor for Dean Hogarth in early September was bestowed upon him by the University of South Florida's Board of Trustees when it voted to name its newest research vessel in his namesake to recognize Dean Hogarth's passionate pursuit of funding for a new boat to replace the university system's more than 40-year-old research vessel.

For those of my colleagues who have had the opportunity to work with and meet Dean Hogarth over his long career, you know of his humble nature, his laugh, and, most notably, his deep southern drawl. You also know of his spirited passion for all issues related to fisheries and the oceans.

Dean Hogarth's first job was as a biologist and manager of ecological programs for Carolina Power & Light, and he later served as director of the North Carolina Division of Marine Fisheries.

His national and international stature grew in 1994, when he joined the National Marine Fisheries Service where he rose from a regional leader to be appointed by President George W. Bush to serve as the agency's director from 2001 to 2007. Recognizing his leadership on national and international fisheries issues at a most critical juncture for the commercial and recreational fishing industries, President Bush appointed Dean Hogarth to represent our Nation as U.S. Commissioner and Chairman of both the International Whaling Commission and the International Commission for Conservation of the Atlantic.

During his tenure as director of NMFS, Dr. Hogarth worked with this Congress to update Federal fisheries laws to rebuild U.S. fisheries and set the recreational and commercial fishing industries on a new and sustainable course. In 2007, Dr. Hogarth retired from Federal service and joined the University of South Florida as interim dean, and then dean of the College of Marine Science in St. Petersburg.

Recognizing his leadership skills, Dr. Hogarth was then appointed in January 2011 as director of the Florida Institute of Oceanography, a consortium of more than 30 scientific and educational institutions across Florida. The USF president then called upon Dean Hogarth's leadership skills once again and asked him to assume a dual role, adding to his responsibilities the job of regional chancellor of USF-St. Petersburg from August 2012 to June 2013.

USF and the Florida Institute of Oceanography made national and international headlines following the 2010 explosion of the Deepwater Horizon oil rig. Dr. Hogarth led a scientific response that focused on the immediate aftermath of the spill, including the path of the oil plume both above the water and in the Gulf's deepest reaches and currents. It focused also on the impact of the spill on fisheries and other wildlife and the response of the research community in the five-State region to address short- and long-term environmental concerns.

One of his final acts as director of the Institute of Oceanography before his official retirement on July 31 was to work with the Florida State legislature, our Governor, the university, and the city of St. Petersburg to secure funding to replace the 40-year-old Research Vessel Bellows. This ship, managed by the Institute of Oceanography, is a great resource to faculty and students alike, giving them invaluable assets to the Gulf of Mexico and other research waterways in pursuit of their studies. The new ship will now be named rightfully the RV William T. Hogarth and will continue to provide a path to sea for thousands of Florida students and educators.

Dean Hogarth will always be known to me as an educator. It is personal to me because he serves as a key advisory on fisheries issues that are so critical to our State and to our community. I will always call him Dean, as will so many others, and we look forward to his continued counsel in retirement.

Mr. Speaker, I hope that my colleagues will join me in thanking a most special person who has dedicated much of his career to one of the great interests of our Nation: our fisheries, our marine sciences, and our oceans. Dr. Hogarth is a national champion of our Nation's critical assets, our oceans. It is an honor for me to recognize him today, and I ask my colleagues to do the same. We wish him very well in retirement and we thank him for his service.

HURRICANE IKE ANNIVERSARY

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

Mr. WEBER of Texas. Mr. Speaker, today marks 8 years since Hurricane Ike made landfall over Galveston, Texas. This Category 4 storm ripped through communities in the city of Galveston and Galveston County, making its way inland through the Houston region. The storm caused over 100 fatalities, washed away homes, flooded communities, and shut down much of the region's energy production. In total, this hurricane cost $37.5 billion nationwide, making it the third costliest hurricane in United States history. Even though Hurricane Ike caused extensive damage, we know it could have been much worse.

The effects of another major hurricane on the Houston region and our Nation would absolutely be devastating. Over 6 million people call this area home, and many of them work in critical economic sectors like health care and energy refining. The impact would be felt in every congressional district across the country. For example, according to reports published immediately after Hurricane Ike made landfall, gas prices spiked between 30 and 60 cents per gallon across many States due to the disruption in energy production in the Houston region.

We do not know, Mr. Speaker, when the next big storm will hit our shores, which is why it is of paramount importance for Congress, the Federal Government, and our State to prioritize funding for coastal protection along the Texas coast. Progress on a comprehensive Federal evaluation of our coastal vulnerabilities is long overdue. I am grateful, Mr. Speaker, that the Texas General Land Office and the Army Corps of Engineers are moving forward in partnership on the Coastal Texas Protection and Restoration Study. Once completed, this study will make the case for coastal infrastructure projects that would qualify for Federal dollars and would protect our vulnerable coastal communities, our energy infrastructure, maritime industries, and, most importantly, major population centers.

I am doing everything I can, Mr. Speaker, to make sure a Federal study of our coast is completed expeditiously. Along with Senator CORNYN, I have introduced the COAST Act, which is actually the Corps' Obligation to Assist in Safeguarding Texas Act. If enacted, this legislation would require the Army Corps to take into consideration existing studies and data already available to help expedite the Federal Government's work. This legislation would also immediately authorize any projects should they be justified.

Mr. Speaker, I will continue to work with all relevant Federal, State, and local leaders to expedite Federal work to protect the Texas Gulf Coast from dangerous storms. This is a critical Federal interest and should be a national priority.

Mr. Speaker, you know that is right.

COMBATING DRUG EPIDEMIC

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, earlier this summer, I was proud to vote in favor of a package of bills intended to crack down on the epidemic of heroin use and opioid abuse across our Nation. I was even happier to see that legislation pass the House and Senate with broad bipartisan support before being signed into law by the President.

The Comprehensive Addiction and Recovery Act will help make grant funding available to State and local governments, create a task force to review physician prescribing guidelines

and make sure babies born opioid-dependent receive quality care.

While this is a step in the right direction, I continue to be impressed by the efforts of community members in my district to help turn the tide against this epidemic.

Townhall meetings have been held across Pennsylvania's Fifth Congressional District in places such as Bradford, McKean County; and Ridgway, Elk County. Another meeting is planned for this evening in Centre County. These meetings, along with hearings held across the State by the Pennsylvania House Majority Policy Committee, are great steps in the battle against drugs and saving lives.

PROVIDING OPPORTUNITIES

Mr. THOMPSON of Pennsylvania. Mr. Speaker, later today on this House floor, we will be considering what I would very accurately describe as an opportunity bill.

We hear the media talk about how in the middle of this campaign election season that Congress really is not productive. I would argue to the contrary, and I point to this bill. It is a bill I am very proud of.

Mr. Speaker, we all know individuals in our communities, perhaps in our own families, who are in need of opportunity. We probably know young people who, as they go off this time of year to school, are not inspired. Maybe their heads are on their desk. They don't learn in the typical fashion that traditional education teaches of lecture and classrooms, but if you put them in an environment where they can use their hands and do applied academics—career and technical education training—they are inspired, they look forward to getting out of bed in the morning, and they excel.

We probably all know people—perhaps we are related to folks—who find themselves this morning stuck in unemployment. As we gathered around the breakfast table, they were gathered around the breakfast table just trying to figure out how to make ends meet since they have lost their job for whatever reasons, probably no fault of their own, and they need a strategy to be able to get back on their feet. They need a strategy to be able to provide for their families. A greater opportunity is what they are seeking.

We probably know folks as well—certainly people who we serve and people in our communities—who have been stuck in the web of poverty for generations, intergenerational poverty, with no exit ramp and with no exit strategy.

This opportunity bill today is one that I encourage all of my colleagues to support. The culture today has so much emphasis on the theory that people need a 4-year degree to be successful in this country. However, we have a huge gap of technical and vocational jobs that are good-paying jobs and family-sustaining jobs that aren't being filled. Job creators cannot find individuals who are qualified and trained to be able to fill those positions. I call that the skills gap. Today we can take a tremendous step in closing the skills gap.

I have introduced a bill that will be considered on the floor today, the Strengthening Career and Technical Education for the 21st Century Act, which, incidentally, is scheduled later today for a vote. This legislation reauthorizes and modernizes—more importantly, modernizes—the Carl D. Perkins Career and Technical Education Act to help more Americans enter the workforce with the skills necessary to compete and succeed in high-wage, high-demand careers.

Mr. Speaker, this is a good bill. It starts career awareness earlier recognizing that kids have access to technology and will begin to provide career and technical education awareness in the lower middle schools. It brings business and industry to the table so when we invest and do offer career and technical education training, it leads to a job at the end of the day, whether it is a result of a certificate earned, a credential that is provided, or training that is completed, and it serves individuals of all ages.

So I just ask and encourage my colleagues to join me in supporting the Strengthening Career and Technical Education for the 21st Century Act on this House floor later today.

RECESS

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

Accordingly (at 11 a.m.), the House stood in recess.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

Reverend Wayne Lomax, The Fountain of New Life, Miami Gardens, Florida, offered the following prayer:

God, we thank You for the men and women who serve as Members of the United States Congress.

Though we have many needs in our Nation—better schools, better jobs, safer streets, fairer laws, better health care, and peaceful relationships with our neighbors at home and our neighbors abroad—today, we pause to pray for each other.

It is easy to forget that back home our Congressmen and -women have daughters who dance, sons who sing, mothers with mild strokes, fathers who slip and fall, siblings who struggle with addiction, and neighbors in homeless shelters, while our spouses and significant others hold down the fort.

We acknowledge that alongside our hopes and dreams are our personal struggles and fears—even our shortcomings and our sins.

So, as Jesus taught us, forgive us our debts and give us our daily bread.

Bless us with good sense and humble hearts as we serve to Your honor and glory.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Rhode Island (Mr. LANGEVIN) come forward and lead the House in the Pledge of Allegiance.

Mr. LANGEVIN led the Pledge of Allegiance as follows:

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

WELCOMING REVEREND WAYNE LOMAX

The SPEAKER. Without objection, the gentlewoman from Florida (Ms. WILSON) is recognized for 1 minute.

There was no objection.

Ms. WILSON of Florida. Mr. Speaker, today, I rise to welcome the very gracious and accomplished Pastor Wayne Lomax to the House floor as our guest chaplain.

Pastor Lomax is the founder and senior pastor of the mega church, The Fountain of New Life, located in Miami Gardens, Florida. He is also a proud member of the 5000 Role Models of Excellence Project, a mentoring program for boys of color.

Nearly 20 years ago, in his living room, with just 8 people, Pastor Lomax founded The Fountain of Pembroke Pines, now The Fountain of New Life. Today, it is one of the largest churches in Florida and is an indispensable community partner.

The church's humble beginnings and continuous growth are testaments to Pastor Lomax's unwavering leadership and strong faith. He is truly a man of all seasons—a true man of God who tackles issues, including hunger, poverty, and crime, in the Miami-Dade County community.

Pastor Lomax also served as pastor of the York Street Baptist Church in Louisville, Kentucky, and as assistant pastor of the Mount Olive Baptist Church in Fort Lauderdale, Florida. He graduated from The University of North Carolina at Chapel Hill and The Southern Baptist Theological Seminary.

He is the proud husband of his beautiful wife, Teresa. They have three beautiful children: Christopher, Marcus, and LeReine.

Mr. Speaker, I ask everyone to join me in thanking Pastor Lomax for leading today's opening prayer and to

thank him for his outstanding service to the south Florida community.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

CONGRATULATIONS TO MISS AMERICA SAVVY SHIELDS

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

Mr. WOMACK. Mr. Speaker, I rise today to recognize your new Miss America, our very own Miss Arkansas, Savvy Shields.

On Sunday night, Savvy became the third Miss Arkansas—and the second from the Third District of Arkansas—to win this prestigious title, receiving a preliminary talent award as well.

Savvy will spend her year of service traveling across the Nation as an advocate for not only her charitable platform of ''Eat Better, Live Better,'' but also the Children's Miracle Network. In this way, Savvy will continue her work as an advocate for healthy eating as a way to dramatically change health outcomes in our communities.

I speak on behalf of the Third District and the State of Arkansas in congratulating Savvy on representing her hometown of Fayetteville, the University of Arkansas, and the entire ''Natural State'' so well on the national stage. I would like to also congratulate Savvy's parents, Todd and Karen Shields, on the beginning of what will truly be a remarkable year.

Savvy will represent all of us with the grace, poise, and confidence that earned her this crown. Congratulations, Savvy, Miss America 2017.

PERKINS CONSIDERATION

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

Mr. LANGEVIN. Mr. Speaker, in July, the Education and the Workforce Committee unanimously reported H.R. 5587, Strengthening CTE—or, its full name, Career and Technical Education—for the 21st Century Act. Later today, the full House will consider it here on the floor.

I am so proud to be an original cosponsor of this bipartisan bill that reauthorizes important career and technical education programs to reflect the demands of the modern economy. I particularly want to salute and recognize my colleague and partner in this effort, G.T. THOMPSON from Pennsylvania, and also KATHERINE CLARK from Massachusetts, for their efforts. This bill makes important investments in skills, training, and career exploration.

H.R. 5587 expands two of my longstanding priorities: the role of school counselors in helping students find a career path that best fits their skill and access to work-based learning to bridge the gap between the classroom and the workplace. Students will be able to tailor their classes to learn the skills that they know employers are looking for. It is time to close the skills gap and give students the tools to succeed.

I want to also commend the chairman and ranking member of the full committee and all those who had a hand in bringing the bill to the floor that we will be voting on later today.

THE OBAMA LEGACY: A HEROIN AND OPIOIDS CRISIS

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

Mr. WILSON of South Carolina. Mr. Speaker, The Washington Examiner has released the newest part of a series: ''The Obama legacy—A raging problem with heroin and opioids.''

Last year, the President announced a new effort to address the new public health crisis. This week, The Washington Examiner revealed:

'' . . . the crisis had been building for five years at that point, and critics say Obama's reactions were too little and too late. Some say his government even contributed to the crisis by approving painkillers liable to abuse. . . .

''Prescription painkiller and heroin overdose deaths have risen to all-time highs. From 2009–2014, the rate of overdose deaths from heroin abuse increased by 240 percent. . . .

''When you add painkiller overdose deaths to the heroin numbers, the rate of overall deaths increased 25 percent from 2009. . . .

''In 2014, more than 14,000 people died of overdoses, the biggest total since the CDC began collecting data in 1999.''

This is a failing legacy of destruction of families.

I am grateful that Congress acted to address the opioid crisis, passing the bipartisan Comprehensive Addiction and Recovery Act, enabling local communities to develop local solutions.

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

Congratulations, Miss South Carolina, Rachel Wyatt of Clemson, first runner-up for Miss America.

WE NEED ACTION

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

Mr. KILDEE. Mr. Speaker, the water crisis in my hometown of Flint continues: a population of 100,000 people who, a year after this crisis, became well known, became public, and still can't drink their water.

In Flint—just so my colleagues understand—a year later, people are still drinking from bottled water because of callous actions by the State government that led to the poisoning of a population of 100,000 people.

Flint is a community in absolute crisis, facing a disaster, and you would expect there would have been immediate action, despite the fact that I have come to this podium time and time again. I have filed legislation. I have spoken to Members. I have spoken to leadership. And what do we get? A couple of hearings, and a lot of sympathy.

We need action. The people of Flint deserve a response to this crisis that is equal to the gravity of the crisis. We have a way to get it done. A bipartisan bill that is moving through the Senate includes help for Flint. We need to take up this legislation, just like we need to take up legislation to deal with Zika and opioids and everything else. It is beyond my comprehension that this crisis could continue and we have yet to take action in the House of Representatives to address it.

RECOGNIZING JOSEPH BROAM, GEORGIA NATIONAL GUARD

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

Mr. CARTER of Georgia. Mr. Speaker, I rise today to recognize Savannah, Georgia's Specialist Joseph Broam of the Georgia National Guard and a student at Armstrong State University.

Specialist Broam was chosen to represent the entire Army National Guard at the U.S. Army Best Warrior Competition.

I am incredibly proud of Specialist Broam's accomplishment and could not be more enthusiastic for his final competition, starting September 26. To qualify for the championship competition, Specialist Broam completed and succeeded at the brigade, State, regional, and national levels. Each competition was extremely physically and mentally straining.

During the national competition, participants ran more than 4 miles over rough terrain, completed a demanding obstacle course, and navigated land during day and night.

I rise today to congratulate Specialist Joseph Broam for his accomplishment, and I wish him the best of luck on September 26.

COMMEMORATING THE LIFE OF STEWART LEVY

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

Mr. HIGGINS. Mr. Speaker, I rise to commemorate the life and legacy of Stewart Levy, a wonderful and warm humanitarian, a Buffalo civic leader, and my friend. Stewart Levy's love of family, friends, and community was always on display—clearly evident—and always inspiring.

Mr. Levy first came to Buffalo to work in a local recording industry. He

quickly established himself as a leader and fixture in that industry. He would host at his home, as overnight guests, the likes of Frankie Avalon, Sammy Davis, Jr., and Pat Boone.

Mr. Levy ran for mayor of Buffalo in 1973, as a Republican in a heavily Democratic Buffalo. Though unsuccessful, his campaign tagline, ''For the Love of Buffalo,'' reflected Stewart's pride and civic purpose. He inspired everyone he touched. He was charismatic and kind, interested and interesting, and insatiably curious. His mind and his enthusiasm never aged.

I remember thinking the last time I saw and visited with him that Stewart Levy was gifted with that rare quality—so rare—that made you look forward to the next opportunity you had to see and visit with him again.

To Stewart's wife, Faye, and sons, Jordy and Mitchell, thank you for sharing him with us. Stewart Levy will be missed, but there will always be light and inspiration to guide us from the love and friendship that he gave us.

AMERICA SUPPORTS HELPING FAMILIES IN MENTAL HEALTH CRISIS

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

Mr. MURPHY of Pennsylvania. Mr. Speaker, during a time when our Nation seems so divided, polarized, and unable to come together on any issue, there is one thing on which most of America agrees, by policy, politics, and polling.

In April, a national mental health survey found that 86 percent of Americans support the Helping Families in Mental Health Crisis Act. When it comes to mental health, Democrats, Republicans, and Independents agreed that H.R. 2646 is the answer.

In July, the House followed America's call and came to pass the bill 422–2 to provide more hospital beds, more psychiatrists, psychologists, and reform our broken system. Now, the American people wait for the Senate to join us in passing this badly needed legislation.

Millions of Americans are saying: please do not leave Washington without passing the bill so that the House can concur and we can get it signed into law. Every day they don't, 959 new families mourn the loss of a loved one who suffered from mental illness. And every day, 118 families mourn a new death by suicide. Every day the Senate waits, we delay reform.

Pass H.R. 2646. Where there is help, there is hope.

□ 1215

A BETTER WAY TO IMPROVE HEALTH CARE

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

Ms. FOXX. Mr. Speaker, as any hardworking American knows, health insurance costs and regulations impact all of us on a daily basis. Americans need patient-centered solutions to address our healthcare system's key problems, and House Republicans have a better way than the so-called Affordable Care Act to improve health care.

Our plan gives Americans more control and more choices. It makes sure they never have to worry about being turned away or having their coverage taken away, regardless of age, income, medical conditions, or circumstances. Our plan clears out the bureaucracy to accelerate the development of life-saving devices and therapies, and it protects Medicare for today's seniors and preserves the program for future generations.

This reform can't come soon enough. According to a report by the Kaiser Family Foundation, most North Carolinians are projected to have just one insurer's plan to choose from in the 2017 Federal individual health exchange.

I will not rest until ObamaCare is repealed and we have returned control of medical decisions to doctors and their patients.

THE CLANKING BAGS OF FILTHY LUCRE TO IRAN

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

Mr. POE of Texas. Mr. Speaker, during negotiations with the criminal Ayatollah, the U.S. paid Iran, the world's largest state sponsor of terror, a $400 million ransom to free hostages. Shockingly, the administration now has made two additional payments, totaling $1.3 billion.

Speculation is our government may have used underhanded and sneaky tactics, multiple hard currencies, and precious metals to hide the filthy lucre from Americans.

The government's payments of bags of clanking coins to the outlaw nation will not go to build roads and bridges and hospitals. Instead, it is going to Iran's corrupt military and helping radical terrorists continue to spread murder and aggression.

Illusionaries say that the Iranian nuclear bribe deal will help us live together in peace and harmony. Peace is not what the rogue nation wants. They want death to America.

Why did our government pay off the Ayatollah to preach hate and prepare for war? We don't need to pay Iran to hate us. They will do it for free.

And that is just the way it is.

CONGRESS NEEDS TO ADDRESS THE ZIKA PUBLIC HEALTH CRISIS

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

Mr. POLIS. Mr. Speaker, here we are debating various issues. Soon we will be going into debate on veterans bills, on tax cut bills. Yet this body has continually failed to act on addressing the Zika health crisis that has already impacted over 3,000 Americans in States like Texas and Florida, and it will only continue to get worse until we put the resources we need into our public health to prepare vaccinations, to deal with mosquito control.

This is the type of issue that doesn't solve itself. And it is amazing that, when people look to the United States Congress for leadership, rather than acting on funding Zika, months after the initial request by the President of the United States, we continue to discuss topics which are not going to become law, bills that would be vetoed if they pass the Senate, won't pass the Senate, and, obviously, don't address the immediate public health crisis that is affecting thousands of Americans and will affect even more until this body decides to address it.

CONGRATULATING THE STATE COLLEGE SPIKES ON THEIR NEW YORK-PENN LEAGUE CHAMPIONSHIP

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to congratulate the players, coaches, and staff of the State College Spikes on their 2–1 win over Hudson Valley last night to capture the New York-Penn League Championship.

The New York-Penn League is a Class A Short Season baseball league which includes teams from across Pennsylvania, New York, Maryland, Massachusetts, Ohio, Vermont, West Virginia, and Connecticut.

The championship represents the end of a great season for State College. The team set a regular season club record for wins at 50. Tommy Edman, a draft pick of the St. Louis Cardinals in June, also set the Spikes' single season runs scored record with 61.

Earlier this year, I had the chance to meet with the members of the Spikes' management in my office here in Washington, D.C., and I was happy to have the opportunity to learn more about the organization and their players.

I know how much the team contributes to the community and to the economy of State College. I wish them the best of success next year.

CONDEMNING NICARAGUA'S REPRESSIVE ACTIONS AND HUMAN RIGHTS VIOLATIONS

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

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to condemn the repressive

actions and human rights abuses perpetrated by Daniel Ortega in Nicaragua. Ortega has forced the Nicaraguan Supreme Court to not recognize the leaders of two opposition political parties. He has removed 28 deputies and alternates from the National Assembly. He has chosen his wife to be his running mate in the upcoming illegitimate elections in order to continue the Ortega dynasty and has sent his thugs to break up peaceful marches by Nicaraguan civil society, who are demanding inclusive elections with international and domestic observers.

Mr. Speaker, there must be consequences for these actions, and that is why I introduced the bill, H.R. 5708, the NICA Act, alongside my friend Congressman ALBIO SIRES of New Jersey, to ensure that the United States will oppose any loans to this decrepit regime.

We must show the Nicaraguan people that we stand with them in solidarity and support their efforts to convene free, fair, and transparent elections.

HONORING THE SERVICE AND MEMORY OF OFFICER BRADLEY M. FOX

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

Mr. MEEHAN. Mr. Speaker, I rise today to honor the service and memory of Officer Bradley M. Fox of the Plymouth Township of Pennsylvania Police Department.

Four years ago today, on the eve of his 35th birthday, Brad was shot and killed in the line of duty. He died protecting the community and the country he served, first as a United States Marine with two tours of combat duty in Iraq, then for 7 years as a Plymouth Township Police Officer.

Brad was a cop's cop. He was respected by his colleagues for his professionalism, and he was admired for his love for life, his love of sports, and, particularly, his love for his growing family.

Brad leaves behind his wife, Lynsay, and his daughter, Kadence, and a son, Brad, Jr., born just months after his father's tragic death. He left behind friends and family who loved him and cherished his memory, and a community that will be forever grateful for his sacrifice.

Semper fi, Brad, and thank you for your life and your service.

CELEBRATING PATRIOT WEEK

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

Mr. BISHOP of Michigan. Mr. Speaker, I rise today to urge my colleagues to join me in celebrating what makes our Nation the greatest country in the world by recognizing Patriot Week, currently going on this week. My resolution, H. Con. Res. 58, does just that.

This is a cause that is very close to my heart, as I have always been in awe of the work of our Founding Fathers. In fact, when I was the Senate majority leader of Michigan in 2009, we became the first legislative body to recognize Patriot Week. Since then, events have spread to at least 10 States, where people of all ages have reflected on the work of great Americans who furthered the cause of liberty and our founding principles.

Patriot Week formally begins on September 11, paying tribute to those who lost their lives in the terrorist attacks of 9/11, and ends on September 17, by celebrating Constitution Day. Each day focuses on a different set of American values, people, and our most precious founding documents.

Mr. Speaker, in this time when our Nation has become so divided, we must renew our American spirit and let it endure for generations to come. We are blessed to live in the greatest Nation on Earth, and we owe it to all of the brave men and women who paved the way for us to get here.

I urge my colleagues to join me in participating in Patriot Week and supporting my resolution, H. Con. Res. 58.

DAR CONSTITUTION WEEK

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

Mr. FARENTHOLD. Mr. Speaker, on September 17, 1787, the United States Constitution was signed by 39 inspired men who changed the course of history.

As a nation, we celebrate Constitution Week from September 17 to September 23 this year to remember the legacy and freedoms we all enjoy. The signing of the Constitution 229 years ago created a Republic that has withstood the test of time and that has proven that it was destined for greatness.

To this day, the United States Constitution stands as a testament to the tenacity of Americans throughout history to establish justice, to ensure domestic tranquility, to provide for the common defense, to promote the general welfare, and to secure the blessings of liberty. The Constitution has withstood the test of the Civil War, the Great Depression, and many other challenges.

We are blessed to live in a nation where we can all pursue happiness and safety and freedom, and I ask my colleagues to join me and the Daughters of the American Revolution in celebrating the Constitution and what it has done for each and every American during Constitution Week.

REAUTHORIZATION OF THE PERKINS CAREER AND TECHNICAL EDUCATION PROGRAM

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

Mr. LAMALFA. Mr. Speaker, today I rise in support of H.R. 5587, which reauthorizes the Perkins Career and Technical Education program through the year 2022.

Career and technical education programs help provide the vocational training needed to ensure our students have the technical skills to engage the world with the technology of today and tomorrow.

This reauthorization does more than provide funding for the next 5 years. It also gives structural changes to decrease the burden on local districts and increase engagement with local businesses and higher education partners.

More importantly, H.R. 5587 puts up additional barriers between politicians and students, preventing Sacramento and Washington from interfering with our educators.

Mr. Speaker, not every student is bound for college, but every student should leave high school with the knowledge and skills necessary to join today's workforce and have all the options available to them.

OUR DEALINGS WITH IRAN ARE A THREAT TO NATIONAL SECURITY

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

Mr. HOLDING. Mr. Speaker, one would think that, after receiving pallets stacked high with international currency shrouded in secrecy and the associated benefits of this administration's flawed nuclear deal, the leadership in Iran would want to change their ways. But when it comes to Iran, logic doesn't apply.

In fact, Mr. Speaker, the opposite has happened. Iran has become more confrontational. Tehran continues to develop and test ballistic missile technology, deploy advanced surface-to-air defenses at a ''peaceful'' nuclear site, and harass our naval vessels on the open seas.

The leaders in Tehran and in the IRGC are continuing down the same old path of aggression as they did before the nuclear deal. But now, Mr. Speaker, they have fresh resources and a renewed sense the United States won't seek to hold them accountable, both courtesy of the Obama administration.

Mr. Speaker, it is time for the administration to wake up and realize that their policies and dealings with Iran are further threatening our national security.

□ 1230

NOTICE OF INTENTION TO OFFER RESOLUTION RAISING A QUESTION OF PRIVILEGES OF THE HOUSE

Mr. FLEMING. Mr. Speaker, pursuant to clause 2 (a)(1) of rule IX, I rise to give notice of my intent to raise a question of the privileges of the House.

The form of the resolution is as follows:

House Resolution 828—impeaching John Andrew Koskinen, Commissioner of the Internal Revenue Service, for high crimes and misdemeanors.

Resolved, that John Andrew Koskinen, Commissioner of the Internal Revenue Service, is impeached for high crimes and misdemeanors and that the following articles of impeachment be exhibited to the Senate:

Articles of impeachment exhibited by the House of Representatives of the United States of America in the name of itself and of the people of the United States of America, against John Andrew Koskinen, Commissioner of the Internal Revenue Service, in maintenance and support of its impeachment against him for high crimes and misdemeanors.

Article 1.

John Andrew Koskinen, in his conduct while Commissioner of the Internal Revenue Service, engaged in a pattern of conduct that is incompatible with his duties as an Officer of the United States, as follows:

Commissioner Koskinen failed in his duty to respond to lawfully issued congressional subpoenas. On August 2, 2013, the Committee on Oversight and Government Reform of the House of Representatives issued a subpoena to Secretary of the Treasury Jacob Lew, the custodian of Internal Revenue Service documents. That subpoena demanded, among other things, ''all communications sent or received by Lois Lerner, from January 1, 2009, to August 2, 2013.'' On February 14, 2014, following the Senate's confirmation of John Andrew Koskinen as Commissioner of the Internal Revenue Service, the Committee on Oversight and Government Reform of the House of Representatives reissued the subpoena to him.

On March 4, 2014, Internal Revenue Service employees in Martinsburg, West Virginia, magnetically erased 422 backup tapes, destroying as many as 24,000 of Lois Lerner's emails responsive to the subpoena. This action impeded congressional investigations into the Internal Revenue Service targeting of Americans based on their political affiliation. The American people may never know the true culpability or extent of the Internal Revenue Service targeting because of the destruction of evidence that took place.

Wherefore, John Andrew Koskinen, by such conduct, warrants impeachment and trial and removal from office.

Article 2.

John Andrew Koskinen engaged in a pattern of deception that demonstrates his unfitness to serve as Commissioner of the Internal Revenue Service. Commissioner Koskinen made a series of false and misleading statements to Congress in contravention of his oath to tell the truth. Those false statements included the following:

(1) On June 20, 2014, Commissioner Koskinen testified that ''since the start of this investigation, every email has been preserved. Nothing has been lost. Nothing has been destroyed.''

(2) On June 23, 2014, Commissioner Koskinen testified that the Internal Revenue Service had ''confirmed that backup tapes from 2011 no longer existed because they have been recycled, pursuant to the Internal Revenue Service normal policy.'' He went on to explain that ''confirmed means that somebody went back and looked and made sure that in fact any backup tapes that had existed had been recycled.''

(3) On March 26, 2014, Commissioner Koskinen was asked during a hearing before the Committee on Oversight and Government Reform of the House of Representatives, ''Sir, are you or are you not going to provide this committee all of Lois Lerner's emails?'' He answered, ''Yes, we will do that.''

Each of those statements was materially false. On March 4, 2014, Internal Revenue Service employees magnetically erased 422 backup tapes containing as many as 24,000 of Lois Lerner's emails. On February 2, 2014, senior Internal Revenue Service officials discovered that Lois Lerner's computer hard drive had crashed, rendering hundreds or thousands of her emails unrecoverable. Commissioner Koskinen's false statements impeded and confused congressional investigations into the Internal Revenue Service targeting of Americans based on their political affiliation.

Wherefore, John Andrew Koskinen, by such conduct, warrants impeachment and trial, and removal from office.

Article 3.

John Andrew Koskinen, throughout his tenure as Commissioner of the Internal Revenue Service, has acted in a manner inconsistent with the trust and confidence placed in him as an Officer of the United States, as follows:

During his confirmation hearing before the Senate Committee on Finance, John Andrew Koskinen promised, ''We will be transparent about any problems we run into; and the public and certainly this committee will know about those problems as soon as we do.''

Commissioner Koskinen repeatedly violated that promise. As early as February 2014 and no later than April 2014, he was aware that a substantial portion of Lois Lerner's emails could not be produced to Congress. However, in a March 19, 2014, letter to Senator Wyden of the Senate Committee on Finance, Commissioner Koskinen said, ''We are transmitting today additional information that we believe completes our production to your committee and the House Ways and Means Committee. . . . In light of these productions, I hope that the investigations can be concluded in the very near future.'' At the time he sent that letter, he knew that the document production was not complete.

Commissioner Koskinen did not notify Congress of any problem until June 13, 2014, when he included the information on the fifth page of the third enclosure of a letter to the Senate Committee on Finance.

Wherefore, John Andrew Koskinen, by such conduct, warrants impeachment and trial, and removal from office.

Article 4.

John Andrew Koskinen has failed to act with competence and forthrightness in overseeing the investigation into Internal Revenue Service targeting of Americans because of their political affiliations as follows:

Commissioner Koskinen stated in a hearing on June 20, 2014, that the Internal Revenue Service had ''gone to great lengths'' to retrieve all of Lois Lerner's emails. Commissioner Koskinen's actions contradicted the assurances he gave to Congress.

The Treasury Inspector General for Tax Administration found over 1,000 of Lois Lerner's emails that the Internal Revenue Service had failed to produce. Those discoveries took only 15 days of investigation to uncover. The Treasury Inspector General for Tax Administration searched a number of available sources, including disaster backup tapes, Lois Lerner's BlackBerry, the email server, backup tapes for the email server, and Lois Lerner's temporary replacement laptop. The Internal Revenue Service failed to examine any of those sources in its own investigation.

Wherefore, John Andrew Koskinen, by such conduct, warrants impeachment, trial, and removal from office.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Louisiana will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

PROVIDING FOR CONSIDERATION OF H.R. 3590, HALT TAX INCREASES ON THE MIDDLE CLASS AND SENIORS ACT

Mr. BURGESS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 858 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 858

Resolved, That upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3590) to amend the Internal Revenue Code of 1986 to repeal the increase in the income threshold used in determining the deduction for medical care. All

points of order against consideration of the bill are waived. The amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

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

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

GENERAL LEAVE

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

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

There was no objection.

Mr. BURGESS. Mr. Speaker, House Resolution 858 provides for consideration of H.R. 3590, the Halt Tax Increases on the Middle Class and Seniors Act and the Restoring Access to Medication Act.

The rule provides for 1 hour of debate equally divided among the majority and minority of the Committee on Ways and Means. As is standard with all legislation pertaining to the Tax Code, the Committee on Rules has made no further amendments in order. However, the rule affords the minority the customary motion to recommit.

Under the rule, we will be considering a bill to prevent one of the most significant tax increases imposed on the American people by the Affordable Care Act. The bill advanced through regular order and was favorably reported out of the Committee on Ways and Means.

H.R. 3590, the Halt Tax Increases on the Middle Class and Seniors Act, amends the Internal Revenue Code of 1986 to repeal the increase in the income threshold used in determining the deduction for medical care. This increase was created by the Affordable Care Act and is another example of how the law is hurtful to average Americans. Our Nation's seniors should not bear the burden of paying for the Affordable Care Act.

H.R. 3590 is commonsense policy that will provide relief to American families while promoting consumer-driven health care. Under current law, Americans aged 65 or older can deduct out-of-pocket medical expenses to the extent that such expenses exceed 7.5 percent of an individual's adjusted gross income. However, as part of the Affordable Care Act, this 7.5 percent threshold will increase to 10 percent January 1, 2017, for those age 65.

H.R. 3590 would restore the pre-Affordable Care Act threshold of 7.5 percent for all Americans and is a meaningful step toward easing the burden of rising medical expenses in communities across the country. This will provide broad-based tax relief to middle- and low-income families as they continue to struggle in difficult economic times.

The administration raised the AGI threshold from 7.5 to 10 percent in order to help pay for the Affordable Care Act's price tag. The result of this policy is an almost $33 billion tax increase over the next decade that will be shouldered by the middle class and senior citizens.

According to Americans for Tax Reform, over 10 million families used this tax provision in 2012 with an average of $8,500 in medical expenses claimed, and more than half the families that used that provision made less than $50,000 a year. This legislation permanently lowers the adjusted gross income threshold from 10 percent to 7.5 percent for all taxpayers, regardless of their age.

We are reminded daily of the shortcomings of the Affordable Care Act: the double-digit health insurance premium increases; less consumer choice as insurers abandon the exchanges; and increasingly narrow networks across the country. Due to the rising burden for families of out-of-pocket costs, the average deductible for an employer-sponsored health plan surged nearly 9 percent in 2015 to now more than $1,000. Beginning in 2017, the President's health law will increase the tax burden on our seniors, and this is a cost many will struggle to bear. This increase will have a disproportionate impact on seniors who are more likely to take advantage of this deduction.

According to the National Center for Policy Analysis, the average senior spends over $4,888 a year on medical expenses, twice as much as the average non-elderly adult. Typically, seniors no longer have an increase in income, instead relying on their savings. Congress must take steps to strengthen our citizens' ability to save their hard-earned dollars, not constrain it.

What is most egregious about the timing of the tax increase hidden within the thousands of pages of the Affordable Care Act is the cynical nature of its placement.

□ 1245

When the Affordable Care Act passed in the middle of the night and people famously said they had to pass the bill in order for people to find out what was in it, they used the maneuver to pay for the high cost of the bill by making the so-called benefits of the legislation take place immediately and having the costs of the legislation, the egregious tax increases that everyone knew would be unpopular, not take effect until 7 years after the passage of the bill. But that day is now upon us. It is calendar year 2017.

Those 7 years allowed for three election cycles to take place. Democrats in the House and Senate, and certainly the Democrat in the White House, knew that they could not withstand an election after the American people discovered all of the new taxes hidden in the Affordable Care Act, so they wrote the bill in a way that ensured that they could get through their reelections—especially the Presidential election in 2012—without having to defend significant tax increases.

For Democrats in the House, it didn't work, and the American people rose up, and after the 2010 election, Republicans resumed the majority of the House less than a year after the Affordable Care Act's passage; but the President and Democratic Senators were able to avoid having to defend the tax increases that they supported since those increases had not gone into effect.

Well, now the full cost, the full cost of these tax increases is about to bear down on American families, and when families across the country see how much more of their income is going to be taken out of their paychecks and given to bureaucrats in Washington, the anger will be as palpable this year as it was in 2010.

As we have learned, a Washington-centered approach to delivering high-quality affordable health care cannot work. While we are committed to large-scale reform of the healthcare system, there are people who cannot wait, and that is why we are taking action now. H.R. 3590 is just one example of the work that our Conference is doing to promote Member-driven solutions in order to improve health care for our citizens and ensure that they have greater access to quality care at a truly affordable price. H.R. 3590 will add on to this progress and make certain that we protect Americans from the mounting costs of the Affordable Care Act and preserve one of the few tools that they have at their disposal to contain high medical expenses.

H.R. 3590 will help the middle class and help seniors by preserving one tool to help soften the blow of rising healthcare costs. At this point in time, our citizens cannot withstand another chunk of their savings going into the Federal coffers in order to pay for a failed experiment that the administration has gone to astronomical lengths to prop up. In today's climate of ever-increasing healthcare costs, we must do whatever we can to provide relief to taxpayers and put in place reforms to promote a return to consumer-driven health care. This important legislation can help reverse the trend of Washington-directed, one-size-fits-all healthcare policy. This bill is concrete proof of the actions that can be taken to return power to individuals.

I encourage our colleagues to stand up for the middle class and senior citizens and support H.R. 3590.

I reserve the balance of my time.

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

Mr. Speaker, I rise in opposition to the rule for consideration of H.R. 3590, and to the bill.

They say you can't have your cake and eat it too, but that is exactly what Republicans are trying to do with this bill. They are trying to keep the benefits of ObamaCare and repeal the costs of ObamaCare. They are saying we are going to continue subsidies for middle-income and lower-income people, every expense associated with ObamaCare, and yet we are going to reduce the funding. We are going to increase our deficit by over $30 billion.

At a time when the deficit continues to add to our national debt, when many of us are calling for going the opposite direction, trying to balance our budget, I am a proud sponsor of a balanced budget amendment. Digging this $30 billion hole will make it even harder to balance the budget.

If the Republicans are serious about cutting $30 billion in revenue, let's show where they are going to cut $30 billion in costs. Whether it is from the Affordable Care Act or whether it is other items, it is not intellectually honest to simply say we are going to cut money, but we are not going to tell you where it is coming from.

This bill would add $33 billion to the deficit. And we all like tax cuts, Mr. Speaker. I mean, who wouldn't want to cut taxes for everybody? It is always a question of: How are you going to pay for it?

The Republicans failed to pay for this $33 billion in that bill. In fact, by giving tax cuts today, they are making our next generation, our children, even more beholden to today's debt and the legacy of debt that they are leaving for the next generation.

The revenue generated by this provision is an important part of trying to reduce our deficit and balance our budget. Removing that will simply create a hole of over $30 billion in a deficit that is already over $400 billion.

H.R. 3590 would increase the deficit by establishing the itemized deduction threshold at 7.5 percent for all taxpayers. If Congress continues to roll back pay-fors on a law that costs money to implement, it is going to continue to increase our deficit. There have been a number of other measures that have been brought before this body that have also increased our deficit.

At a time when numerous significant public health crises need to be addressed—the Zika virus, opioid addiction, the water in Flint—we are actually discussing a bill that increases the deficit by $33 billion and doesn't even deal with any of these crises, making it even harder to try to find the scarce resources that we have and divert them from existing operational programs or other revenue generators to address the Zika public health crisis, the opioid addition, or the Flint water crisis.

While H.R. 3590 sets out nice tax cuts, it doesn't pay for them. The reality of this bill is that the higher a household's income, the more likely it is to get a tax cut. According to the congressional Joint Committee on Taxation, if H.R. 3590 were to become law, taxpayers with over $100,000 of income would receive two-thirds of this tax cut at the expense of their own children, who would then be forced to inherit a nation even deeper in debt.

When you spend money you don't have, that is a future tax increase. So effectively what this bill does is it trades a tax cut today for a tax increase tomorrow. If you ask me, Mr. Speaker, this country has done too much of that already.

It would be one thing if this tax cut were paid for. We could weigh the pros and the cons. We could weigh the costs and the benefits, a $32 billion tax cut. I agree with what my colleague said. It would be a wonderful thing to do. It would be a wonderful way to help families afford health care and increase the deductibility level.

But what's the tradeoff, Mr. Speaker? There are tradeoffs in this world. You can't have your cake and eat it too. Where are you going to cut $33 billion because this tax cut is so justified? Maybe there is a program we can agree to cut. I would probably support it today if we decreased defense spending by $33 billion over 10 years and that was the pay-for. I wouldn't have a problem with that. I would much rather give the money to middle class families than continue to spend more than the rest of the world combined on our military.

And look how cavalier this body is about adding $33 billion to the deficit. All in a day's work, Mr. Speaker. Apparently, we are impeaching an IRS Commissioner and we are adding $33 billion to the deficit. We wonder why, when the American people look at this body, its approval rating is so low. Twelve percent is what I saw last. In 1 day, we are adding $33 billion to the deficit while not addressing critical issues with Zika and Flint.

In Flint, for example, a year has gone by since a doctor first raised a red flag about the city's water supply, and we have not appropriated or replaced the corroded water pipes. There is still water being trucked in. While Flint families are continuing to rely on bottled water, on trucked in water, Congress is increasing the deficit even more.

Or we can examine the abuse of prescription opioids, an epidemic that is sweeping this country. Now, we passed a lowest common denominator bill, a bill, of course, I supported. It has some good statistics and good coordination, but it doesn't substantively do anything to address the fact that opioids were involved in 28,647 tragic deaths last year alone, the most on record.

In May, we heard Members from both sides of the aisle come to the floor and speak eloquently about how addiction is ravaging families back home, and I share those stories from Colorado. But when the President submitted a proposal that would have provided $1.1 billion in funding to actually address this epidemic, Congress did nothing. So here we are increasing the deficit by $33 billion, where, if we simply took $1 billion of that and addressed the opioid crisis, $1 billion of it and addressed Zika, then we could simply use the rest to reduce the deficit.

We are happy to spend money we don't have. The Republicans are happy to spend money we don't have when it comes to tax cuts; but when it goes to public health, when it goes to lead in pipes, when it goes to reducing prescription drug abuse, there is no money for that. Instead, this body passed a package of bills with no funding.

And then there is Zika. In the pantheon of public health emergencies, Zika is particularly pressing. Almost 19,000 Americans have already contracted Zika, including 1,800 pregnant women. The numbers are likely higher because we don't know all of the diagnoses in all of the cases, and four or five people only have mild symptoms and might not be diagnosed.

In pregnancies, Zika, as we know, can be especially devastating and, I might add, costly to taxpayers for the lifetime of the child. A fetus is susceptible to severe cognitive impairments caused by the virus, including microcephaly. So far there are upwards of 20 cases of microcephaly in the U.S., and that number is set to increase with the prevalence of Zika, which only Congress can act to stem.

The administration declares Zika to be a public health emergency in Puerto Rico, where one in four people are estimated to become infected over in the next year. Florida is grappling with an upsurge in cases, prompting the CDC to issue its first ever domestic travel warning within our own country to our own State of Florida.

We need to learn more. The virus has been around for decades, but few comprehensive studies exist as it made the transition from Africa to South America. We know very little about the likelihood a fetus will contract Zika or what the factors are that affect that and the long-term implications of exposure to the virus as an infant.

This knowledge gap isn't for lack of qualified talented researchers. I was fortunate to visit the CDC's Division of Vector-Borne Diseases with Representative BUCK just a few weeks ago to see firsthand the research they are doing into viruses such as Zika, but they need the ability and the resources to focus on this imminent public health crisis.

At a CDC laboratory, the Division of Vector-Borne Diseases relies on Federal funding to produce cutting-edge science that saves lives. If this body were to approve the requested amount

to fight Zika, it is likely we would know already a lot more about this scary virus.

Relevant to my district is another recent and unprecedented outbreak of a mosquito-borne virus: West Nile. At 28 human cases, it is the highest incidence of the virus in the State. Cities such as Los Angeles, Dallas, and Phoenix are also being hit hard. That is also directly affected by the public health for vector-borne viruses.

Funding will also be essential to reduce the building diagnostic backlog or develop a simpler method of testing. The testing process for Zika is cumbersome and costly. In places with local transmission like Florida and Puerto Rico, results have started to take upwards of a month to come back, leaving families in an ongoing chronic state of uncertainty and agony. Appropriating dollars to deal with this emergency is critical to develop a vaccine.

With public health experts pleading for funding to combat Zika, President Obama sent Congress a $1.9 billion funding request to combat the virus on February 22. Well, now it is September 13, 204 days since the request, and thousands of victims later. While the Senate approved $1.1 billion to combat the virus, House leadership has not shown any appetite for this measure. In the meantime, agencies like Health and Human Services are desperately trying to transfer money from other accounts just to make ends meet.

I am frustrated, Mr. Speaker, that here we are discussing a bill that adds $33 billion to our deficit that we don't have when we can least afford to do so, when we are not even talking about these much smaller ticket items that are urgent and that are emergencies. It is frustrating that this body continues to promulgate a double standard around offsetting the cost of legislation.

Expenditures and revenues are two sides of the same coin. If you reduce revenues by $2 billion, it has the exact same impact on the deficit as increasing expenditures by $2 billion. They are the same thing. Yet here we are creating massive fiscally irresponsible holes in our deficit, moving further away from ever balancing it, when we are not even looking at these much smaller ticket items that are much more important and are critical emergencies. We are discussing a bill that adds $33 billion to our deficit.

We continue to avoid dealing with Flint, with opioids, and with Zika, at a small fraction of the cost of this bill, Mr. Speaker. Just give us 10 percent of the cost of this bill—$3 billion—and think of the progress we can make on Flint and opioids and Zika. Instead, we are spending $33 billion in tax expenditures to increase our deficit by over $33 billion. This isn't the way to balance the budget. This isn't the way to run a country.

□ 1300

Mr. Speaker, if we defeat the previous question, I will offer an amendment to the rule to bring up legislation that would allow those with outstanding student debt to refinance their existing high interest rates to lower interest rates. Mr. Speaker, every one of us has constituents who are struggling with student debt. This legislation gives us an opportunity to provide immediate relief.

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

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

There was no objection.

Mr. POLIS. Mr. Speaker, I think what is frustrating in consideration of this deficit-busting, irresponsible, Republican tax-and-spend bill is a double standard. We have a bill before us that would increase the deficit by over $33 billion, yet we are not even allowed to consider these much smaller ticket items that are pressing national emergencies.

Children in Flint still can't bathe or drink tap water because of toxic lead; families in New Hampshire are receiving little help for the opioid addictions ravaging their communities; pregnant women in south Florida are living in fear of the serious health consequences and birth defects related to Zika; and yet there is $33 billion for a tax cut for the wealthy.

What piece am I missing here, Mr. Speaker? How is it that there is $33 billion for a tax expenditure, but there is not even $1 billion or $2 billion or $3 billion to address these pressing issues like Zika or lead or opioids?

A dollar is a dollar. Whether you expend it as a decrease in revenue or an expenditure, it has the exact same economic impact. It increases our budget deficit, already over $400 billion; and here we have a bill that would increase it by over $30 billion.

If we are going to move towards balancing the budget, Mr. Speaker, of course, we need to look at expenditures and we need to look at revenues. That is the only way you are ever going to get there. And it is the exact wrong direction to be decreasing net revenues without even talking about what expenditures you are going to cut.

Again, it would be one thing if we knew what the tradeoffs were, if this bill had an offset for the $33 billion and we said: You know what? This is a worthy tax cut.

The gentleman made a good case for it. Of course, we want to increase deductibility of healthcare expenses. I don't think there is a single person in this body who wouldn't want to do it.

The question is: What is the tradeoff? Where is that $33 billion going to come from?

And let's work together to find a way to pay for it. Right? I mean, let's look at spending less on our military rather than spending more than the rest of the world combined.

You know what? If we cut just $3 billion a year from our bloated military budget, we could fully pay for this tax cut. Sign me up, Mr. Speaker. That would be paid for, and I would support it.

There might be other areas that we could find to work together to pay for this tax cut, but when you are asking us, Mr. Speaker, to say: You know what? I want to pay for this tax cut by mortgaging your children's future, you are not going to get a lot of takers among us fiscally responsible Democrats.

I guess Republicans don't care about the deficit, don't care about mortgaging the future, don't care about leaving our kids further in debt. But you know what? Democrats do. That is why I oppose this bill. Our children are already inheriting an enormous legacy of debt. The last thing we should be doing is adding $33 billion more to that.

I have nothing against this particular expenditure. If there is a way to pay for it, we could do that. We could work with Republicans on it. I would be happy to work with Republicans on it. There are always tradeoffs in life. Nothing comes free. There is no expenditure that is free. There is no reduction in revenue that is free. A dollar is a dollar. Families across our country know that when they are balancing their checkbooks at the end of the month. They know that if they spend more money or they get a bonus at work, it goes into the same pot. And if they get a cut in their salary, that means they have less money to spend.

That is what it should mean to this Congress. If we are going to be taking in $33 billion less, we should spend $33 billion less. We should pay for any tax cut or expenditure on the revenue side and make sure that it doesn't go to mortgaging our children's future by increasing our already bloated budget deficit and contributing to our national debt.

If it wasn't so serious, Mr. Speaker, it would almost be humorous when we hear around raising the debt ceiling time from our Republican friends, Oh, we don't want to increase the debt ceiling, oh, no. The debt ceiling. The debt ceiling. We are not going to increase the debt ceiling.

Well, you know why the debt ceiling reaches its cap, Mr. Speaker?

The reason the debt ceiling needs to be increased is because Congress spends more than it has.

It is too late to complain after the fact, Mr. Speaker. It is too late to complain after the fact. If you, Congress, spend more than you take in, yes, you are going to need to increase the debt ceiling. It is not rocket science. I think even my kindergartener could do the math. It is addition and subtraction. Yet here we are saying: You know what? Let's cut government revenues by $33 billion.

Well, you know what, Mr. Speaker?

If this bill were to become law, we would reach the debt ceiling even earlier. And, of course, Congress would have to blow the lid on the debt ceiling and increase the national debt. It is math. It is simple math, Mr. Speaker, and families across our country understand simple math. They balance their checkbooks.

My home State of Colorado requires a balanced budget every year, just as many other States across the country do. I support a balanced budget amendment here. I think that Congress, like families across our country, like our States, should balance our budget. But even in the absence of that requirement, Congress should act responsibly to do it. And this bill is the opposite. It increases our deficit by over $30 billion. It doesn't pay for it. It mortgages our children's future for a tax expenditure today. It is the wrong way to go for our country.

So while, of course, my Democratic colleagues and I share concern about ensuring access to affordable health care and would be happy to talk about tradeoffs that are involved with any reduction in revenues, H.R. 3590 is simply not the way to do it.

I strongly urge my colleagues to vote ''no'' and defeat the previous question and to vote ''no'' on this restrictive, misguided rule.

I yield back the balance of my time.

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

Mr. Speaker, there is perhaps a fundamental, philosophic difference between the gentleman and myself. Taxes that are taken from people are just that: it is money that is taken from people under penalty of law. These are not expenditures of the government that we are talking about. We are talking about taking people's money from them, sometimes forcibly. And in this case, in order to fund what?

Well, I don't know how many people here remember when the Affordable Care Act passed late that night in March of 2010. I don't know how many people were paying attention to section 9013 of the law, for which they either voted ''yea'' or ''nay.'' But let me just remind people what section 9013 said.

Mr. Speaker, this is one of the underlying problems that the Affordable Care Act has had since the git-go. You ask yourself: Why is a law that is giving people stuff so marginally unpopular? And why has that unpopularity persisted over all of this time?

Well, one of the reasons for that is the coercive nature of the Affordable Care Act. I mean, the fact that there is an individual mandate: You have to buy it, or we are going to penalize you through the Tax Code.

But one of the other reasons was the very duplicitous way in which this bill was passed: We are going to give you stuff today, and then we are going to figure out kind of how to pay for it later.

But just listen to the language of section 9013 that was voted on in this House late in the night in March of 2010:

''(a) In General.—Subsection (a) of section 213 of the Internal Revenue Code of 1986 is amended by striking '7.5 percent' and inserting '10 percent'.''

Okay. Well and good. We follow that. That is what we have been discussing.

The next section:

''(b) Temporary Waiver of Increase for Certain Seniors.—Section 213 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection''—okay. And now here comes the new subsection:

'' '(f) Special Rule for 2013, 2014, 2015, and 2016.—In the case of any taxable year beginning after December 31, 2012, and ending before January 1, 2017, subsection (a) shall be applied with respect to a taxpayer by substituting '7.5 percent' for '10 percent' if such taxpayer or such taxpayer's spouse has attained age 65 before the close of such taxable year.'.''

Mr. Speaker, if there was ever a case of hide the ball, if there was ever a case of let's not be honest with people about what we are actually passing, this bill was it.

So today we are going to consider a bill from the gentlewoman from Arizona (Ms. MCSALLY) to protect seniors from this tax increase that is on automatic pilot. The skids are greased, and it is going to hit people January 1, 2017, if the Congress doesn't do something.

Mr. Speaker, today's rule provides for the consideration of an important bill to undo one of the most harmful tax increases on the middle class created by the Affordable Care Act.

I want to thank Ms. MCSALLY for this legislation.

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

AN AMENDMENT TO H. RES. 858 OFFERED BY MR. POLIS

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

SEC. 2. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1434) to amend the Higher Education Act of 1965 to provide for the refinancing of certain Federal student loans, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 3. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 1434.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

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

The SPEAKER pro tempore (Mr. JODY B. HICE of Georgia). The question is on ordering the previous question.

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

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

The yeas and nays were ordered.

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

PROVIDING FOR CONSIDERATION OF H.R. 5620, VA ACCOUNTABILITY FIRST AND APPEALS MODERNIZATION ACT OF 2016

Mr. COLLINS of Georgia. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 859 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 859

Resolved, That at any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5620) to amend title 38, United States Code, to provide for the removal or demotion of employees of the Department of Veterans Affairs based on performance or misconduct, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Veterans' Affairs. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. All points of order against provisions in the bill are waived. No amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

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

GENERAL LEAVE

Mr. COLLINS of Georgia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous materials on House Resolution 859, currently under consideration.

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

There was no objection.

Mr. COLLINS of Georgia. Mr. Speaker, I am pleased to bring forward, on behalf of the Rules Committee today, this rule that provides for consideration of H.R. 5620, the VA Accountability First and Appeals Modernization Act of 2016.

The rule provides for 1 hour of debate equally divided and controlled by the chair and ranking member of the Veterans' Affairs Committee and also provides a motion to recommit.

Additionally, the rule makes in order several amendments, representing ideas from both sides of the aisle. Yesterday the Rules Committee received testimony from the chairman and ranking member of the Veterans' Affairs Committee and heard from numerous Members on behalf of amendments offered.

H.R. 5620 includes provisions of the House-passed versions of H.R. 1994, the VA Accountability Act; H.R. 280, the legislation related to bonuses paid to VA employees; language from H.R. 5083, the VA Appeals Modernization Act; and H.R. 4138, legislation related to relocation payments for VA employees.

The VA Accountability First and Appeals Modernization Act continues efforts by this Congress to reform the VA and address the bureaucratic mess that has plagued its operations for far too long.

□ 1315

The bill builds on meaningful steps to restore accountability to the Department of Veterans Affairs and ensure it is appropriately providing veterans with the resources and care they deserve.

We have heard time and time again that the Department of Veterans Affairs has failed to hold individuals accountable for their actions. In the circumstances when the VA has tried to take appropriate disciplinary action against an employee, the process is rarely efficient or meaningful. That is just simply unacceptable, Mr. Speaker.

In fact, a recent study done by the GAO found that on average it takes 6 months to a year—or even longer—to remove a permanent civil servant in the Federal Government. This is ridiculous on its own. Imagine a private business having underperforming employees but not being able to remove them from their positions and, in some circumstances, even being forced to give them raises or bonuses.

Examples range from the typical poor-performing employee to the absurd. Projects continue to be mismanaged and cost overruns abound. Then there are the cases bordering on the absurd.

In one case, the VA helped a veteran, who was an inpatient of the substance abuse clinic, purchase illegal drugs. This employee continued to work at the VA for over a year before removal proceedings even started. Mr. Speaker, did you catch that? It was a year before the proceedings even started. This is amazing.

Another VA employee, a nurse in this case, showed up to work intoxicated and participated in a veteran's surgery while under the influence. Yet another VA employee participated in an armed robbery.

This behavior would not slide in the private sector, and we certainly shouldn't stand for it when it comes to our Nation's heroes who have put their lives on the line to serve our country.

VA officials have even stated in testimony that the process for removing employees is too difficult and lengthy. This means that problem employees continue to work for the VA and interact with veterans. These employees aren't providing services to the agency, and they aren't providing services to our Nation's veterans.

Employees like this need to be removed in a timely way. At the very least, employees need to receive discipline appropriate to the misconduct in a way that discourages poor performance or behavior in the future, but that is just not happening right now.

Let me be clear—and I want to again emphasize because it may even come up here in just a moment—this is not a broadside attack on all VA employees. This is not something that says that all VA employees are bad. In fact, it is far from it.

My office, Mr. Speaker—yours as well, and many others—deal with the VA in a very constructive way, helping many of our veterans get what they need. There are hardworking and wonderful individuals at the VA who are doing all they can to help our Nation's veterans. In northeast Georgia, my office has a good working relationship with our local VA and especially in Augusta and Atlanta in the places we need.

This is not an issue of all of the employees. In fact, we have actually heard from employees of the VA. They say we need these changes because they are tired of being dragged down by the anchors of the bad employees.

Those employees who are doing work well, they are just hindered by this bureaucracy—and it has got to stop—by a system that fails to remove or discipline those poorly performing counterparts. That is not fair to these hardworking individuals who are, in fact, doing their jobs. Most importantly, it

is not fair to the veterans. But I am going to take it a step further as well—it is not fair to the taxpayers.

That is why this bill, the VA Accountability First and Appeals Modernization Act, will take steps to address this problem. The bill will provide improved protections for whistleblowers. It will restrict bonuses for supervisors who retaliate against whistleblowers and strengthen accountability of VA senior executive service employees.

It would expand senior executive service removal authority and create an expedited removal system that would include an appeals process. It would also eliminate bonuses for VA senior executive service employees for 5 years and streamline authority for the Secretary of the VA to rescind employee bonuses. I wish these steps weren't necessary, but the ongoing problems plaguing the VA demand strong action.

Our veterans deserve better, and we have to take steps to be served by this agency that is supposed to be providing them assistance.

In addition to the problems with the VA employee misconduct, the VA's current appeals process is unquestionably broken. As of June 1, 2016, there were almost 457,000 appeals pending in the VA, an increase of over 80,000 pending appeals from the preceding year. In fact, in the Atlanta regional office, there are about 16,500 appeals pending with an approximate 3-year wait time; and the backlog is growing. Caseworkers in my Gainesville office have been told that cases from 2013 are, in some cases, just getting on the desk of VA employees.

Appeals issues are the most common types of cases that my district office sees. We have some great caseworkers in my Georgia office, but they are not able to speed up the process. They only help navigate the red tape and bureaucracy.

My office is always willing to help veterans in need, and we stand by ready to help when we can. But it shouldn't take a congressional office to get answers from the VA. The VA should be answering veterans in a timely manner. This process needs to be fixed. As a current, still active member of the United States Air Force Reserve, this is just not what we need.

Mr. Speaker, could you think about what we could do with our caseworkers if they were not bogged down in this kind of inefficiency dealing with the VA that we have addressed in this Congress on other occasions with funding and with other issues, and they are still dealing with this?

When a veteran appeals a claim, they shouldn't have to wait for years for an answer. But the current system has led to a backlog that leaves many veterans in limbo.

This bill takes steps in the right direction. H.R. 5630 would streamline the appeals process and help clear the massive backlog of appeals currently stuck and clogging the system.

Under the bill, veterans will be able to obtain faster decisions and will be able to retain the original effective date of their claims throughout the appeals process. It will protect veterans' due process rights while updating the antiquated appeals process for VA disability benefits.

This is a good bill, Mr. Speaker. It is something that we need to address. We can make all the excuses in the world we want. We have funded this. As my Senator from Georgia has stated, who is the chairman of the Senate Veterans' Affairs Committee, money is no longer the biggest issue. They have the resources, and they have the will of the Congress. The question is: Will we give them the tools and will the Secretary, more importantly, actually act upon those? That, I have questions about, but we are here today to pass this rule and to get this bill to help those who need help the most, and that is our veterans.

I reserve the balance of my time.

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

I thank the gentleman from Georgia. I want to point out that with regard to procedures and regular order and how this body works, there is a difference between these two bills, the one that I discussed previously under the other rule and this one. The deficit bill, the $30 billion increase in the deficit that the Republicans want to do, that came through what we call regular order, meaning it was marked up in the Ways and Means Committee. That is normally how things work around here. A bill goes through committee, then it comes to the Rules Committee, and then it goes to the floor.

This bill, however, sort of magically appeared in Rules Committee. It didn't go through the committee of jurisdiction which, at the very least, would include the Veterans' Affairs Committee. It might include other committees as well. It simply appeared and was referred to the floor. So what that means is Members of Congress and a committee did not have a chance to amend it. We don't even know if it would have had a vote in committee and whether it cleared committee. Instead, it just sort of appeared right now.

So, look, we all deeply care, of course, about veterans. I agree with much of what my colleague from Georgia said about the need for the VA to do better.

In Colorado, I have been very involved with our long-overdue, new veterans hospital in Aurora. We have been working many years on getting this completed. In fact, delays have cost taxpayers over $300 million. It continues to leave many who served in our Armed Forces, including many of my constituents, without the convenient, quality care that they were promised.

So I join my colleagues, Mr. PERLMUTTER, Mr. COFFMAN, and many others from our entire Colorado delegation, in, of course, wanting to improve the quality of services at the VA. We had issues as well with fraudulent overbilling and mislabeling of the amount of time that patients waited out of our Fort Collins facility.

There are a number of problems with this bill, but one of them that I want to briefly mention is that it can actually lead to less accountability in the VA because it could lead to the punishment of whistleblowers, of employees who speak up against mismanagement.

When you are looking at passing a thoughtful human resources policy or personnel policy—and I don't dispute that we need to work with the VA to come up with a better way of doing it—you want to make sure that somebody who is a whistleblower is adequately protected. If somebody comes forward and says, you know what, we are doing mislabeling of timesheets, or, you know what, I know why this project is $300 million over budget, and this might be because of X, Y, or Z, it doesn't always rise to the Federal level of whistleblower.

We just want good employees to not feel that they can be fired for coming forward with the truth about misconduct. This bill does not do that. In fact, it will make those who have useful information that can lead to systemic improvements at the VA more hesitant to come forward with that information.

The bill removes a due process protection for VA employees and reduces the amount of time they have to respond to a termination by two-thirds, from 30 days to 10 days. We all want to move expeditiously, but it seems like 30 days is a reasonable timeframe. There is no evidence given as to why that 20-day reduction is needed. I haven't heard any.

It also eliminates a requirement that supervisors provide specific examples of poor performance when an employee is terminated—of course, there should be reasons given—opening the door for unnecessary firings and leaving VA employees with no recourse or rebuttal.

In any organization, employee morale is critical. And to create an environment of paranoia in any enterprise—a company, an agency—is not conducive to furthering the mission. Creating this kind of uncertainty and chaos from a personnel perspective within the VA would likely only make our services to veterans even harder to provide and worse by decreasing employee morale, therefore, making it harder to attract the type of quality caregivers and administrators that we need to facilitate the VA program.

Look, this bill is an attempt to make long-overdue reforms. I wish that it was a thoughtful, bipartisan attempt. I wish it had gone through committee. I wish the committee had worked on it, marked it up, and reported it out with bipartisan support; but that is not what has happened here.

This bill appeared at the last minute, throws away basic rights of employees, reduces morale, endangers whistleblowers, and does very little to improve the quality of services of the VA

or, frankly, the accountability of the employees of the VA, both at the management level and at the worker level.

Like a lot of ideas that we debate here, of course, there is a kernel of an idea here. Yes, we want to work together to reform the VA. We agree with that. My colleague from Georgia gave a lot of reasons. I could give my own. I mentioned the price overrides in our hospital in Aurora. I have mentioned the manipulated timesheets in Fort Collins. I have mentioned, like my colleague from Georgia, just the individual cases where I have had constituents that we have had to help navigate an overly complex bureaucracy and they shouldn't have to go to their Member of Congress.

For men and women who have served our country, for men and women who were injured in the line of duty, for men and women who are disabled from a service-related injury, we owe them our very best. They stood up and defended our freedom, and we owe them all the highest quality of care to take care of them through our VA system, or through Veterans Choice, and the other types of programs that serve our veterans' community. Of course, we need to reform and do better in the VA.

Again, rather than this kind of irresponsible, appeared-out-of-nowhere magical bill that would actually penalize the very whistleblowers that we need to tell us about misconduct and would decrease morale even further in an agency where it has already been impacted, let's start fresh. Let's work together. Let's go back to committee. Let's come up with a thoughtful approach to improving the VA. And let's make this happen.

I reserve the balance of my time.

Mr. COLLINS of Georgia. Mr. Speaker, this has to be the slowest magic trick I have ever seen in my life. This actually, as written, was introduced and also noticed for amendment 2 months ago—sort of a delay in timing. That is a pretty good magic trick. I guess in the last 2 months, you haven't had a chance to read it. Oh, well.

Mr. POLIS. Will the gentleman yield?

Mr. COLLINS of Georgia. I yield to the gentleman from Colorado.

Mr. POLIS. In those 2 months, why wasn't there a time for this to go through the committee process and regular order?

Mr. COLLINS of Georgia. Mr. Speaker, I reclaim my time.

The vast bulk of this bill did. H.R. 1994 passed out of this House. Frankly, this is a good bill that needs to move forward, and it is a protection of bad workers at the expense of the veterans. If you want to vote against this then that is what you are saying. You are wanting to vote to protect bad workers instead of getting the VA where it needs to go.

Sixteen whistleblower groups have said this is the strongest whistleblower protection they have ever seen. So this idea that you are punishing whistleblowers is, again, just a myth.

I just have one thing, Mr. Speaker, before I yield to the gentleman from Oregon. Thirty days to respond to showing up drunk for surgery in one of the examples that I gave? You don't need 30 days to respond to that. You need to be fired immediately. So I am not sure what the argument is here.

I will agree with my friend from Colorado that we need to fix this. I think we may have different ways to go about it. But again, at the expense of the good workers at the VA, we need to address this.

I yield such time as he may consume to the gentleman from Oregon (Mr. WALDEN).

□ 1330

Mr. WALDEN. Mr. Speaker, I thank my good friend and the gentleman for yielding and for his comments. You are so spot on.

On Saturday morning in Medford, Oregon, I met with about 40 veterans who are furious about the delays in getting access to care, and the fact that they can't maintain providers at the local facility. And, by the way, that is not unique just there. I don't know about you, but I am hearing all across my district, all across Oregon, that these clinics and hospitals are having trouble recruiting people, keeping people. Morale is already bad, and part of it is because there is this lack of discipline.

I agree, Mr. COLLINS, that if you are a surgeon and you showed up drunk for the surgery, we are going to give you 30 days to dry out and explain yourself? Are you kidding me? If you were a pilot and showed up drunk for the flight, I can tell you what happens, right? You are done. And so this is part of the problem.

The people I represent, the veterans, as you say, the men and women who have fought for our freedom, as you have done, they want action, not delay. They want access to care in a timely manner. Everything in this bill, interestingly enough, came up in our discussion from them. How come you are paying bonuses to people that aren't doing their job? Why do they get bonuses at all? Isn't that what we pay them to do? This bill fixes that. Why is it when we raise complaints internally, you know, there is retribution? This bill protects whistleblowers. Why isn't there more transparency about what happens inside the VA? This bill gets at that.

Accountability and transparency will lead us to a better VA, and the dedicated men and women who work in those facilities will feel better about their organization if they know the people who are letting down the veterans that are around them are somehow held accountable. That is true in any organization. I was a small-business owner for 21 years with my wife. This wasn't a you show up drunk on the job and we will talk about it in a month. That is not how this works, and nobody expects that kind of thing.

So, look, we need to reform the VA. We need to take care of our men and women in uniform. We need to claw back the bonuses. We need to get this ship righted. We have helped 5,000 veterans out of my office over the last number of years—5,000.

Ask yourself this: Why do we all have to have staff in our district offices to help veterans work their way through the bureaucracy to get the help that they have earned and deserve? Yet we all do because we care and we want to help. But somewhere you have to back up and go: Why do we all have to hire people to help these veterans get to that point? That shouldn't be necessary. They ought to be embraced by the agency. They ought to be cared for immediately, and it should be a complete last resort that they have to actually track down their Member of Congress to say: ''Can you help bust through the bureaucracy because my loved one doesn't get access to care?'' or ''I can't get access to care.''

This is fundamentally a broken system that needs repair. I think we all agree on that. That is not a partisan issue. None of this should be. We should protect whistleblower rights. This bill does that. We should recoup the bonuses when they were given to undeserving employees, and we should increase transparency. But most of all, we should start with what matters most, and that is the veteran, and build everything out from there. That should be our foremost commitment and our starting place, what is best for that veteran and that veteran's family.

Mr. POLIS. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. I thank the gentleman from Colorado, and I want to thank the gentleman from California (Mr. TAKANO), my colleague and the ranking member, for his work on this important issue as well.

Mr. Speaker, I was disappointed to see that my amendment was not made in order. I would like to take this opportunity, really, to expand on something the gentleman from Oregon (Mr. WALDEN) had to say.

Congressman TAKANO and I had simply offered an amendment that would ensure we could improve the process for removing employees for misconduct or performance that warrants removal. It is reprehensible, and it ought to take action.

This amendment that we introduced mirrored legislation introduced by our colleagues Senator JOHNNY ISAKSON and Senator RICHARD BLUMENTHAL. They have developed, by contrast, a bipartisan bill, the Veterans First Act, which will be a critical step to achieving true accountability that the VA so desperately needs to be an efficient agency for the men and women who serve this Nation. It has more than 44 cosponsors, including Senator BOOZMAN, Senator BLUNT, Senator ROUNDS, Senator DAINES. All have supported language that we merely requested be in the bill to improve accountability at the VA that is sorely needed, while

also protecting—and we have heard this a lot from our colleagues on the other side—due process: the due process of the whistleblower, the due process of people who are employed in the Federal Government.

We have a bipartisan-supported bill in the Senate that will take much-needed steps for comprehensive due process and accountability within the VA. This is what the American people despise. Here we are in total agreement on what we need to do with veterans, but because of talking points, in the House we are at a difference for political messaging. We shouldn't make veterans the point of political messaging.

We ought to make sure that the veterans get the kind of service that they need, and when we have a bill in the Senate that is bipartisanly approved and accepted and does just that, that is the kind of bill that we ought to embrace.

Mr. COLLINS of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do appreciate my friend from Connecticut, and the issue was there were two Takano amendments. One is made in order that does a similar thing, but also to simply say that the Senate bill, which was reported out in May, has never been taken up in the Senate because they have had significant opposition to it. In fact, the only way they got it reported out was union groups and others, they had to make changes to it to get their agreement.

I think at this point we are putting veterans first, not these outside interest groups. I think we just need to understand that the Senate bill has not moved. The Senate bill, in fact, has not passed out of the Senate and shows no hope of passing out of the Senate at this point, and so why should we take that, frankly, product and come over here when we have a bill that can move.

We are offering as many of these amendments as possible. We are going to be voting on my friend from California's amendment as well today. These are the kinds of things where I think we just need to look at this bill for what it is. It is helping veterans. The bottom line is not just simply saying this is what we are doing. This is coming from VA employees, VA employees who are saying help us not be, you know, categorized with all the other things that are going on and with those that are actually bringing what we do down, and also trying to help the appeals process in this situation.

So I appreciate the words of the Members, Mr. Speaker, coming forward on this, but let's also be very honest with what is happening in both Chambers of the bicameral legislature. We have one bill over there that is not going anywhere that was reported out. We have an amendment that will be voted on today that reflects the gentleman from California's concern. We will see how that will be decided by this body. We are moving forward on a bill that will actually help, and we encourage everybody to be a part of that.

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

The SPEAKER pro tempore. Without objection, the gentlewoman from New York (Ms. SLAUGHTER) will control the remainder of the time of the minority.

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from California (Mr. TAKANO), the distinguished ranking member of the Committee on Veterans' Affairs.

Mr. TAKANO. Mr. Speaker, I thank the gentlewoman from New York for yielding me time.

Mr. Speaker, I rise in opposition to this rule and the underlying bill. All of us, Democrats and Republicans, believe in the need for stronger accountability for employees at the VA to ensure that our veterans get the care they deserve. Unfortunately, this legislation will fall short of that goal and, in doing so, set accountability efforts back for at least a year, if not more.

Our Senate colleagues have a bipartisan bill that includes accountability provisions that could serve as a foundation for legislation in the House. It doesn't mean it is perfect; it doesn't mean in its current form it would be voted out of the Senate; but it is a far more bipartisan approach than the one that is before us today. We have an opportunity to advance language that both parties in both Chambers can agree to and would contribute to a more accountable and more effective VA.

H.R. 1994 and the current bill before us, H.R. 5620, both contain flawed accountability tools, tools which, if the VA used them, would likely result in adverse judgments in the courts and cost a lot of time and money pursuing with the likely result of those employees being reinstated.

Democrats are ready to work with the majority to find the right path forward. That is why 75 Democratic or bipartisan amendments were submitted to the Committee on Rules. Unfortunately, only 22 amendments were made in order to be considered by the full Chamber.

One of my amendments not made in order included a crucial fix to support and protect student veterans who have their education cut short by a school's abrupt closure. When a college or university like ITT Tech or Corinthian shutters its doors on short notice, student veterans enrolled at these institutions are routinely left with their GI Bill and Yellow Ribbon benefits severely weakened or even depleted and with no degree or job prospects to show for it. There is urgency to put a fix in place, and my amendment would do that.

There are no means in place for a student veteran enrolled at one of these institutions to get any part of their educational benefits restored, and many also lose their housing benefits, which student veterans depend on as a crucial source of housing support.

The bipartisan amendment I submitted with Representative SUSAN BROOKS would have restored post-9/11 GI Bill benefits and training time to veterans who are negatively affected by a school's sudden closure, and it would also allow the VA to continue paying student veterans a monthly housing stipend for a short time following a permanent school closure.

There are even more important amendments that this House won't get to consider.

Congresswoman DELBENE from Washington State offered an amendment to update the Advisory Committee on Minority Veterans, including LGBT representatives, and ensure that this committee better addresses the needs of all minorities.

My colleague, Congressman WALZ, offered an amendment to extend the original deadline issued by the Agent Orange Act of 1991 to ensure that Vietnam veterans exposed to Agent Orange receive just compensation and care.

Another colleague on the House Committee on Veterans' Affairs, Congresswoman KUSTER, offered an amendment to help improve access to care for veterans and strengthen the healthcare workforce by creating a pilot program to train physician assistants who agree to work at the VA in underserved communities.

She also submitted an amendment to address the opioid crisis by creating a pilot program that improves pain management for veterans suffering from opioid addiction and chronic pain. It also requires the VA to assess its ability to treat opioid dependency. It also requires increased access to opioid overdose reversal medication at VA facilities.

Access to care and reducing opioid addiction are some of the most pressing issues facing veterans today, yet neither of her amendments were made in order.

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

Ms. SLAUGHTER. Mr. Speaker, I yield an additional 1 minute to the gentleman.

Mr. TAKANO. Instead, the majority has once again introduced a partisan bill that violates the due process rights of VA employees and includes several provisions that are likely to be overturned by our justice system, which is why the Department of Justice, Office of Personnel Management, and the VA itself have all raised serious objections.

Even though 30 percent of VA employees are veterans themselves, the majority is treating their constitutional rights as inconvenient obstacles to evade instead of fundamental civil service protections to uphold.

Finally, I believe that the majority's efforts to institute new whistleblower provisions would be overturned for the same reason that the U.S. Attorney General's office said it would not defend an unconstitutional section of the

Choice Act. It violates the Appointments Clause in the Constitution by allowing lower level government employees to have the final decisionmaking authority to decide whether an employee will be fired.

These are more than minor legal concerns. They are reasons why VA employees who commit misconduct will not be held accountable when their terminations are challenged in court. We can pass H.R. 5620, but we will be right back here a year from now or 2 years from now when the law is deemed unconstitutional.

I urge my colleagues to oppose the rule and the underlying bill.

□ 1345

Mr. COLLINS of Georgia. Mr. Speaker, I yield myself such time as I may consume.

I feel for the passion of my friend from California, but let's also get back to some issues of fact here. His amendment that was not made in order would not have helped the ITT Tech students. In fact, the VA itself has already said it wouldn't. By the way, it also costs $50 million. It wouldn't help the very ones we are claiming it would help, but the VA says this, not us.

Again, are we wanting to help somebody or make, again, a political statement about a bill that you are trying to figure out a way to vote against?

Maybe that is what we are doing here.

Also, this issue of bipartisanship. Thirty pieces of legislation have been passed on VA, of which 29 have had Democrat or bipartisan provisions added in them in this Congress. By the way, the Senate has passed none of those. If you want to know who is actually working to fix the problems in the VA, it is the House.

To keep bringing up and having a baseline and say we need the baseline of a Senate bill that can't move, I mean, that is like saying that I still want to play football for the Atlanta Falcons. It is not happening. It is a great, I guess, aspirational goal, but they haven't called me lately.

So let's move something that actually works. This idea that it is going to be struck down in court, I am an attorney; it is conjecture. You don't have a ruling that says that. You can say it all you want. I can go to the good judge from Texas, Mr. Speaker. Nobody has made a ruling. So it is conjecture. It sounds good in an argument if you are trying to find a reason to vote against it.

This bill would harm veterans because veterans make up 35 percent of the VA's workforce. This one is the one that bothers me a little bit. As someone who still serves, when you go through training and you work—and many in this room have served—you are trained in the military to the highest expectations of your service every day. And if you are forced to work with people who do not live up to those expectations, then the immediate punishment in the military is real, severe, and actual. This is ridiculous. We are lowering the standard for appeal when you have done something.

There has been this argument that we are just picking on the low-level employees. No, it is not. It is for everyone all the way up the chain.

In my own home State, Mr. Speaker, we had a gentleman who was directly implicated in the scheduling issues in Augusta and asked for a transfer to Atlanta because he was not liking the working conditions in Augusta. He should have never got a transfer to Decatur. He should have been fired and prosecuted.

Now, if we want to keep coming up with reasons to vote against this bill, fine and dandy. Keep it up.

When we look at the honesty here of the questions and we look at how we are discussing this and some of the amendments that were made in order, let's go back to the amendments. Sixteen Democrat amendments made in order, five Republican, one bipartisan. Many of the applications had dual meaning. They were doing basically the same thing, so we made some in order. And then some of the amendments that were not made in order would not have done what they said they were going to do anyway.

So we are about a rule, about a bill. If you want to vote against it, if you would rather put the appeals process of bad employees ahead of VA actual services and veterans who need it, then vote against it. But you just framed it.

Go spin that one to your local veterans service organizations who support these kinds of measures. Go spin that one to them. It is not going to work. They are not buying it. I have been there for a while.

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

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

Mr. Speaker, this bill is not a serious proposal to reform the Department of Veterans Affairs, although we certainly know that needs to be done. I think a major bill should be in order to get that done. And the Veterans Administration is vastly overstretched and we are concerned for the safety and healing of the veterans. My personal hope is that we can get them out of the building business and just do the business of taking care of veterans' health and concerns.

We should also be voting on a bill that includes the funding that we need to address the Zika virus. The head of the Centers for Disease Control, Tom Frieden, recently warned that, ''The cupboard is bare. Basically, we are out of money and we need Congress to act.''

Mr. Speaker, if we defeat the previous question, I will offer an amendment to the rule to bring up legislation that would fully fund the administration's request to address this public health crisis. This request was made more than 7 months ago to help combat the spread of this virus, when I think we would have done better to control it and accelerate research into finding a vaccine. We have, instead, just been left behind in trying to get caught up on some of that. Over that time, the virus is spreading at an alarming rate, as the range of mosquito transmission far exceeds the initial estimates. It is beyond time for us to finally act. Just today, I read that they have discovered that the Zika virus can cause brain damage to adults, not just to fetuses.

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

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

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I urge my colleagues to vote ''no'' on ordering the previous question, the rule, and the underlying bill.

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

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

Mr. Speaker, I guess, as they always try to say, you start off with something positive. So I will start with positive.

I agree with the gentlewoman from New York: they need to get out of the building business. They have proved totally incompetent. I agree completely. But then let's get back to the bill. Let's get back to what we have talked about.

What is amazing to me in this whole rules debate, and I am sure will happen in the general debate on this bill, is there is going to be a lot of reasons given to vote ''no'' and to say this due process or this employee or that. But the bottom line is, when you look at the evidence, I understand we all have constituencies that have different opinions, but at the Veterans Administration there is only one constituency that matters, and that is the veteran who has served, who is to be served, and to have their dedication honored.

To actually come before this body and advocate for a bill that can't pass the Senate after it has been watered down, that can't move forward, to advocate to say that we are making every excuse in the world like, You are going to make them at-will employees at the VA—I heard this last night. No, you are not. There is still the same hiring programs. It is just that, if you do something wrong, there is going to be a process to actually remove you. Frankly, Mr. Speaker, if the Secretary at the VA can't do the things he should do, then maybe he should be removed.

At this point in time, this House and the Senate, this Congress, and even this administration, have acted. We have provided funds, we have provided resources, and we have provided direction. But you cannot continue to keep

building on a faulty foundation. If you can't get rid of the bad actors in this, if you can't have an appeals process in which somebody can get an answer in a shorter time than 3 years, there is a problem.

Here is the framing of that, Mr. Speaker. If you believe that is okay, then vote ''no'' on the previous question, vote ''no'' on the rule, and vote ''no'' on the bill. If you think the Senate can pass something, wait for them. But as they say, for such a time as this, you have a moment. It is a moment of choosing. It is a time to decide: Are we going to continue to make excuses or are we going to put the veterans first—and those veterans who actually work within the VA system, who are tired of watching others abuse it?

To actually say, again, Mr. Speaker, that you are going to harm the veterans who work for the VA by disciplining bad employees is an affront to every veteran who works at the VA, every Active Duty servicemember, every reservist and guardsman who have lived to the highest standards of honor and integrity and doing their job.

There are bad actors everywhere, even in the military; and when found, they are handled efficiently and quickly. That exists everywhere else except here.

So if you want to continue the status quo, then make speeches. If you want to move something forward and work toward a solution, then you vote ''yes'' on the previous question, you vote ''yes'' on the rule, and you vote ''yes'' on the bill.

Then you can go home to your veterans service organizations and people trying to get help and say: I tried to move something. I am actually moving for you.

Or you can go back and say: You know, I am protecting the employees and the unions and the appeals process and due process while all at the point in time our veterans are dying because they can't get services.

Easy choice, Mr. Speaker. Easy choice.

With that, I challenge my colleagues to continue to work on this issue. We can disagree, but that disagreement should never stop us from helping the veterans who need help to lower their appeals time, to get the sufficient organization that they deserve and this country deserves. Not just our veterans, but our taxpayers, the citizens who look up to this Government, they deserve a functioning, operating system that meets the needs to the highest integrity that they have been given charge to.

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

AN AMENDMENT TO H. RES. 859 OFFERED BY MS. SLAUGHTER

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

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

SEC. 3. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 5044.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

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

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adopting House Resolution 859, if ordered; ordering the previous question on House Resolution 858; and adopting House Resolution 858, if ordered.

The vote was taken by electronic device, and there were—yeas 237, nays 170, not voting 24, as follows:

[Roll No. 498]

YEAS—237

Abraham	Carter (GA)	Ellmers (NC)
Aderholt	Carter (TX)	Emmer (MN)
Allen	Chabot	Farenthold
Amash	Chaffetz	Fitzpatrick
Amodei	Clawson (FL)	Fleischmann
Babin	Coffman	Fleming
Barletta	Cole	Flores
Barr	Collins (GA)	Forbes
Barton	Collins (NY)	Fortenberry
Benishek	Comstock	Foxx
Bilirakis	Conaway	Franks (AZ)
Bishop (MI)	Cook	Frelinghuysen
Bishop (UT)	Costello (PA)	Garrett
Black	Cramer	Gibbs
Blackburn	Crawford	Gibson
Blum	Crenshaw	Gohmert
Bost	Culberson	Goodlatte
Boustany	Curbelo (FL)	Gosar
Brady (TX)	Davidson	Gowdy
Brat	Davis, Rodney	Granger
Bridenstine	Denham	Graves (GA)
Brooks (AL)	Dent	Graves (LA)
Brooks (IN)	DeSantis	Graves (MO)
Buchanan	Diaz-Balart	Griffith
Buck	Dold	Grothman
Bucshon	Donovan	Hanna
Burgess	Duffy	Hardy
Byrne	Duncan (SC)	Harper
Calvert	Duncan (TN)	Harris

Hartzler
Heck (NV)
Hensarling
Herrera Beutler
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Jolly
Jones
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palmer
Paulsen
Pearce
Perry
Pittenger
Pitts
Poe (TX)
Poliquin
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NAYS—170

Adams
Aguilar
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castro (TX)
Chu, Judy
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Honda
Hoyer
Huffman
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schrader
Scott (VA)
Scott, David
Serrano
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—24

Brady (PA)
Castor (FL)
Cicilline
Costa
DesJarlais
Duckworth
Fincher
Guinta
Guthrie
Hinojosa
Israel
Johnson, Sam
Kirkpatrick
Luján, Ben Ray (NM)
Meeks
Meng
Palazzo
Payne
Pelosi
Pompeo
Rush
Schiff
Sewell (AL)
Wagner

□ 1419

Mr. LOEBSACK and Mrs. NAPOLITANO changed their vote from ''yea'' to ''nay.''

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

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. POE of Texas). The question is on the resolution.

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

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 241, nays 169, not voting 21, as follows:

[Roll No. 499]

YEAS—241

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

NAYS—169

Adams
Aguilar
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Honda
Hoyer
Huffman
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Perlmutter
Peters
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schrader
Scott (VA)
Scott, David
Serrano
Sherman
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Wasserman Schultz

Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—21

Brady (PA)
Cicilline
DesJarlais
Duckworth
Fincher
Guinta
Guthrie
Hinojosa
Israel
Johnson, Sam
Kirkpatrick
Luján, Ben Ray (NM)
Meeks
Meng
Palazzo
Payne
Pelosi
Pompeo
Rush
Schiff
Sewell (AL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1426

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 3590, HALT TAX INCREASES ON THE MIDDLE CLASS AND SENIORS ACT

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 858) providing for consideration of the bill (H.R. 3590) to amend the Internal Revenue Code of 1986 to repeal the increase in the income threshold used in determining the deduction for medical care, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 237, nays 171, not voting 23, as follows:

[Roll No. 500]

YEAS—237

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

NAYS—171

Adams
Aguilar
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Clark (MA)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Honda
Hoyer
Huffman
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schrader
Scott (VA)
Scott, David
Serrano
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—23

Brady (PA)
Cicilline
Clarke (NY)
DesJarlais
Duckworth
Fincher
Guinta
Guthrie
Hinojosa
Israel
Johnson, Sam
Kirkpatrick
Luján, Ben Ray (NM)
Meeks
Meng
Palazzo
Payne
Pelosi
Pompeo
Rush
Schiff
Sewell (AL)
Stivers

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1432

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Ms. CLARKE of New York. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted: Rollcall No. 500, "nay."

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

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

RECORDED VOTE

Ms. SLAUGHTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 239, noes 169, not voting 23, as follows:

[Roll No. 501]

AYES—239

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

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

NOES—169

Adams
Aguilar
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Honda
Hoyer
Huffman
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schrader
Scott (VA)
Scott, David
Serrano
Sherman
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—23

Brady (PA)
Cicilline
DesJarlais
Duckworth
Fincher
Guinta
Guthrie
Hinojosa
Israel
Johnson, Sam
Kirkpatrick
Luján, Ben Ray (NM)
Meeks
Meng
Palazzo
Payne
Pelosi
Pompeo
Price (NC)
Rush
Schiff
Sewell (AL)
Waters, Maxine

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1438

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted "nay" on rollcall Nos. 498, 499, 500, and 501.

RESIGNATIONS AS MEMBER OF COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM AND COMMITTEE ON NATURAL RESOURCES

The SPEAKER pro tempore laid before the House the following resignations as a member of the Committee on Oversight and Government Reform and the Committee on Natural Resources:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 13, 2016.

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

DEAR MR. SPEAKER: I, Matthew A. Cartwright, am submitting my resignation from the Committee on Oversight and Government Reform and the House Committee on Natural Resources effective immediately. It has been a privilege and honor to have served on these committees as they fought to make government more accountable, transparent, and effective and worked to protect our environment and natural resources.

I look forward to working to shape spending that can have a tremendous effect on the lives of seniors, veterans, children, students, commuters, federal workers, federal contractors, and military service personnel with my new assignment to the House Committee on Appropriations. I will be a powerful voice for a budget that invests in America, creates more good-paying jobs, and strengthens hard-working families.

Sincerely,

MATT CARTWRIGHT.

The SPEAKER pro tempore. Without objection, the resignations are accepted.

There was no objection.

ELECTING A MEMBER TO A CERTAIN STANDING COMMITTEE OF THE HOUSE OF REPRESENTATIVES

Mr. BECERRA. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 862

Resolved, That the following named Member be and is hereby elected to the following standing committee of the House of Representatives:

(1) COMMITTEE ON APPROPRIATIONS.—Mr. Cartwright.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

STRENGTHENING CAREER AND TECHNICAL EDUCATION FOR THE 21ST CENTURY ACT

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5587) to reauthorize the Carl D. Perkins Career and Technical Education Act of 2006, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5587

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Strengthening Career and Technical Education for the 21st Century Act''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

SEC. 3. REFERENCES.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.).

SEC. 4. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect beginning on July 1, 2017.

SEC. 5. TABLE OF CONTENTS OF THE CARL D. PERKINS CAREER AND TECHNICAL EDUCATION ACT OF 2006.

Section 1(b) is amended to read as follows:

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

SEC. 6. PURPOSE.

Section 2 (20 U.S.C. 2301) is amended—

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

(A) by striking ''academic and career and technical skills'' and inserting ''academic knowledge and technical and employability skills''; and

(B) by inserting ''and programs of study'' after ''technical education programs'';

(2) in paragraph (3), by striking '', including tech prep education''; and

(3) in paragraph (4), by inserting ''and programs of study'' after ''technical education programs''.

SEC. 7. DEFINITIONS.

Section 3 (20 U.S.C. 2302) is amended—

(1) by striking paragraphs (16), (23), (24), (25), (26), and (32);

(2) by redesignating paragraphs (8), (9), (10), (11), (12), (13), (14), (15), (17), (18), (19), (20), (21), (22), (27), (28), (29), (30), (31), (33), and (34) as paragraphs (9), (10), (13), (16), (17), (19), (20), (23), (25), (27), (28), (30), (32), (35), (39), (40), (41), (44), (45), (46), and (47), respectively;

(3) in paragraph (3)—

(A) in subparagraph (B), by striking ''5 different occupational fields to individuals'' and inserting ''3 different fields, especially in in-demand industry sectors or occupations, that are available to all students''; and

(B) in subparagraph (D), by striking ''not fewer than 5 different occupational fields'' and inserting ''not fewer than 3 different occupational fields'';

(4) in paragraph (5)—

(A) in subparagraph (A)—

(i) in clause (i)—

(I) by striking ''coherent and rigorous content aligned with challenging academic standards'' and inserting ''content at the secondary level aligned with the challenging State academic standards adopted by a State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)), and at the postsecondary level with the rigorous academic content,''

(II) by striking ''and skills'' and inserting ''and skills,''; and

(III) by inserting '', including in in-demand industry sectors or occupations'' before the semicolon at the end;

(ii) in clause (ii), by striking '', an industry-recognized credential, a certificate, or an associate degree'' and inserting ''or a recognized postsecondary credential, which may include an industry-recognized credential''; and

(iii) in clause (iii), by striking ''and'' at the end;

(B) in subparagraph (B)—

(i) by inserting '', work-based, or other'' after ''competency-based'';

(ii) by striking ''contributes to the'' and inserting ''supports the development of'';

(iii) by striking the period at the end and inserting a semicolon; and

(iv) by striking ''general''; and

(C) by adding at the end the following:

''(C) to the extent practicable, coordinate between secondary and postsecondary education programs, which may include early college programs with articulation agreements, dual or concurrent enrollment program opportunities, or programs of study; and

''(D) may include career exploration at the high school level or as early as the middle grades (as such term is defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)).'';

(5) in paragraph (7)—

(A) in subparagraph (A), by striking ''(and parents, as appropriate)'' and inserting ''(and, as appropriate, parents and out-of-school youth)''; and

(B) in subparagraph (B), by striking ''financial aid,'' and all that follows through the period at the end and inserting ''financial aid, job training, secondary and postsecondary options (including baccalaureate degree programs), dual or concurrent enrollment programs, work-based learning opportunities, and support services.'';

(6) by inserting after paragraph (7) the following:

''(8) CAREER PATHWAYS.—The term 'career pathways' has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).'';

(7) by inserting after paragraph (10) (as so redesignated by paragraph (2)) the following:

''(11) CTE CONCENTRATOR.—The term 'CTE concentrator' means—

''(A) at the secondary school level, a student served by an eligible recipient who has—

''(i) completed 3 or more career and technical education courses; or

''(ii) completed at least 2 courses in a single career and technical education program or program of study; or

''(B) at the postsecondary level, a student enrolled in an eligible recipient who has—

''(i) earned at least 12 cumulative credits within a career and technical education program or program of study; or

''(ii) completed such a program if the program encompasses fewer than 12 credits or the equivalent in total.

''(12) CTE PARTICIPANT.—The term 'CTE participant' means an individual who completes not less than 1 course or earns not less than 1 credit in a career and technical education program or program of study of an eligible recipient.'';

(8) by inserting after paragraph (13) (as so redesignated by paragraph (2)) the following:

''(14) DUAL OR CONCURRENT ENROLLMENT.—The term 'dual or concurrent enrollment' has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(15) EARLY COLLEGE HIGH SCHOOL.—The term 'early college high school' has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).'';

(9) by inserting after paragraph (17) (as so redesignated by paragraph (2)) the following:

''(18) ELIGIBLE ENTITY.—The term 'eligible entity' means a consortium that—

''(A) shall include at least two of the following:

''(i) a local educational agency;

''(ii) an educational service agency;

''(iii) an eligible institution;

''(iv) an area career and technical education school;

''(v) a State educational agency; or

''(vi) the Bureau of Indian Education;

''(B) may include a regional, State, or local public or private organization, including a community-based organization, one or more employers, or a qualified intermediary; and

''(C) is led by an entity or partnership of entities described in subparagraph (A).'';

(10) by amending paragraph (19) (as so redesignated by paragraph (2)) to read as follows:

''(19) ELIGIBLE INSTITUTION.—The term 'eligible institution' means—

''(A) a consortium of 2 or more of the entities described in subparagraphs (B) through (F);

''(B) a public or nonprofit private institution of higher education that offers and will use funds provided under this title in support of career and technical education courses that lead to technical skill proficiency, an industry-recognized credential, a certificate, or an associate degree;

''(C) a local educational agency providing education at the postsecondary level;

''(D) an area career and technical education school providing education at the postsecondary level;

''(E) a postsecondary educational institution controlled by the Bureau of Indian Affairs or operated by or on behalf of any Indian tribe that is eligible to contract with the Secretary of the Interior for the administration of programs under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or the Act of April 16, 1934 (25 U.S.C. 452 et seq.); or

''(F) an educational service agency.'';

(11) by amending paragraph (20) (as so redesignated by paragraph (2)) to read as follows:

''(20) ELIGIBLE RECIPIENT.—The term 'eligible recipient' means—

''(A) an eligible institution or consortium of eligible institutions eligible to receive assistance under section 132; or

''(B) a local educational agency (including a public charter school that operates as a local educational agency), an area career and technical education school, an educational service agency, or a consortium of such entities, eligible to receive assistance under section 131.'';

(12) by adding after paragraph (20) (as so redesignated by paragraph (2)) the following:

''(21) ENGLISH LEARNER.—The term 'English learner' means—

''(A) a secondary school student who is an English learner, as defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801); or

''(B) an adult or an out-of-school youth who has limited ability in speaking, reading, writing, or understanding the English language and—

''(i) whose native language is a language other than English; or

''(ii) who lives in a family environment in which a language other than English is the dominant language.

''(22) EVIDENCE-BASED.—The term 'evidence-based' has the meaning given the term in section 8101(21)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(21)(A)).'';

(13) by inserting after paragraph (23) (as so redesignated by paragraph (2)) the following:

''(24) IN-DEMAND INDUSTRY SECTOR OR OCCUPATION.—The term 'in-demand industry sector or occupation' has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).'';

(14) by inserting after paragraph (25) (as so redesignated by paragraph (2)) the following:

''(26) INDUSTRY OR SECTOR PARTNERSHIP.—The term 'industry or sector partnership' has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).'';

(15) by inserting after paragraph (28) (as so redesignated by paragraph (2)) the following:

''(29) LOCAL WORKFORCE DEVELOPMENT BOARD.—The term 'local workforce development board' means a local workforce development board established under section 107 of the Workforce Innovation and Opportunity Act.'';

(16) by inserting after paragraph (30) (as so redesignated by paragraph (2)) the following:

''(31) OUT-OF-SCHOOL YOUTH.—The term 'out-of-school youth' has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).'';

(17) by inserting after paragraph (32) (as so redesignated by paragraph (2)) the following:

''(33) PARAPROFESSIONAL.—The term 'paraprofessional' has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(34) PAY FOR SUCCESS INITIATIVE.—The term 'pay for success initiative' has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801), except that such term does not include an initiative that—

''(A) reduces the special education or related services that a student would otherwise receive under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.); or

''(B) otherwise reduces the rights of a student or the obligations of an entity under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), or any other law.'';

(18) by inserting after paragraph (35) (as so redesignated by paragraph (2)) the following:

''(36) PROGRAM OF STUDY.—The term 'program of study' means a coordinated, nonduplicative sequence of secondary and postsecondary academic and technical content that—

''(A) incorporates challenging State academic standards, including those adopted by a State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)), that—

''(i) address both academic and technical knowledge and skills, including employability skills; and

''(ii) are aligned with the needs of industries in the economy of the State, region, or local area;

''(B) progresses in specificity (beginning with all aspects of an industry or career cluster and leading to more occupational specific instruction);

''(C) has multiple entry and exit points that incorporate credentialing; and

''(D) culminates in the attainment of a recognized postsecondary credential.

''(37) QUALIFIED INTERMEDIARY.—The term 'qualified intermediary' means a non-profit entity that demonstrates expertise to build, connect, sustain, and measure partnerships with entities such as employers, schools, community-based organizations, postsecondary institutions, social service organizations, economic development organizations, and workforce systems to broker services, resources, and supports to youth and the organizations and systems that are designed to serve youth, including—

''(A) connecting employers to classrooms;

''(B) assisting in the design and implementation of career and technical education programs and programs of study;

''(C) delivering professional development;

''(D) connecting students to internships and other work-based learning opportunities; and

''(E) developing personalized student supports.

''(38) RECOGNIZED POSTSECONDARY CREDENTIAL.—The term 'recognized postsecondary credential' has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).'';

(19) in paragraph (41) (as so redesignated by paragraph (2))—

(A) in subparagraph (B), by striking ''foster children'' and inserting ''youth who are in or have aged out of the foster care system'';

(B) in subparagraph (E), by striking ''and'' at the end;

(C) in subparagraph (F), by striking ''individuals with limited English proficiency.'' and inserting ''English learners;''; and

(D) by adding at the end the following:

''(G) homeless individuals described in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a); and

''(H) youth with a parent who—

''(i) is a member of the armed forces (as such term is defined in section 101(a)(4) of title 10, United States Code); and

''(ii) is on active duty (as such term is defined in section 101(d)(1) of such title).'';

(20) by inserting after paragraph (41) (as so redesignated by paragraph (2)) the following:

''(42) SPECIALIZED INSTRUCTIONAL SUPPORT PERSONNEL.—The term 'specialized instructional support personnel' has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(43) SPECIALIZED INSTRUCTIONAL SUPPORT SERVICES.—The term 'specialized instructional support services' has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).'';

(21) in paragraph (45) (as so redesignated by paragraph (2)) by inserting ''(including paraprofessionals and specialized instructional support personnel)'' after ''supportive personnel''; and

(22) by adding at the end the following:

''(48) UNIVERSAL DESIGN FOR LEARNING.—The term 'universal design for learning' has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(49) WORK-BASED LEARNING.—The term 'work-based learning' means sustained interactions with industry or community professionals in real workplace settings, to the extent practicable, or simulated environments at an educational institution that foster in-depth, first-hand engagement with the tasks required of a given career field, that are aligned to curriculum and instruction.''.

SEC. 8. TRANSITION PROVISIONS.

Section 4 (20 U.S.C. 2303) is amended—

(1) by striking ''the Secretary determines to be appropriate'' and inserting ''are necessary'';

(2) by striking ''Carl D. Perkins Career and Technical Education Improvement Act of 2006'' each place it appears and inserting ''Strengthening Career and Technical Education for the 21st Century Act''; and

(3) by striking ''1998'' and inserting ''2006''.

SEC. 9. PROHIBITIONS.

Section 8 (20 U.S.C. 2306a) is amended—

(1) in subsection (a), by striking ''Federal Government to mandate,'' and all that follows through the end and inserting ''Federal Government—

''(1) to condition or incentivize the receipt of any grant, contract, or cooperative agreement, or the receipt of any priority or preference under such grant, contract, or cooperative agreement, upon a State, local educational agency, eligible agency, eligible recipient, eligible entity, or school's adoption or implementation of specific instructional content, academic standards and assessments, curricula, or program of instruction (including any condition, priority, or preference to adopt the Common Core State Standards developed under the Common Core State Standards Initiative, any other academic standards common to a significant number of States, or any assessment, instructional content, or curriculum aligned to such standards);

''(2) through grants, contracts, or other cooperative agreements, to mandate, direct, or control a State, local educational agency, eligible agency, eligible recipient, eligible entity, or school's specific instructional content, academic standards and assessments, curricula, or program of instruction (including any requirement, direction, or mandate to adopt the Common Core State Standards developed under the Common Core State Standards Initiative, any other academic standards common to a significant number of States, or any assessment, instructional content, or curriculum aligned to such standards); and

''(3) except as required under sections 112(b), 211(b), and 223—

''(A) to mandate, direct, or control the allocation of State or local resources; or

''(B) to mandate that a State or a political subdivision of a State spend any funds or incur any costs not paid for under this Act.''; and

(2) by striking subsection (d) and redesignating subsection (e) as subsection (d).

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

Section 9 (20 U.S.C. 2307) is amended to read as follows:

''SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

''There are to be authorized to be appropriated to carry out this Act (other than sections 114 and 117)—

''(1) $1,133,002,074 for fiscal year 2017;

''(2) $1,148,618,465 for fiscal year 2018;

''(3) $1,164,450,099 for fiscal year 2019;

''(4) $1,180,499,945 for fiscal year 2020;

''(5) $1,196,771,008 for fiscal year 2021; and

''(6) $1,213,266,339 for fiscal year 2022.''.

TITLE I—CAREER AND TECHNICAL EDUCATION ASSISTANCE TO THE STATES

PART A—ALLOTMENT AND ALLOCATION

SEC. 110. RESERVATIONS AND STATE ALLOTMENT.

Paragraph (5) of section 111(a) (20 U.S.C. 2321(a)) is amended—

(1) in subparagraph (A), by striking ''No State'' and inserting ''For each of fiscal years 2017, 2018, and 2019, no State'';

(2) by redesignating subparagraph (B) as subparagraph (C);

(3) by inserting after subparagraph (A), as amended by paragraph (1), the following:

''(B) FISCAL YEAR 2020 AND EACH SUCCEEDING FISCAL YEAR.—For fiscal year 2020 and each of the succeeding fiscal years, no State shall receive an allotment under this section for a fiscal year that is less than 90 percent of the allotment the State received under this section for the preceding fiscal year.''; and

(4) in subparagraph (C), as redesignated by paragraph (2), by striking ''subparagraph (A)'' and inserting ''subparagraph (A) or (B)''.

SEC. 111. WITHIN STATE ALLOCATION.

Section 112 (20 U.S.C. 2322) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''10 percent'' and inserting ''15 percent'';

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking ''1 percent'' and inserting ''2 percent''; and

(II) by striking ''State correctional institutions and institutions'' and inserting ''State correctional institutions, juvenile justice facilities, and educational institutions''; and

(ii) in subparagraph (B), by striking ''available for services'' and inserting ''available to assist eligible recipients in providing services''; and

(C) in paragraph (3)(B), by striking ''a local plan;'' and inserting ''local applications;''; and

(2) in subsection (c), by striking ''section 135'' and all that follows through the end and inserting ''section 135—

''(1) in—

''(A) rural areas;

''(B) areas with high percentages of CTE concentrators or CTE participants; and

''(C) areas with high numbers of CTE concentrators or CTE participants; and

''(2) in order to—

''(A) foster innovation through the identification and promotion of promising and proven career and technical education programs, practices, and strategies, which may include practices and strategies that prepare individuals for nontraditional fields; or

''(B) promote the development, implementation, and adoption of programs of study or career pathways aligned with State-identified in-demand occupations or industries.''.

SEC. 112. ACCOUNTABILITY.

Section 113 (20 U.S.C. 2323) is amended—

(1) in subsection (a), by striking ''comprised of the activities'' and inserting ''comprising the activities'';

(2) in subsection (b)—

(A) in paragraph (1), by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B);

(B) in paragraph (1)(B), as so redesignated, by striking '', and State levels of performance described in paragraph (3)(B) for each additional indicator of performance''; and

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

''(2) INDICATORS OF PERFORMANCE.—

''(A) CORE INDICATORS OF PERFORMANCE FOR CTE CONCENTRATORS AT THE SECONDARY LEVEL.—Each eligible agency shall identify in the State plan core indicators of performance for CTE concentrators at the secondary level that are valid and reliable, and that include, at a minimum, measures of each of the following:

''(i) The percentage of CTE concentrators who graduate high school, as measured by—

''(I) the four-year adjusted cohort graduation rate (defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)); and

''(II) at the State's discretion, the extended-year adjusted cohort graduation rate defined in such section 8101 (20 U.S.C. 7801).

''(ii) CTE concentrator attainment of challenging State academic standards adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)), and measured by the academic assessments described in section 1111(b)(2) of such Act (20 U.S.C. 6311(b)(2)).

''(iii) The percentage of CTE concentrators who, in the second quarter following the program year after exiting from secondary education, are in postsecondary education or advanced training, military service, or unsubsidized employment.

''(iv) Not less than one indicator of career and technical education program quality that—

''(I) shall include, not less than one of the following—

''(aa) the percentage of CTE concentrators graduating from high school having attained recognized postsecondary credentials;

''(bb) the percentage of CTE concentrators graduating from high school having attained postsecondary credits in the relevant career and technical educational program or program of study earned through dual and concurrent enrollment or another credit transfer agreement; or

''(cc) the percentage of CTE concentrators graduating from high school having participated in work-based learning; and

''(II) may include any other measure of student success in career and technical education that is statewide, valid, and reliable.

''(v) The percentage of CTE concentrators in career and technical education programs and programs of study that lead to nontraditional fields.

''(B) CORE INDICATORS OF PERFORMANCE FOR CTE CONCENTRATORS AT THE POSTSECONDARY LEVEL.—Each eligible agency shall identify in the State plan core indicators of performance for CTE concentrators at the postsecondary level that are valid and reliable, and that include, at a minimum, measures of each of the following:

''(i) The percentage of CTE concentrators, who, during the second quarter after program completion, are in education or training activities, advanced training, or unsubsidized employment.

''(ii) The median earnings of CTE concentrators in unsubsidized employment two quarters after program completion.

''(iii) The percentage of CTE concentrators who receive a recognized postsecondary credential during participation in or within 1 year of program completion.

''(iv) The percentage of CTE concentrators in career and technical education programs and programs of study that lead to nontraditional fields.

''(C) ALIGNMENT OF PERFORMANCE INDICATORS.—In developing core indicators of performance under subparagraphs (A) and (B), an eligible agency shall, to the greatest extent possible, align the indicators so that substantially similar information gathered for other State and Federal programs, or for any other purpose, may be used to meet the requirements of this section.'';

(D) in paragraph (3)—

(i) by amending subparagraph (A) to read as follows:

''(A) STATE ADJUSTED LEVELS OF PERFORMANCE FOR CORE INDICATORS OF PERFORMANCE.—

''(i) IN GENERAL.—Each eligible agency, with input from eligible recipients, shall establish and identify in the State plan submitted under section 122, for the first 2 program years covered by the State plan, levels of performance for each of the core indicators of performance described in subparagraphs (A) and (B) of paragraph (2) for career and technical education activities authorized under this title. The levels of performance established under this subparagraph shall, at a minimum—

''(I) be expressed in a percentage or numerical form, so as to be objective, quantifiable, and measurable; and

''(II) be sufficiently ambitious to allow for meaningful evaluation of program quality.

''(ii) STATE ADJUSTED LEVELS OF PERFORMANCE FOR SUBSEQUENT YEARS.—Prior to the third program year covered by the State plan, each eligible agency shall revise the State levels of performance for each of the core indicators of performance for the subsequent program years covered by the State plan, taking into account the extent to which such levels of performance promote meaningful program improvement on such indicators. The State adjusted levels of performance identified under this clause shall be considered to be the State adjusted levels of performance for the State for such years and shall be incorporated into the State plan.

''(iii) REPORTING.—The eligible agency shall, for each year described in clauses (i) and (iii), publicly report and widely disseminate the State levels of performance described in this subparagraph.

''(iv) REVISIONS.—If unanticipated circumstances arise in a State, the eligible agency may revise the State adjusted levels of performance required under this subparagraph, and submit such revised levels of performance with evidence supporting the revision and demonstrating public consultation, in a manner consistent with the process described in subsections (d) and (f) of section 122.''; and

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

''(B) ACTUAL LEVELS OF PERFORMANCE.—At the end of each program year, the eligible agency shall determine actual levels of performance on each of the core indicators of performance and publicly report and widely disseminate the actual levels of performance described in this subparagraph.''; and

(E) in paragraph (4)—

(i) in subparagraph (A)—

(I) in clause (i)(I), by striking ''consistent with the State levels of performance established under paragraph (3), so as'' and inserting ''consistent with the form expressed in the State levels, so as'';

(II) by striking clause (i)(II) and inserting the following:

''(II) be sufficiently ambitious to allow for meaningful evaluation of program quality.'';

(III) in clause (iv)—

(aa) by striking ''third and fifth program years'' and inserting ''third program year''; and

(bb) by striking ''corresponding'' before ''subsequent program years'';

(IV) in clause (v)—

(aa) by striking ''and'' at the end of subclause (I);

(bb) by redesignating subclause (II) as subclause (III);

(cc) by inserting after subclause (I) the following:

''(II) local economic conditions;'';

(dd) in subclause (III), as so redesignated, by striking ''promote continuous improvement on the core indicators of performance by the eligible recipient.'' and inserting ''advance the eligible recipient's accomplishments of the goals set forth in the local application; and''; and

(ee) by adding at the end the following:

''(IV) the eligible recipient's ability and capacity to collect and access valid, reliable, and cost effective data.'';

(V) in clause (vi), by inserting ''or changes occur related to improvements in data or measurement approaches,'' after ''factors described in clause (v),''; and

(VI) by adding at the end the following:

''(vii) REPORTING.—The eligible recipient shall, for each year described in clauses (iii) and (iv), publicly report the local levels of performance described in this subparagraph.'';

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

(iii) in clause (ii)(I) of subparagraph (B), as so redesignated—

(I) by striking ''section 1111(h)(1)(C)(i)'' and inserting ''section 1111(h)(1)(C)(ii)''; and

(II) by striking ''section 3(29)'' and inserting ''section 3(40)''; and

(3) in subsection (c)—

(A) in the heading, by inserting ''STATE'' before ''REPORT'';

(B) in paragraph (1)(B), by striking ''information on the levels of performance achieved by the State with respect to the additional indicators of performance, including the'' and inserting ''the''; and

(C) in paragraph (2)(A)—

(i) by striking ''categories'' and inserting ''subgroups'';

(ii) by striking ''section 1111(h)(1)(C)(i)'' and inserting ''section 1111(h)(1)(C)(ii)''; and

(iii) by striking ''section 3(29)'' and inserting ''section 3(40)''.

SEC. 113. NATIONAL ACTIVITIES.

Section 114 (20 U.S.C. 2324) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''The Secretary shall'' the first place it appears and inserting ''The Secretary shall, in consultation with the Director of the Institute for Education Sciences,''; and

(ii) by inserting ''from eligible agencies under section 113(c)'' after ''pursuant to this title''; and

(B) by striking paragraph (3);

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

''(b) REASONABLE COST.—The Secretary shall take such action as may be necessary to secure at reasonable cost the information required by this title. To ensure reasonable cost, the Secretary, in consultation with the National Center for Education Statistics and the Office of Career, Technical, and Adult Education shall determine the methodology to be used and the frequency with which such information is to be collected.'';

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''may'' and inserting ''shall'';

(ii) by striking '', directly or through grants, contracts, or cooperative agreements,'' and inserting ''directly or through grants''; and

(iii) by striking ''and assessment''; and

(B) in paragraph (2)—

(i) in subparagraph (B), by inserting '', acting through the Director of the Institute for Education Sciences,'' after ''describe how the Secretary''; and

(ii) in subparagraph (C), by inserting '', in consultation with the Director of the Institute for Education Sciences,'' after ''the Secretary'';

(4) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by inserting '', acting through the Director of the Institute for Education Sciences,'' after ''The Secretary'';

(II) by inserting ''and the plan developed under subsection (c)'' after ''described in paragraph (2)''; and

(III) by striking ''assessment'' each place such term appears and inserting ''evaluation''; and

(ii) in subparagraph (B)—

(I) in clause (v), by striking ''; and'' and inserting a semicolon;

(II) in clause (vi), by striking the period at the end and inserting '', which may include individuals with expertise in addressing inequities in access to, and in opportunities for academic and technical skill attainment; and''; and

(III) by adding at the end the following:

''(vii) representatives of special populations.'';

(B) in paragraph (2)—

(i) in the heading, by striking ''AND ASSESSMENT'';

(ii) in subparagraph (A)—

(I) by inserting '', acting through the Director of the Institute for Education Sciences,'' after ''the Secretary'';

(II) by striking ''an independent evaluation and assessment'' and inserting ''a series of research and evaluation initiatives for each year for which funds are appropriated to carry out this Act, which are aligned with the plan in subsection (c)(2),'';

(III) by striking ''Carl D. Perkins Career and Technical Education Improvement Act of 2006'' and ''Strengthening Career and Technical Education for the 21st Century Act'';

(IV) by striking '', contracts, and cooperative agreements that are'' and inserting ''to institutions of higher education or a consortia of one or more institutions of higher education and one or more private nonprofit organizations or agencies''; and

(V) by adding at the end the following: ''Such evaluation shall, whenever possible, use the most recent data available.''; and

(iii) by amending subparagraph (B) to read as follows:

''(B) CONTENTS.—The evaluation required under subparagraph (A) shall include descriptions and evaluations of—

''(i) the extent and success of the integration of challenging State academic standards adopted under 1111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)) and career and technical education for students participating in career and technical education programs, including a review of the effect of such integration on the academic and technical proficiency achievement of such students (including the number of such students that receive a regular high school diploma, as such term is defined under section 8101 of the Elementary and Secondary Education Act of 1965 or a State-defined alternative diploma described in section 8101(25)(A)(ii)(I)(bb) of such Act (20 U.S.C. 7801(25)(A)(ii)(I)(bb)));

''(ii) the extent to which career and technical education programs and programs of study prepare students, including special populations, for subsequent employment in high-skill, high-wage occupations (including those in which mathematics and science, which may include computer science, skills are critical), or for participation in postsecondary education;

''(iii) employer involvement in, benefit from, and satisfaction with, career and technical education programs and programs of study and career and technical education students' preparation for employment;

''(iv) efforts to expand access to career and technical education programs of study for all students;

''(v) innovative approaches to work-based learning programs that increase participation and alignment with employment in high-growth industries, including in rural and low-income areas;

''(vi) the impact of the amendments to this Act made under the Strengthening Career and Technical Education for the 21st Century Act, including comparisons, where appropriate, of—

''(I) the use of the comprehensive needs assessment under section 134(b);

''(II) the implementation of programs of study; and

''(III) coordination of planning and program delivery with other relevant laws, including the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.) and the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

''(vii) changes in career and technical education program accountability as described in section 113 and any effects of such changes on program delivery and program quality; and

''(viii) changes in student enrollment patterns.''; and

(iv) in subparagraph (C)—

(I) in clause (i)—

(aa) by inserting '', in consultation with the Director of the Institute for Education Sciences,'' after ''The Secretary'';

(bb) in subclause (I)—

(AA) by striking ''assessment'' and inserting ''evaluation and summary of research activities carried out under this section''; and

(BB) by striking ''2010'' and inserting ''2021''; and

(cc) in subclause (II)—

(AA) by striking ''assessment'' and inserting ''evaluation and summary of research activities carried out under this section''; and

(BB) by striking ''2011'' and inserting ''2023''; and

(II) by adding after clause (ii) the following:

''(iii) DISSEMINATION.—In addition to submitting the reports required under clause (i), the Secretary shall disseminate the results of the evaluation widely and on a timely basis in order to increase the understanding among State and local officials and educators of the effectiveness of programs and activities supported under the Act and of the career and technical education programs that are most likely to produce positive educational and employment outcomes.''; and

(C) by striking paragraphs (3), (4), and (5) and inserting the following:

''(3) INNOVATION.—

''(A) GRANT PROGRAM.—To identify and support innovative strategies and activities to improve career and technical education and align workforce skills with labor market needs as part of the plan developed under subsection (c) and the requirements of this subsection, the Secretary may award grants to eligible entities to—

''(i) create, develop, implement, or take to scale evidence-based, field initiated innovations, including through a pay for success initiative to improve student outcomes in career and technical education; and

''(ii) rigorously evaluate such innovations.

''(B) MATCHING FUNDS.—

''(i) MATCHING FUNDS REQUIRED.—Except as provided under clause (ii), to receive a grant under this paragraph, an eligible entity shall, through cash or in-kind contributions, provide matching funds from public or private sources in an amount equal to at least 50 percent of the funds provided under such grant.

''(ii) EXCEPTION.—The Secretary may waive the matching fund requirement under clause (i) if the eligible entity demonstrates exceptional circumstances.

''(C) APPLICATION.—To receive a grant under this paragraph, an eligible entity shall submit to the Secretary at such a time as the Secretary may require, an application that—

''(i) identifies and designates the agency, institution, or school responsible for the administration and supervision of the program assisted under this paragraph;

''(ii) identifies the source and amount of the matching funds required under subparagraph (B)(i);

''(iii) describes how the eligible entity will use the grant funds, including how such funds will directly benefit students, including special populations, served by the eligible entity;

''(iv) describes how the program assisted under this paragraph will be coordinated with the activities carried out under section 124 or 135;

''(v) describes how the program assisted under this paragraph aligns with the single plan described in subsection (c); and

''(vi) describes how the program assisted under this paragraph will be evaluated and how that evaluation may inform the report described in subsection (d)(2)(C).

''(D) PRIORITY.—In awarding grants under this paragraph, the Secretary shall give priority to applications from eligible entities that will predominantly serve students from low-income families.

''(E) GEOGRAPHIC DIVERSITY.—

''(i) IN GENERAL.—In awarding grants under this paragraph, the Secretary shall award no less than 25 percent of the total available funds for any fiscal year to eligible entities proposing to fund career and technical education activities that serve—

''(I) a local educational agency with an urban-centric district locale code of 32, 33, 41, 42, or 43, as determined by the Secretary;

''(II) an institution of higher education primarily serving the one or more areas served by such a local educational agency;

''(III) a consortium of such local educational agencies or such institutions of higher education;

''(IV) a partnership between—

''(aa) an educational service agency or a nonprofit organization; and

''(bb) such a local educational agency or such an institution of higher education; or

''(V) a partnership between—

''(aa) a grant recipient described in subclause (I) or (II); and

''(bb) a State educational agency.

''(ii) EXCEPTION.—Notwithstanding clause (i), the Secretary shall reduce the amount of funds made available under such clause if the Secretary does not receive a sufficient number of applications of sufficient quality.

''(F) USES OF FUNDS.—An eligible entity that is awarded a grant under this paragraph shall use the grant funds, in a manner consistent with subparagraph (A)(i), to—

''(i) improve career and technical education outcomes of students served by eligible entities under this title;

''(ii) improve career and technical education teacher effectiveness;

''(iii) improve the transition of students from secondary education to postsecondary education or employment;

''(iv) improve the incorporation of comprehensive work-based learning into career and technical education;

''(v) increase the effective use of technology within career and technical education programs;

''(vi) support new models for integrating academic content and career and technical education content in such programs;

''(vii) support the development and enhancement of innovative delivery models for career and technical education;

''(viii) work with industry to design and implement courses or programs of study aligned to labor market needs in new or emerging fields;

''(ix) integrate science, technology, engineering, and mathematics fields, including computer science education, with career and technical education;

''(x) support innovative approaches to career and technical education by redesigning the high school experience for students, which may include evidence-based transitional support strategies for students who have not met postsecondary education eligibility requirements;

''(xi) improve CTE concentrator employment outcomes in nontraditional fields; or

''(xii) support the use of career and technical education programs and programs of study in a coordinated strategy to address identified employer needs and workforce shortages, such as shortages in the early childhood, elementary school, and secondary school education workforce.

''(G) EVALUATION.—Each eligible entity receiving a grant under this paragraph shall provide for an independent evaluation of the activities carried out using such grant and submit to the Secretary an annual report that includes—

''(i) a description of how funds received under this paragraph were used;

''(ii) the performance of the eligible entity with respect to, at a minimum, the performance indicators described under section 113, as applicable, and disaggregated by—

''(I) subgroups of students described in section 1111(c)(2)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(c)(2)(B));

''(II) special populations; and

''(III) as appropriate, each career and technical education program and program of study; and

''(iii) a quantitative analysis of the effectiveness of the project carried out under this paragraph.''; and

(5) by striking subsection (e) and inserting the following:

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $7,523,285 for fiscal year 2017;

''(2) $7,626,980 for fiscal year 2018;

''(3) $7,732,104 for fiscal year 2019;

''(4) $7,838,677 for fiscal year 2020;

''(5) $7,946,719 for fiscal year 2021; and

''(6) $8,056,251 for fiscal year 2022.''.

SEC. 114. ASSISTANCE FOR THE OUTLYING AREAS.

Section 115 (20 U.S.C. 2325) is amended—

(1) in subsection (a)(3), by striking ''subject to subsection (d)'' and inserting ''subject to subsection (b)'';

(2) by striking subsections (b) and (c); and

(3) by redesignating subsection (d) as subsection (b).

SEC. 115. TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTIONS.

Section 117(i) (20 U.S.C. 2327(i)) is amended to read as follows:

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $8,400,208 for fiscal year 2017;

''(2) $8,515,989 for fiscal year 2018;

''(3) $8,633,367 for fiscal year 2019;

''(4) $8,752,362 for fiscal year 2020;

''(5) $8,872,998 for fiscal year 2021; and

''(6) $8,995,296 for fiscal year 2022.''.

SEC. 116. OCCUPATIONAL AND EMPLOYMENT INFORMATION.

Section 118 (20 U.S.C. 2328) is repealed.

PART B—STATE PROVISIONS

SEC. 121. STATE PLAN.

Section 122 (20 U.S.C. 2342) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''6-year period'' and inserting ''4-year period''; and

(ii) by striking ''Carl D. Perkins Career and Technical Education Improvement Act of 2006'' and inserting ''Strengthening Career and Technical Education for the 21st Century Act'';

(B) in paragraph (2)(B), by striking ''6-year period'' and inserting ''4-year period''; and

(C) in paragraph (3), by striking ''(including charter school'' and all that follows through ''and community organizations)'' and inserting ''(including teachers, specialized instructional support personnel, paraprofessionals, school leaders, authorized public chartering agencies, and charter school leaders, consistent with State law, employers, labor organizations, parents, students, and community organizations)''; and

(2) by amending subsections (b), (c), (d), and (e) to read as follows:

''(b) OPTIONS FOR SUBMISSION OF STATE PLAN.—

''(1) COMBINED PLAN.—The eligible agency may submit a combined plan that meets the requirements of this section and the requirements of section 103 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3113), unless the eligible agency opts to submit a single plan under paragraph (2) and informs the Secretary of such decision.

''(2) SINGLE PLAN.—If the eligible agency elects not to submit a combined plan as described in paragraph (1), such eligible agency shall submit a single State plan.

''(c) PLAN DEVELOPMENT.—

''(1) IN GENERAL.—The eligible agency shall—

''(A) develop the State plan in consultation with—

''(i) representatives of secondary and postsecondary career and technical education programs, including eligible recipients and representatives of two-year Minority-Serving Institutions and Historically Black Colleges and Universities in States where such institutions are in existence, and charter school representatives in States where such schools are in existence, which shall include teachers, school leaders, specialized instructional support personnel (including guidance counselors), and paraprofessionals;

''(ii) interested community representatives, including parents and students;

''(iii) the State workforce development board described in section 101 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3111);

''(iv) representatives of special populations;

''(v) representatives of business and industry (including representatives of small business), which shall include representatives of industry and sector partnerships in the State, as appropriate, and representatives of labor organizations in the State;

''(vi) representatives of agencies serving out-of-school youth, homeless children and youth, and at-risk youth; and

''(vii) representatives of Indian tribes located in the State; and

''(B) consult the Governor of the State, and the heads of other State agencies with authority for career and technical education programs that are not the eligible agency, with respect to the development of the State plan.

''(2) ACTIVITIES AND PROCEDURES.—The eligible agency shall develop effective activities and procedures, including access to information needed to use such procedures, to allow the individuals and entities described in paragraph (1) to participate in State and local decisions that relate to development of the State plan.

''(d) PLAN CONTENTS.—The State plan shall include—

''(1) a summary of State-supported workforce development activities (including education and training) in the State, including the degree to which the State's career and technical education programs and programs of study are aligned with such activities;

''(2) the State's strategic vision and set of goals for preparing an educated and skilled workforce (including special populations) and for meeting the skilled workforce needs of employers, including in-demand industry sectors and occupations as identified by the State, and how the State's career and technical education programs will help to meet these goals;

''(3) a summary of the strategic planning elements of the unified State plan required under section 102(b)(1) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3112(b)(1)), including the elements related to system alignment under section 102(b)(2)(B) of such Act (29 U.S.C. 3112(b)(2)(B));

''(4) a description of the career and technical education programs or programs of study that will be supported, developed, or improved, including descriptions of—

''(A) the programs of study to be developed at the State level and made available for adoption by eligible recipients;

''(B) the process and criteria to be used for approving locally developed programs of study or career pathways, including how such programs address State workforce development and education needs; and

''(C) how the eligible agency will—

''(i) make information on approved programs of study and career pathways, including career exploration, work-based learning opportunities, guidance and advisement resources, available to students and parents;

''(ii) ensure nonduplication of eligible recipients' development of programs of study and career pathways;

''(iii) determine alignment of eligible recipients' programs of study to the State, regional or local economy, including in-demand fields and occupations identified by the State workforce development board as appropriate;

''(iv) provide equal access to activities assisted under this Act for special populations;

''(v) coordinate with the State workforce board to support the local development of career pathways and articulate processes by which career pathways will be developed by local workforce development boards;

''(vi) use State, regional, or local labor market data to align career and technical education with State labor market needs;

''(vii) support effective and meaningful collaboration between secondary schools, postsecondary institutions, and employers; and

''(viii) improve outcomes for CTE concentrators, including those who are members of special populations;

''(5) a description of the criteria and process for how the eligible agency will approve eligible recipients for funds under this Act, including how—

''(A) each eligible recipient will promote academic achievement;

''(B) each eligible recipient will promote skill attainment, including skill attainment that leads to a recognized postsecondary credential; and

''(C) each eligible recipient will ensure the local needs assessment under section 134 takes into consideration local economic and education needs, including where appropriate, in-demand industry sectors and occupations;

''(6) a description of how the eligible agency will support the recruitment and preparation of teachers, including special education teachers, faculty, administrators, specialized instructional support personnel, and paraprofessionals to provide career and technical education instruction, leadership, and support;

''(7) a description of how the eligible agency will use State leadership funding to meet the requirements of section 124(b);

''(8) a description of how funds received by the eligible agency through the allotment made under section 111 will be distributed—

''(A) among career and technical education at the secondary level, or career and technical education at the postsecondary and adult level, or both, including how such distribution will most effectively provide students with the skills needed to succeed in the workplace; and

''(B) among any consortia that may be formed among secondary schools and eligible institutions, and how funds will be distributed among the members of the consortia, including the rationale for such distribution and how it will most effectively provide students with the skills needed to succeed in the workplace;

''(9) a description of the procedure the eligible agency will adopt for determining State adjusted levels of performance described in section 113, which at a minimum shall include—

''(A) consultation with stakeholders identified in paragraph (1);

''(B) opportunities for the public to comment in person and in writing on the State adjusted levels of performance included in the State plan; and

''(C) submission of public comment on State adjusted levels of performance as part of the State plan; and

''(10) assurances that—

''(A) the eligible agency will comply with the requirements of this Act and the provisions of the State plan, including the provision of a financial audit of funds received under this Act, which may be included as part of an audit of other Federal or State programs;

''(B) none of the funds expended under this Act will be used to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the acquiring entity or the employees of the acquiring entity, or any affiliate of such an organization;

''(C) the eligible agency will use the funds to promote preparation for high-skill, high-wage, or in-demand occupations and nontraditional fields, as identified by the State;

''(D) the eligible agency will use the funds provided under this Act to implement career and technical education programs and programs of study for individuals in State correctional institutions, including juvenile justice facilities; and

''(E) the eligible agency will provide local educational agencies, area career and technical education schools, and eligible institutions in the State with technical assistance, including technical assistance on how to close gaps in student participation and performance in career and technical education programs.

''(e) CONSULTATION.—

''(1) IN GENERAL.—The eligible agency shall develop the portion of each State plan relating to the amount and uses of any funds proposed to be reserved for adult career and technical education, postsecondary career and technical education, and secondary career and technical education after consultation with the—

''(A) State agency responsible for supervision of community colleges, technical institutes, or other 2-year postsecondary institutions primarily engaged in providing postsecondary career and technical education;

''(B) the State agency responsible for secondary education; and

''(C) the State agency responsible for adult education.

''(2) OBJECTIONS OF STATE AGENCIES.—If a State agency other than the eligible agency finds that a portion of the final State plan is objectionable, that objection shall be filed together with the State plan. The eligible agency shall respond to any objections of such State agency in the State plan submitted to the Secretary.

''(f) PLAN APPROVAL.—

''(1) IN GENERAL.—The Secretary shall approve a State plan, or a revision to an approved State plan, unless the Secretary determines that the State plan, or revision, respectively, does not meet the requirements of this Act.

''(2) DISAPPROVAL.—The Secretary shall—

''(A) have the authority to disapprove a State plan only if the Secretary—

''(i) determines how the State plan fails to meet the requirements of this Act; and

''(ii) immediately provides to the State, in writing, notice of such determination and the supporting information and rationale to substantiate such determination; and

''(B) not finally disapprove a State plan, except after making the determination and providing the information described in subparagraph (A) and giving the eligible agency notice and an opportunity for a hearing.

''(3) TIMEFRAME.—A State plan shall be deemed approved by the Secretary if the Secretary has not responded to the eligible agency regarding the State plan within 90 days of the date the Secretary receives the State plan.''.

SEC. 122. IMPROVEMENT PLANS.

Section 123 (20 U.S.C. 2343) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''percent of an agreed upon'' and inserting ''percent of the''; and

(ii) by striking ''appropriate agencies,'' and inserting ''appropriate State agencies,'';

(B) in paragraph (2)—

(i) by inserting ''including after implementation of the improvement plan described in paragraph (1),'' after ''purposes of this Act,''; and

(ii) by striking ''Act'' and inserting ''subsection'';

(C) in paragraph (3)—

(i) by amending subparagraph (A) to read as follows:

''(A) IN GENERAL.—If the eligible agency fails to make any improvement in meeting any of the State adjusted levels of performance for any of the core indicators of performance identified under paragraph (1) during the first 2 years of implementation of the improvement plan required under paragraph (1), the eligible agency—

''(i) shall revise such improvement plan to address the reasons for such failure; and

''(ii) shall continue to implement such improvement plan until the eligible agency meets at least 90 percent of the State adjusted level of performance for the same core

indicators of performance for which the plan is revised.''; and

(ii) in subparagraph (B), by striking ''sanction in'' and inserting ''requirements of''; and

(D) by striking paragraph (4);

(2) in subsection (b)—

(A) in paragraph (2), by striking ''the eligible agency, appropriate agencies, individuals, and organizations'' and inserting ''local stakeholders included in section 134(d)(1)'';

(B) in paragraph (3), by striking ''shall work with the eligible recipient to implement improvement activities consistent with the requirements of this Act.'' and inserting ''shall provide technical assistance to assist the eligible recipient in meeting its responsibilities under section 134.'';

(C) in paragraph (4)—

(i) by amending subparagraph (A) to read as follows:

''(A) IN GENERAL.—If the eligible recipient fails to make any improvement in meeting any of the local adjusted levels of performance for any of the core indicators of performance identified under paragraph (2) during a number of years determined by the eligible agency, the eligible recipient—

''(i) shall revise the improvement plan described in paragraph (2) to address the reasons for such failure; and

''(ii) shall continue to implement such improvement plan until such recipient meets at least 90 percent of an agreed upon local adjusted level of performance for the same core indicators of performance for which the plan is revised.''; and

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i)—

(aa) by striking ''In determining whether to impose sanctions under subparagraph (A), the'' and inserting ''The''; and

(bb) by striking ''waive imposing sanctions'' and inserting ''waive the requirements of subparagraph (A)'';

(II) in clause (i), by striking ''or'' at the end;

(III) in clause (ii), by striking the period at the end and inserting ''; or''; and

(IV) by adding at the end the following:

''(iii) in response to a public request from an eligible recipient consistent with clauses (i) and (ii).''; and

(D) by striking paragraph (5); and

(3) by adding at the end the following:

''(c) PLAN DEVELOPMENT.—Except for consultation described in subsection (b)(2), the State and local improvement plans, and the elements of such plans, required under this section shall be developed solely by the eligible agency or the eligible recipient, respectively.''.

SEC. 123. STATE LEADERSHIP ACTIVITIES.

Section 124 (20 U.S.C. 2344) is amended—

(1) in subsection (a), by striking ''shall conduct State leadership activities.'' and inserting ''shall—

''(1) conduct State leadership activities directly; and

''(2) report on the effectiveness of such use of funds in achieving the goals described in section 122(d)(2) and the State adjusted levels of performance described in section 113(b)(3)(A).'';

(2) in subsection (b)—

(A) by striking paragraphs (1) through (4) and inserting the following:

''(1) developing statewide programs of study, which may include standards, curriculum, and course development, and career exploration, guidance, and advisement activities and resources;

''(2) approving locally developed programs of study that meet the requirements established in section 122(d)(4)(B);

''(3) establishing statewide articulation agreements aligned to approved programs of study;

''(4) establishing statewide partnerships among local educational agencies, institutions of higher education, and employers, including small businesses, to develop and implement programs of study aligned to State and local economic and education needs, including as appropriate, in-demand industry sectors and occupations;''; and

(B) by striking paragraphs (6) through (9) and inserting the following:

''(6) support services for individuals in State institutions, such as State correctional institutions, including juvenile justice facilities, and educational institutions that serve individuals with disabilities;

''(7) for faculty and teachers providing career and technical education instruction, support services, and specialized instructional support services, high-quality comprehensive professional development that is, to the extent practicable, grounded in evidence-based research (to the extent a State determines that such evidence is reasonably available) that identifies the most effective educator professional development process and is coordinated and aligned with other professional development activities carried out by the State (including under title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) and title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.)), including programming that—

''(A) promotes the integration of the challenging State academic standards adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)) and relevant technical knowledge and skills;

''(B) prepares career and technical education teachers, specialized instructional support personnel, and paraprofessionals to provide appropriate accommodations for students who are members of special populations, including through the use of principles of universal design for learning; and

''(C) increases understanding of industry standards, as appropriate, for faculty providing career and technical education instruction; and

''(8) technical assistance for eligible recipients.''; and

(3) in subsection (c), by striking paragraphs (1) through (17) and inserting the following:

''(1) awarding incentive grants to eligible recipients—

''(A) for exemplary performance in carrying out programs under this Act, which awards shall be based on—

''(i) eligible recipients exceeding the local adjusted level of performance established under section 113(b)(4)(A) in a manner that reflects sustained or significant improvement;

''(ii) eligible recipients effectively developing connections between secondary education and postsecondary education and training;

''(iii) the integration of academic and technical standards;

''(iv) eligible recipients' progress in closing achievement gaps among subpopulations who participate in programs of study; or

''(v) other factors relating to the performance of eligible recipients under this Act as the eligible agency determines are appropriate; or

''(B) if an eligible recipient elects to use funds as permitted under section 135(c);

''(2) providing support for the adoption and integration of recognized postsecondary credentials or for consultation and coordination with other State agencies for the identification, consolidation, or elimination of licenses or certifications which pose an unnecessary barrier to entry for aspiring workers and provide limited consumer protection;

''(3) the creation, implementation, and support of pay-for-success initiatives leading to recognized postsecondary credentials;

''(4) support for career and technical education programs for adults and out-of-school youth concurrent with their completion of their secondary school education in a school or other educational setting;

''(5) the creation, evaluation, and support of competency-based curricula;

''(6) support for the development, implementation, and expansion of programs of study or career pathways in areas declared to be in a state of emergency under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191);

''(7) providing support for dual or concurrent enrollment programs, such as early college high schools;

''(8) improvement of career guidance and academic counseling programs that assist students in making informed academic and career and technical education decisions, including academic and financial aid counseling;

''(9) support for the integration of employability skills into career and technical education programs and programs of study;

''(10) support for programs and activities that increase access, student engagement, and success in science, technology, engineering, and mathematics fields (including computer science), particularly for students who are members of groups underrepresented in such subject fields, such as female students, minority students, and students who are members of special populations;

''(11) support for career and technical student organizations, especially with respect to efforts to increase the participation of students who are members of special populations;

''(12) support for establishing and expanding work-based learning opportunities;

''(13) support for preparing, retaining, and training of career and technical education teachers, faculty, specialized instructional support personnel, and paraprofessionals, such as preservice, professional development, and leadership development programs;

''(14) integrating and aligning programs of study and career pathways;

''(15) supporting the use of career and technical education programs and programs of study aligned with State, regional, or local in-demand industry sectors or occupations identified by State or local workforce development boards;

''(16) making all forms of instructional content widely available, which may include use of open educational resources;

''(17) support for the integration of arts and design skills, when appropriate, into career and technical education programs and programs of study; and

''(18) support for accelerated learning programs (described in section 4104(b)(3)(A)(i)(IV) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7114(b)(3)(A)(i)(IV)) when any such program is part of a program of study.''.

PART C—LOCAL PROVISIONS

SEC. 131. LOCAL APPLICATION FOR CAREER AND TECHNICAL EDUCATION PROGRAMS.

Section 134 (20 U.S.C. 2354) is amended—

(1) in the section heading by striking ''**LOCAL PLAN**'' and inserting ''**LOCAL APPLICATION**'';

(2) in subsection (a)—

(A) in the heading, by striking ''LOCAL PLAN'' and inserting ''LOCAL APPLICATION'';

(B) by striking ''submit a local plan'' and inserting ''submit a local application''; and

(C) by striking ''Such local plan'' and inserting ''Such local application''; and

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

''(b) CONTENTS.—The eligible agency shall determine the requirements for local applications, except that each local application shall contain—

''(1) a description of the results of the comprehensive needs assessment conducted under subsection (c);

''(2) information on the programs of study approved by a State under section 124(b)(2) supported by the eligible recipient with funds under this part, including—

''(A) how the results of the comprehensive needs assessment described in subsection (c) informed the selection of the specific career and technical education programs and activities selected to be funded; and

''(B) a description of any new programs of study the eligible recipient will develop and submit to the State for approval;

''(3) a description of how the eligible recipient will provide—

''(A) career exploration and career development coursework, activities, or services;

''(B) career information; and

''(C) an organized system of career guidance and academic counseling to students before enrolling and while participating in a career and technical education program; and

''(4) a description of how the eligible recipient will—

''(A) provide activities to prepare special populations for high-skill, high-wage, or in-demand occupations that will lead to self-sufficiency; and

''(B) prepare CTE participants for non-traditional fields.

''(c) COMPREHENSIVE NEEDS ASSESSMENT.—

''(1) IN GENERAL.—To be eligible to receive financial assistance under this part, an eligible recipient shall—

''(A) conduct a comprehensive local needs assessment related to career and technical education; and

''(B) not less than once every two years, update such comprehensive local needs assessment.

''(2) REQUIREMENTS.—The comprehensive local needs assessment described under paragraph (1) shall include—

''(A) an evaluation of the performance of the students served by the eligible recipient with respect to State and local adjusted levels of performance established pursuant to section 113, including an evaluation of performance for special populations;

''(B) a description of how career and technical education programs offered by the eligible recipient are—

''(i) sufficient in size, scope, and quality to meet the needs of all students served by the eligible recipient; and

''(ii)(I) aligned to State, regional, or local in-demand industry sectors or occupations identified by the State or local workforce development board, including career pathways, where appropriate; or

''(II) designed to meet local education or economic needs not identified by State or local workforce development boards;

''(C) an evaluation of progress toward the implementation of career and technical education programs and programs of study;

''(D) an evaluation of strategies needed to overcome barriers that result in lowering rates of access to, or lowering success in, career and technical education programs for special populations, which may include strategies to establish or utilize existing flexible learning and manufacturing facilities, such as makerspaces;

''(E) a description of how the eligible recipient will improve recruitment, retention, and training of career and technical education teachers, faculty, specialized instructional support personnel, paraprofessionals, and career, academic, and guidance counselors, including individuals in groups underrepresented in such professions; and

''(F) a description of how the eligible recipient will support the transition to teaching from business and industry.

''(d) CONSULTATION.—In conducting the comprehensive needs assessment under subsection (c), an eligible recipient shall involve a diverse body of stakeholders, including, at a minimum—

''(1) representatives of career and technical education programs in a local educational agency or educational service agency, including teachers and administrators;

''(2) representatives of career and technical education programs at postsecondary educational institutions, including faculty and administrators;

''(3) representatives of State or local workforce development boards and a range of local or regional businesses or industries;

''(4) parents and students;

''(5) representatives of special populations; and

''(6) representatives of local agencies serving out-of-school youth, homeless children and youth, and at-risk youth (as defined in section 1432 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6472)).

''(e) CONTINUED CONSULTATION.—An eligible recipient receiving financial assistance under this part shall consult with the entities described in subsection (d) on an ongoing basis to—

''(1) provide input on annual updates to the comprehensive needs assessment required under subsection (c);

''(2) ensure programs of study are—

''(A) responsive to community employment needs;

''(B) aligned with employment priorities in the State, regional, or local economy identified by employers and the entities described in subsection (d), which may include in-demand industry sectors or occupations identified by the local workforce development board;

''(C) informed by labor market information, including information provided under section 15(e)(2)(C) of the Wagner-Peyser Act (29 U.S.C. 491–2(e)(2)(C));

''(D) designed to meet current, intermediate, or long-term labor market projections; and

''(E) allow employer input, including input from industry or sector partnerships in the local area, where applicable, into the development and implementation of programs of study to ensure programs align with skills required by local employment opportunities, including activities such as the identification of relevant standards, curriculum, industry-recognized credentials, and current technology and equipment;

''(3) identify and encourage opportunities for work-based learning; and

''(4) ensure funding under this part is used in a coordinated manner with other local resources.''.

SEC. 132. LOCAL USES OF FUNDS.

Section 135 (20 U.S.C. 2355) is amended to read as follows:

''SEC. 135. LOCAL USES OF FUNDS.

''(a) GENERAL AUTHORITY.—Each eligible recipient that receives funds under this part shall use such funds to develop, coordinate, implement, or improve career and technical education programs to meet the needs identified in the comprehensive needs assessment described in section 134(c).

''(b) REQUIREMENTS FOR USES OF FUNDS.—Funds made available to eligible recipients under this part shall be used to support career and technical education programs that are of sufficient size, scope, and quality to be effective and—

''(1) provide career exploration and career development activities through an organized, systematic framework designed to aid students, before enrolling and while participating in a career and technical education program, in making informed plans and decisions about future education and career opportunities and programs of study, which may include—

''(A) introductory courses or activities focused on career exploration and career awareness;

''(B) readily available career and labor market information, including information on—

''(i) occupational supply and demand;

''(ii) educational requirements;

''(iii) other information on careers aligned to State or local economic priorities; and

''(iv) employment sectors;

''(C) programs and activities related to the development of student graduation and career plans;

''(D) career guidance and academic counselors that provide information on postsecondary education and career options; or

''(E) any other activity that advances knowledge of career opportunities and assists students in making informed decisions about future education and employment goals;

''(2) provide professional development for teachers, principals, school leaders, administrators, faculty, and career and guidance counselors with respect to content and pedagogy that—

''(A) supports individualized academic and career and technical education instructional approaches, including the integration of academic and career and technical education standards and curriculum;

''(B) ensures labor market information is used to inform the programs, guidance, and advisement offered to students;

''(C) provides educators with opportunities to advance knowledge, skills, and understanding of all aspects of an industry, including the latest workplace equipment, technologies, standards, and credentials;

''(D) supports administrators in managing career and technical education programs in the schools, institutions, or local educational agencies of such administrators;

''(E) supports the implementation of strategies to improve student achievement and close gaps in student participation and performance in career and technical education programs; and

''(F) provides educators with opportunities to advance knowledge, skills, and understanding in pedagogical practices, including, to the extent the eligible recipient determines that such evidence is reasonably available, evidence-based pedagogical practices;

''(3) provide career and technical education students, including special populations, with the skills necessary to pursue high-skill, high-wage occupations;

''(4) support integration of academic skills into career and technical education programs and programs of study to support CTE participants at the secondary school level in meeting the challenging State academic standards adopted under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)) by the State in which the eligible recipient is located;

''(5) plan and carry out elements that support the implementation of career and technical education programs and programs of study and student achievement of the local adjusted levels of performance established under section 113, which may include—

''(A) curriculum aligned with the requirements for a program of study;

''(B) sustainable relationships among education, business and industry, and other community stakeholders, including industry or sector partnerships in the local area,

where applicable, that are designed to facilitate the process of continuously updating and aligning programs of study with skills in demand in the State, regional, or local economy;

''(C) dual or concurrent enrollment programs, including early college high schools, and the development or implementation of articulation agreements;

''(D) appropriate equipment, technology, and instructional materials (including support for library resources) aligned with business and industry needs, including machinery, testing equipment, tools, implements, hardware and software, and other new and emerging instructional materials;

''(E) a continuum of work-based learning opportunities;

''(F) industry-recognized certification exams or other assessments leading toward industry-recognized postsecondary credentials;

''(G) efforts to recruit and retain career and technical education program administrators and educators;

''(H) where applicable, coordination with other education and workforce development programs and initiatives, including career pathways and sector partnerships developed under the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.) and other Federal laws and initiatives that provide students with transition-related services, including the Individuals with Disabilities Education Act (20 U.S.C.1400 et seq.);

''(I) expanding opportunities for students to participate in distance career and technical education and blended-learning programs;

''(J) expanding opportunities for students to participate in competency-based education programs;

''(K) improving career guidance and academic counseling programs that assist students in making informed academic and career and technical education decisions, including academic and financial aid counseling;

''(L) supporting the integration of employability skills into career and technical education programs and programs of study;

''(M) supporting programs and activities that increase access, student engagement, and success in science, technology, engineering, and mathematics fields (including computer science) for students who are members of groups underrepresented in such subject fields;

''(N) providing career and technical education, in a school or other educational setting, for adults or a school-aged individual who has dropped out of a secondary school to complete secondary school education or upgrade technical skills;

''(O) career and technical student organizations, including student preparation for and participation in technical skills competitions aligned with career and technical education program standards and curriculum;

''(P) making all forms of instructional content widely available, which may include use of open educational resources;

''(Q) supporting the integration of arts and design skills, when appropriate, into career and technical education programs and programs of study;

''(R) where appropriate, expanding opportunities for CTE concentrators to participate in accelerated learning programs (described in section 4104(b)(3)(A)(i)(IV) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7114(b)(3)(A)(i)(IV)) as part of a program of study; and

''(S) other activities to improve career and technical education programs; and

''(6) develop and implement evaluations of the activities carried out with funds under this part, including evaluations necessary to complete the comprehensive needs assessment required under section 134(c) and the local report required under section 113(b)(4)(C).

''(c) POOLING FUNDS.—An eligible recipient may pool a portion of funds received under this Act with a portion of funds received under this Act available to not less than 1 other eligible recipient to support implementation of programs of study through the activities described in subsection (b)(2).

''(d) ADMINISTRATIVE COSTS.—Each eligible recipient receiving funds under this part shall not use more than 5 percent of such funds for costs associated with the administration of activities under this section.''.

TITLE II—GENERAL PROVISIONS

SEC. 201. FEDERAL AND STATE ADMINISTRATIVE PROVISIONS.

The Act (20 U.S.C. 2301 et seq.) is amended—

(1) in section 311(b)—

(A) in paragraph (1)—

(i) by amending subparagraph (A) to read as follows:

''(A) IN GENERAL.—Except as provided in subparagraphs (B), (C), or (D), in order for a State to receive its full allotment of funds under this Act for any fiscal year, the Secretary must find that the State's fiscal effort per student, or the aggregate expenditures of such State, with respect to career and technical education for the preceding fiscal year was not less than the fiscal effort per student, or the aggregate expenditures of such State, for the second preceding fiscal year.'';

(ii) in subparagraph (B), by striking ''shall exclude capital expenditures, special 1-time project costs, and the cost of pilot programs.'' and inserting ''shall, at the request of the State, exclude competitive or incentive-based programs established by the State, capital expenditures, special one-time project costs, and the cost of pilot programs.''; and

(iii) by adding after subparagraph (C), the following new subparagraph:

''(D) ESTABLISHING THE STATE BASELINE.—

''(i) IN GENERAL.—For purposes of subparagraph (A), the State may—

''(I) continue to use the State's fiscal effort per student, or aggregate expenditures of such State, with respect to career and technical education, as was in effect on the day before the date of enactment of the Strengthening Career and Technical Education for the 21st Century Act; or

''(II) establish a new level of fiscal effort per student, or aggregate expenditures of such State, with respect to career and technical education.

''(ii) AMOUNT.—The amount of the new level described in clause (i)(II) shall be the State's fiscal effort per student, or aggregate expenditures of such State, with respect to career and technical education, for the first full fiscal year following the enactment of such Act.''; and

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

''(2) FAILURE TO MEET.—The Secretary shall reduce the amount of a State's allotment of funds under this Act for any fiscal year in the exact proportion by which the State fails to meet the requirement of paragraph (1) by falling below the State's fiscal effort per student or the State's aggregate expenditures (using the measure most favorable to the State), if the State failed to meet such requirement (as determined using the measure most favorable to the State) for 1 or more of the 5 immediately preceding fiscal years.

''(3) WAIVER.—The Secretary may waive paragraph (2) due to exceptional or uncontrollable circumstances affecting the ability of the State to meet the requirement of paragraph (1).'';

(2) in section 317(b)(1)—

(A) by striking ''may, upon written request, use funds made available under this Act to'' and inserting ''may use funds made available under this Act to''; and

(B) by striking ''who reside in the geographical area served by'' and inserting ''located in or near the geographical area served by'';

(3) by striking title II and redesignating title III as title II;

(4) by redesignating sections 311 through 318 as sections 211 through 218, respectively;

(5) by redesignating sections 321 through 324 as sections 221 through 224, respectively; and

(6) by inserting after section 218 (as so redesignated) the following:

''SEC. 219. STUDY ON PROGRAMS OF STUDY ALIGNED TO HIGH-SKILL, HIGH-WAGE OCCUPATIONS.

''(a) SCOPE OF STUDY.—The Comptroller General of the United States shall conduct a study to evaluate—

''(1) the strategies, components, policies, and practices used by eligible agencies or eligible recipients receiving funding under this Act to successfully assist—

''(A) all students in pursuing and completing programs of study aligned to high-skill, high-wage occupations; and

''(B) any specific subgroup of students identified in section 1111(h)(1)(C)(ii) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(ii)) in pursuing and completing programs of study aligned to high-skill, high-wage occupations in fields in which such subgroup is underrepresented; and

''(2) any challenges associated with replication of such strategies, components, policies, and practices.

''(b) CONSULTATION.—In carrying out the study conducted under subsection (a), the Comptroller General of the United States shall consult with a geographically diverse (including urban, suburban, and rural) representation of—

''(1) students and parents;

''(2) eligible agencies and eligible recipients;

''(3) teachers, faculty, specialized instructional support personnel, and paraprofessionals, including those with expertise in preparing CTE students for nontraditional fields;

''(4) special populations; and

''(5) representatives of business and industry.

''(c) SUBMISSION.—Upon completion, the Comptroller General of the United States shall submit the study conducted under subsection (a) to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.''.

TITLE III—AMENDMENTS TO THE WAGNER-PEYSER ACT

SEC. 301. STATE RESPONSIBILITIES.

Section 15(e)(2) of the Wagner-Peyser Act (29 U.S.C. 491–2(e)(2)) is amended—

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

''(B) consult with eligible agencies (defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302)), State educational agencies, and local educational agencies concerning the provision of workforce and labor market information in order to—

''(i) meet the needs of secondary school and postsecondary school students who seek such information; and

''(ii) annually inform the development and implementation of programs of study defined in section 3 of the Carl D. Perkins Career and

Technical Education Act of 2006 (20 U.S.C. 2302), and career pathways;'';

(2) in subparagraph (G), by striking ''and'' at the end;

(3) in subparagraph (H), by striking the period at the end and inserting ''; and''; and

(4) by inserting after subparagraph (H) the following new subparagraph:

''(I) provide, on an annual and timely basis to each eligible agency (defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302)), the data and information described in subparagraphs (A) and (B) of subsection (a)(1).''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. THOMPSON) and the gentlewoman from Massachusetts (Ms. CLARK) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on H.R. 5587.

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

There was no objection.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 5587.

Mr. Speaker, a weak economy and advances in technology have dramatically changed today's job market, creating both challenges and opportunities for men and women entering the workforce. This is why equipping today's students with the tools they need to remain competitive is essential. One way we can achieve that goal is by strengthening career and technical education programs for those eager to pursue pathways to success.

As cochair of the Career and Technical Education Caucus, I have worked hard to increase awareness about the opportunities available through CTE. For some students, a four-year college is the best path forward. For others, a CTE program might be the best way to shape a fulfilling and successful future, Mr. Speaker.

These State and local programs help individuals obtain the knowledge and skills they need to be successful in a number of different occupations and fields—fields like health care, technology, agriculture, and engineering.

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However, the law that provides Federal support for these programs has not been updated in more than a decade. Simply put, it does not address the new challenges today's students, workers, and employers face.

That is why I, along with my colleague from Massachusetts, Representative KATHERINE CLARK, introduced H.R. 5587, a bill that works to modernize and improve current law to better reflect those challenges and provide more opportunities for students to pursue successful, rewarding careers.

Recognizing the importance of engagement with community leaders and local businesses, this bill empowers State and local leaders by providing them with the flexibility they need to best prepare their students for the workforce and to respond to the changing needs of their communities. H.R. 5587 also promotes work-based learning and encourages stronger partnerships with employers to help students obtain jobs now and throughout their lifetimes.

I am also proud to say H.R. 5587 takes steps to reduce the Federal role in career and technical education, while ensuring transparency and accountability amongst CTE programs. By streamlining performance measures, the bill provides State and local leaders—rather than the Federal Government—with the tools they need to hold these programs accountable.

These are just some of the important reforms this bill makes to provide Americans with clear pathways to success.

Mr. Speaker, I would be remiss not to thank a few people who have made this bill possible: Chairman KLINE and his staff, in particular, James Redstone; Ranking Member SCOTT and his staff; Sam Morgante with Mr. LANGEVIN's office; and Katie Brown of my staff.

Both Sam and Katie have taken the lead staffing the Career and Technical Education Caucus, each providing tireless advocacy for the policies included in this bill. They have my deep appreciation for their hard work.

I urge my colleagues to support H.R. 5587 and help us take a positive step towards reforming and strengthening career and technical education training in America.

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

Ms. CLARK of Massachusetts. I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 5587, the Strengthening Career and Technical Education for the 21st Century Act, legislation that I am proud to introduce with the gentleman from Pennsylvania (Mr. THOMPSON), as well as Representatives LANGEVIN, NOLAN, CURBELO, and BYRNE, and with the support of the House Education and the Workforce Committee ranking member, Mr. SCOTT, and our chairman, Mr. KLINE.

The bill before us is proof that Democrats and Republicans can come together and do the right thing for America's students, workers, and employers.

The Perkins Career and Technical Education program reaches over 11 million American students across the country each year; and for the first time in 10 years, this legislation will comprehensively update the program, overhauling how government invests in our workforce and strengthens American competitiveness through job skills training. This bill will help families by preparing them with the skills they need to thrive in high-demand fields as diverse as child care, advanced manufacturing, carpentry, computer science, automotive technology, culinary arts, and more.

This legislation is supported by over 200 leading national organizations, including educators, trade groups, and major employers across the country.

It was reported by the House Education and the Workforce Committee without a single dissenting vote, which I think reflects the bipartisan, good faith process by which we came together to draft and introduce this bill.

Specifically, I am pleased this legislation takes steps to help policymakers measure what does and does not work in career and technical education, allowing us to build on our past successes. It ensures our career and technical education programs are aligned with the needs of high-demand growth industries in order to make sure that America is competitive globally. It also supports our work-based learning and apprenticeships. It directly supports our early education and childcare workforce and brings the Perkins program into the modern 21st century global economy.

I am very pleased to have this bill on the floor today. I urge its passage.

I reserve the balance of my time.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Michigan (Mr. WALBERG), the chairman of the Workforce Protections Subcommittee.

Mr. WALBERG. Mr. Speaker, I rise in support of H.R. 5587, which will help people in Michigan and across the country find meaningful careers in the 21st century workforce by updating our career and technical education programs.

As I met with students, teachers, and employers in my district, I have heard consistent support for improving CTE. I know how important it is to modernize this program for today's jobs, from touring places like Southern Michigan Center for Science and Industry in Hudson, Michigan; the Jackson Area Career Center in Jackson, Michigan; Monroe County Community College; and many more.

We know that not everyone's path to success in the workplace is the same and, while many students pursue degrees at colleges and universities, many others know their sweet spot lies somewhere else. Career and technical education provides those individuals that opportunity and ensures our aspiring workforce is getting the hands-on training they need and they want.

I am particularly pleased that this bill includes my provisions to address outdated and burdensome occupational licensure requirements which can come at the expense of lower income workers, young people, and entrepreneurs who lack the resources to overcome regulatory obstacles.

According to the National Bureau of Economic Research, nearly 1 in 3 jobs now require a State-approved license or certification; in 1950, it was 1 in 20.

This bill will help create pathways to careers by encouraging States to review their regulatory climate and ensure it does not create unnecessary barriers for job growth.

I commend the authors of this bill, and I am proud that it emerged from our committee on a unanimous 37–0 vote.

I hope my colleagues will vote in support of this bipartisan legislation and work together to help every American pursue their personal paths to the American Dream.

Ms. CLARK of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT), the distinguished ranking member of our committee.

Mr. SCOTT of Virginia. Mr. Speaker, I rise in support of H.R. 5587, the Strengthening CTE for the 21st Century Act, which would reauthorize the Perkins Career and Technical Education program.

The research is clear: the United States workforce is suffering from a skills gap. According to one study, 65 percent of all jobs in the United States in the near future will require at least some education or training past the high school level—not necessarily a 4-year degree, but some education and training past the high school level. In Virginia alone, we have thousands of jobs in the tech sector that go unfilled because of the lack of qualified applicants. Some of those jobs have salaries of $88,000.

Today's CTE program is not the vocational education of the past, where students pursued a career rather than academic studies. Now the current programs integrate the academic curriculum which will assist in preparing participants for postsecondary education and credentials.

Mr. Speaker, people in the future will have to learn a new job; but if they don't have the academic background, we will be doing them a great disservice. This bill will allow students to pursue a career track; and if they change their mind later on, they are still getting the academics. They can go to a college-ready program.

We need to make sure that we have greater accountability for program quality. We want to ensure that we have more inclusive collaboration between educational institutions, industries, employers, and community partners. And we need to make sure that those programs are aligned with our recent K through 12 education and workforce systems.

I would like to thank all of the people who have been involved in this, particularly the gentlewoman from Massachusetts (Ms. CLARK) and the gentleman from Pennsylvania (Mr. THOMPSON), along with Mr. LANGEVIN from Rhode Island, who is the chair of the CTE Caucus, and all of the others who have worked across the aisle to bring us together today.

This bill, as has been pointed out, has been reported unanimously from the Education and the Workforce Committee, has strong support across the aisle, and I trust that we will pass it. I hope the Senate will take it up as soon as possible.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Alabama (Mr. BYRNE).

Mr. BYRNE. I thank the gentleman for yielding.

Mr. Speaker, earlier this summer, I had the opportunity to visit the new career and technical education classrooms at Saraland High School. From welding to engineering to IT, these programs are going to make a real difference, and I was so impressed to see CTE getting the attention it deserves.

You see, for too long, we have devalued the importance of career and technical education here in America. The programs were seen as some sort of second-rate option for students who couldn't make it otherwise. That simply isn't the case.

Instead, CTE programs offer real opportunities to students of all ages and from all backgrounds. With this bill, we are making it clear that career and technical education is a critical educational option that leads to good-paying jobs.

This bill makes important reforms to our CTE programs, with a special emphasis on ensuring the programs focus on in-demand skill areas in order to close the skills gap and boost economic growth.

This is a truly bipartisan, reform-oriented bill that deserves our strongest support, and I urge all my colleagues to join me in voting in favor of this legislation.

Ms. CLARK of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN), without whose leadership and expertise this legislation wouldn't be in the wonderful form that it is today, and we are very grateful for his role.

Mr. LANGEVIN. Mr. Speaker, I thank the gentlewoman from Massachusetts for yielding and for her outstanding leadership on reauthorizing the Carl D. Perkins Career and Technical Education Act. I am certainly pleased to join with five other bipartisan colleagues as original cosponsors of this bill.

I would also, in particular, like to thank my friend and colleague, Representative G.T. Thompson of Pennsylvania, for his unwavering commitment to expanding CTE. As co-chairs of the Career and Technical Education Caucus, Representative THOMPSON and I have made Perkins reauthorization our top priority; and today it is the culmination of over 4 years of our work on the caucus together. I want to thank him and both his staff and my staff for their extraordinary efforts.

We should also, of course, recognize everything that Chairman KLINE, Ranking Member SCOTT, and their staffs did to get this bill to the floor today.

Perkins has historically been a bipartisan bill, and we are all very happy to continue this tradition. H.R. 5587 was passed unanimously by the Education and the Workforce Committee and is the product of an inclusive and thoughtful process. Again, it passed unanimously. When does that happen, ever, it seems, these days in this Congress? This is extraordinary.

The bill makes many necessary updates to Perkins, with an emphasis on training students for the skills they will need in high-growth sectors in the 21st century economy. I am particularly pleased that it emphasizes the role of school counselors in helping students choose their career path, incorporating ideas from my Counseling for Career Choice Act. By equipping counselors with local labor market information, they can better help students choose the field that best fits their skills and interests and will ultimately lead to a good-paying job.

The bill also expands student access to work-based learning opportunities. This will help students to bridge the gap between classroom theory and workplace practice and align skills and training with employer needs.

Providing workers with the skills necessary to thrive in the modern economy is essential to our economic prosperity. I urge all of my colleagues to support this bill and the Senate to quickly take up this bipartisan legislation.

Again, I thank all of my colleagues who were involved in this effort and the staff for bringing this bill to the floor today.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, it is my pleasure to take a point of personal privilege just as a chance to recognize Chairman KLINE of the Education and the Workforce Committee and to thank him for his leadership in education, for truly making a difference in the lives of our youth and, quite frankly, people of all ages, like with this piece of legislation. I very much appreciate his leadership.

So it is my honor to yield 2 minutes to the gentleman from Minnesota (Mr. KLINE), the chairman of the Education and the Workforce Committee.

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Mr. KLINE. Mr. Speaker, I thank the gentleman from Pennsylvania for his leadership on this issue and for yielding the time.

Mr. Speaker, I rise today in strong support of the Strengthening Career and Technical Education for the 21st Century Act.

A quality education is vital to succeeding in today's workforce. However, it is important to know that a quality education doesn't have to mean a 4-year college degree. Career and technical education can be just as valuable, and, for many individuals, it is the path that is best for them.

Earlier this year, members on the Education and the Workforce Committee heard from Paul Tse. Paul

struggled as a student, but his life changed when he enrolled in a CTE program at the Thomas Edison High School of Technology in Silver Spring, Maryland. Today, he has a fulfilling career and not a dime—Mr. Speaker, not a dime—of student loan debt. There are countless other success stories just like Paul's.

The CTE classes Rob Griffin took as a high school student in Whitfield County, Georgia, prepared him for a successful career at one of the Nation's leading steel fabricators.

The hands-on experience Alex Wolff received at the Santa Barbara County Regional Occupational Program led to a rewarding career in electrical engineering. And Jasmine Morgan from the Atlanta area found her passion through CTE coursework and landed a job as a sports marketing specialist.

The goal of this legislation is to help more individuals write their own success stories. This bipartisan legislation will empower State and local leaders to tailor CTE programs to serve the best interests of the students in their communities. It will improve transparency and accountability, as well as ensure Federal resources are aligned with the needs of the local workforce and help students obtain high-skilled, high-demand jobs.

These positive reforms are an important part of our broader agenda, A Better Way, which is aimed at helping more men and women achieve a lifetime of success.

I want to thank Representatives GLENN THOMPSON and KATHERINE CLARK for their leadership.

I urge my colleagues to support this legislation.

Ms. CLARK of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. NOLAN). I thank him for his leadership on CTE and all his work for the students and employers of his district and our country.

Mr. NOLAN. Mr. Speaker, I would like to begin by recognizing my distinguished colleague from Minnesota (Mr. KLINE) for the great leadership that he has provided as the chairman of the Committee on Education and the Workforce. Make no mistake about it, our educational opportunities and future are brighter for you having chaired that committee and served in this Chamber. We all owe you a great debt of gratitude and wish you well in your future going forward. The greatest tribute I think that anyone can receive is that we served well and we made a difference. You have done that, and we thank you for that.

I would be remiss if I didn't also thank Ranking Member SCOTT for his great work in this area. I also thank Mr. THOMPSON of Pennsylvania, Ms. CLARK of Massachusetts, and the other original cosponsors for their hard work.

Mr. Speaker, I rise in support of this critically important bipartisan reauthorization of the Perkins Career and Technical Education Act.

Time and again, when I visit with owners and managers of manufacturing facilities throughout my northern Minnesota district, I am told two things. The first is that the employees they have hired who have participated in career and technical education programs are the very best that they have in their employment. Employers can't say enough good things about them and their skills and the work that they do.

The second point is that they need more CTE-trained people. All down the line, from health care, to construction, to information technology, to transportation, to aviation—and the list goes on—good-paying jobs with living wages are waiting for these people.

So this bill adds important new provisions to expand and update CTE so jobs can be filled. States get more flexibility to focus on the jobs and careers in high demand within their regions. Employers and communities get the tools they need to develop stronger partnerships to engage students and grow our local economies. And students get the tools that they need to compete and succeed in the 21st century. That is what this bill is all about.

It's all about more good jobs.

More great opportunities to learn and gain valuable skills and knowledge.

And—More dynamic growth for an economy in need of the best, most skilled workers America can provide.

I urge our colleagues in the Senate to join the House in supporting this critical and important program and act swiftly to take up and pass this legislation.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, it is my honor to recognize the chairman of the Subcommittee on Early Childhood, Elementary, and Secondary Education that has jurisdiction on this bill. I yield 2 minutes to the gentleman from Indiana (Mr. ROKITA).

Mr. ROKITA. Well, I thank the gentleman from Pennsylvania for his kind words. He is a dear friend. I have looked forward to our work together so far and into the future.

Mr. Speaker, I have been to probably a hundred schools in my time in public service. I have seen the best of schools, and I have seen the worst of schools. The one thing that I am seeing more and more, not only in our K–12 schools but in others after that, is the need for career and technical education and the need for reform in that area.

Now, Mr. Speaker, I am not talking about the shop class of old or anything like that. In fact, what we are seeing now is a completely different model.

As Indiana's Governor Pence cited in a congressional hearing last year, today's CTE, today's career and technical education, is not about, if not plan A, then plan B. It is about having two plan As. And that is exactly what today's CTE courses are bringing to the forefront.

Technological advances are constantly changing the kinds of jobs that are available, as well as the skills needed to succeed in those careers. That is why career and technical education is so important. It provides opportunities for students to gain those specific skills and prepare them to navigate the changing workforce.

Now, through a number of commonsense measures, Mr. Speaker, this bill is delivering the reforms that will provide the flexibility to State and local leaders to meet those unique local needs, build stronger engagement with employers, and ensure that CTE programs are delivering results. So I thank Representatives THOMPSON and CLARK for working together to move this bill forward.

I urge my colleagues to support this bipartisan bill and help more people gain the skills and hands-on experience that are critical to succeeding in today's workforce.

Ms. CLARK of Massachusetts. Mr. Speaker, I yield 1 minute to the gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. Mr. Speaker, I rise in strong support of H.R. 5587, which addresses the most urgent workforce challenge in our Nation by updating and strengthening career and technical education programs at the secondary education level.

First, the good news. All across the country, there is an exciting and growing need for trade and technical skills to fill jobs that young people can build a career and life around. Advanced manufacturing opportunities in aerospace, maritime, and even health care are happening from coast to coast. And the question of the day for many employers is whether our education and job training systems are ready to fill the need.

Recent updates to K–12 and job training programs signed into law by President Obama in 2014 and 2015 built a positive platform to address this challenge, and passage of this bill for technical programs will add to that capability.

In southeastern Connecticut where I hail from, the U.S. Navy's demand signal for new Virginia class and Columbia class submarines is projected to require up to 14,000 new hires in metal trades, design, and engineering over the next 10 years. For my region, passage of this bill is not just feel-good legislation but a critical, existential requirement.

I strongly urge passage of this bill and swift concurrence by the Senate.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. ROE), a classmate of mine and also another leader in the Education and the Workforce Committee and the chairman of the Subcommittee on Health, Employment, Labor, and Pensions.

Mr. ROE of Tennessee. Mr. Speaker, I rise today to encourage my colleagues to support H.R. 5587, the Strengthening Career and Technical Education for the 21st Century Act. CTE programs are designed to prepare high school students and community college students

for the workforce. However, the laws supporting these efforts have not been updated in over a decade.

In my district, I often hear from businessowners, employers, administrators, and students who all tell me about the need for quality education and training necessary in today's workplace. Just as the one-size-fits-all approach doesn't work for health care, it will not work for education and workforce training. Each State, school district, and student is different. Local administrators, teachers, and employers—not the Federal Government—should have these decisionmaking powers.

Congress has worked to improve K–12 education and modernize the Nation's workforce development system, and this bill continues to build on that progress. The recession may have ended in 2009, Mr. Speaker, but too many people are still struggling to make ends meet. We can do better.

I encourage my colleagues to support H.R. 5587.

Ms. CLARK of Massachusetts. Mr. Speaker, I yield 1½ minutes to the gentleman from Colorado (Mr. POLIS).

Mr. POLIS. Mr. Speaker, I rise in support of H.R. 5587, the Strengthening Career and Technical Education for the 21st Century Act.

A few weeks ago, I got to visit the new Pathways in Technology Early College, P-TECH, program at Skyline High School in Colorado in the St. Vrain Valley School District. P-TECH is a partnership between the St. Vrain Valley School District, Front Range Community College, IBM, and other employers. It allows students to earn a high school diploma and associate's degree in 4 or 5 years.

I spoke with a number of students participating in the very first P-TECH class, and they shared with me how this program will equip them with the skills they need to get good, reliable jobs after graduation. That is the kind of innovation Congress should be supporting, and this bill allows for that.

The bill also allows funds to be used for open access education resources. Open access education resources and open access textbooks are openly licensed, free to use, and often come with more flexibility than traditional or commercial textbooks. Throughout this country, open education resources are gaining popularity, save resources, and maintain high quality standards.

Last year, Congress recognized the cost-saving potential and flexibility of open education resources at the K–12 level in the Every Student Succeeds Act. I am very excited that support for open education resources continues in this bill.

I urge this bill's final passage today, and I call on my colleagues in the Senate to take up this bipartisan legislation as soon as possible.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. CARTER).

Mr. CARTER of Georgia. Mr. Speaker, I rise today in support of H.R. 5587, the Strengthening Career and Technical Education for the 21st Century Act, and the benefit and opportunities it will provide for those looking to enter the job market.

We have an opportunity to get rid of the stigma of this vocation path and bring to light the benefits of career and technical education. This bill overhauls the system to bring the decisionmaking down to the State and local leaders. It more closely accounts for changes in the job market. It increases the input from groups such as students and business leaders.

This legislation empowers leaders from our States and communities by reducing the paperwork for local education providers and streamlines the requirements process. It supports closer partnerships with employers, who know the needs of the workplace, and puts in place accountability benchmarks to ensure that these programs on the secondary level are delivering the training and results they are supposed to be providing to students.

This bill also allows States and local authorities to develop a curriculum they know that works for their students and for their communities.

I applaud the gentleman from Pennsylvania (Mr. THOMPSON) and the Education and the Workforce Committee for their hard work and diligence in addressing this matter.

I urge my colleagues to support this bill.

Ms. CLARK of Massachusetts. Mr. Speaker, I yield 1 minute to the gentlewoman from Oregon (Ms. BONAMICI).

Ms. BONAMICI. Mr. Speaker, I enthusiastically support the Strengthening Career and Technical Education for the 21st Century Act.

When I visit communities in Oregon, I hear from business leaders, educators, and students about how hands-on career and technical education programs engage them and prepare them for success after high school, regardless of what path they take.

This CTE legislation authorizes needed increases in funding for CTE programs and takes important steps to help more students excel in school and in the workforce.

The bill will improve participation among historically underserved students, bring needed input from key stakeholders, including parents and industry groups, and help students learn employability skills as well as technical skills.

I thank my friend and colleague from New York, the co-chair of the STEAM Caucus, Congresswoman STEFANIK, for working with me to include an amendment that promotes arts and design education, which is increasingly in high demand in numerous industry sectors that value innovation. I thank Chairman KLINE, Ranking Member SCOTT, and Representatives CLARK and THOMPSON for their leadership and commitment to improving CTE programs.

I ask my colleagues to join me in approving this legislation and call on the Senate to quickly take action.

□ 1515

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I am now pleased to yield 1 minute to the gentlewoman from North Carolina (Ms. FOXX), also a leader on the Committee on Education and the Workforce. She serves as our chair of the Subcommittee on Higher Education and Workforce Training.

Ms. FOXX. Mr. Speaker, I thank my colleague from Pennsylvania for yielding to me and for the work that he has done on this important bill.

Mr. Speaker, the Carl D. Perkins Career and Technical Education Act has provided Federal support to State and local career and technical education programs for more than 30 years. But for far too long there has been a discrepancy in what students are learning in the classroom and what employers say they need in the workplace.

H.R. 5587 updates the law to reflect today's economic needs and the challenges that students and workers currently face. This bipartisan bill goes a long way toward ensuring that individuals who pursue a technical education have the knowledge and skills they need to succeed.

Educational success is about more than just a degree. It is about preparing students for a satisfying life and teaching them the quantifiable skills that employers need in their employees. The Strengthening Career and Technical Education for the 21st Century Act will help students reach those goals. I encourage my colleagues to support this important legislation.

Ms. CLARK of Massachusetts. Mr. Speaker, I am pleased to yield 1½ minutes to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, career technical education answers the call that we hear from industry and from students alike to train students in fields where high-quality jobs are available. We know that means both equity and quality. Equity, of course, we know because every individual, every man, every woman, people of color, the disabled, all of the groups need to have equal access to a promising education and successful career.

The reality is that we can't fix a problem that we can't see. So we have to have the data. We have to have the ability to know what we are looking at. But it is equally important to make sure that CTE programs deliver in terms of quality.

So how do we do that?

I am excited that this bill places an emphasis on teachers getting opportunities to advance their knowledge and skills. Teachers need support and training from industry leaders so that they can take their knowledge back to students.

The flow of relevant information between industry, between teachers and students has to be highlighted and strengthened. When teachers have direct field experience, they are better able to enthusiastically relate accurate and timely industry practices to their

students, and that makes for stronger professional development for teachers, and that will trickle down to our students.

Successful CTE programs will close the skills gap that undermines our productivity today. I urge my colleagues in the Senate to take up and pass this overwhelmingly bipartisan legislation.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I yield 1 minute to the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Mr. Speaker, I thank Chairman GLENN THOMPSON for yielding.

I am grateful to support the Strengthening Career and Technical Education for the 21st Century Act. Whether I am visiting one of the remarkable schools in South Carolina's technical education system of Aiken, Midlands, Orangeburg-Calhoun, or a local manufacturing facility, the message is the same: the job market is changing rapidly. Quality education is vital to competing, which is why apprenticeship programs are so important in leading to the success of BMW, MTU, AGY, SRS, Michelin, Bridgestone, Boeing, and soon Volvo in South Carolina.

While existing technical education, which was established by Fritz Hollings and Floyd Spence, has played a role in creating jobs, existing legislation has not been updated for the last 10 years.

This bill serves as a first step to reforming technical education programs by helping all Americans enter the workforce for high-skilled, in-demand jobs. Some reforms include empowering State and local community leaders, limiting Federal mandates, encouraging employment engagement, and increasing accountability.

I am grateful to cosponsor the Strengthening Career and Technical Education for the 21st Century Act. I appreciate the leadership of Chairman GLENN THOMPSON for sponsoring this leadership, and I urge my colleagues to support it.

Ms. CLARK of Massachusetts. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from North Carolina (Ms. ADAMS).

Ms. ADAMS. Mr. Speaker, I thank the gentlewoman for yielding.

As a member of the House Committee on Education and the Workforce, I am proud to stand here today in support of the Strengthening Career and Technical Education for the 21st Century Act. This is commonsense, bipartisan legislation, and it will strengthen our economy and put hardworking Americans back to work.

As elected leaders promoting the welfare of the American people, it is our most sacred responsibility, and this is why we must continue to work together to ensure that American workers have the skills and the training needed to compete in this modern workforce.

In August, I traveled throughout my district, meeting with local employers and workers, and they all shared one major concern: the desperate need to close the skills gap.

There are good paying jobs right here at home, but our people aren't able to fill them, and that is unacceptable. The skills gap is weakening our national and local economies, and we can no longer afford the price of an underprepared workforce. That is why I call on my colleagues to vote ''yes'' and to reauthorize CTE.

Voting ''yes'' will not only strengthen our economy, but will help make the American Dream a reality for millions of Americans. Voting ''yes'' will absolutely make a difference in the lives of those you serve. Today we have an opportunity to get it right, an opportunity to level the playing field, and to put the needs of the American people first. Let's make America stronger by passing this commonsense, bipartisan legislation. I urge my colleagues to vote ''yes.'' I hope the Senate will move swiftly in also passing this crucial piece of legislation.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Georgia (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentleman for yielding.

Career technical education is critical to the development of a growing workforce. As I go into the schools today, I often ask the students: Why are you getting an education?

These are questions that I ask the students: Why is education important?

The answer is to get a good job, to build a career.

Our schools teach children all the necessary and important subjects, but it is important that we offer programs that prepare students for the workforce. We have to work to bridge the existing gap between the business community and education. That means encouraging students to find their passions early on and choosing programs that will build their resumes and set them up for their chosen occupation.

As a member of the House Committee on Education and the Workforce, a member of the Congressional Career and Technical Education Caucus, and with over 40 years in the business world, I am a strong supporter of this bill. Growing this economy starts with jobs and getting people back to work. So why not start by preparing America's future workforce early?

I urge support of the Strengthening Career and Technical Education for the 21st Century Act.

Ms. CLARK of Massachusetts Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Massachusetts (Mr. KENNEDY). I would like to thank him for all his leadership and work on promoting American manufacturing, STEM and STEAM education, and CTE.

Mr. KENNEDY. Mr. Speaker, I want to thank my colleagues, Congresswoman CLARK and Congressman THOMPSON, for their extraordinary leadership, as they always seek ways to advance career and technical education training.

According to a recent report, Mr. Speaker, in my home State of Massachusetts, three out of five job openings in our Commonwealth 6 years from now will require less than a college degree. That means that students who are just starting their second week of middle school this week could walk straight out of their high school graduation and into a job in their own backyard.

They will only be prepared for those jobs, though, if we ensure that their curriculum is informed by the needs of companies in their communities. Businesses and voc-tech schools in my district are already creating innovative partnerships that allow students to learn in their classrooms and then gain hands-on experience on factory floors.

Guided by their example, I introduced the Perkins Modernization Act to align the curriculum that our students are learning today with the needs of the employers who will hire them tomorrow. I am grateful that the sponsors of this legislation included that language, and I hope the Senate will follow their lead by quickly taking up and passing this legislation.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. CURBELO), another very effective member of the House Committee on Education and the Workforce.

Mr. CURBELO of Florida. I thank Mr. THOMPSON for yielding, and I thank him for his leadership on this bill. I would also like to thank Ms. CLARK, our chairman, and the ranking member for making this possible.

I think all of my colleagues have explained all the details in this bill, the important reforms that are in it, but what I want to focus on is the critical message that it sends young people and, really, all aspiring people all over this country, Mr. Speaker.

For a long time—and I was a school board member, so I know this—young people were told that there was only one path to success: a traditional 4-year degree. And anyone who didn't do that was looked down upon, and we stigmatized a lot of young people in this country.

What this Congress is doing today together—Republicans and Democrats—is sending a strong message to students in high school today, students in middle school, and people who are adults but still aspiring and looking to acquire job skills so that they can get a good job, that there are many pathways to success. I think that is equally as important as the reforms, as the changes, as the updating of this important bill that we are advancing, the strong, wonderful message it is sending to the young people of this country.

I thank everyone for their leadership, and I urge all my colleagues to vote for this legislation.

Ms. CLARK of Massachusetts. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. NORCROSS).

Mr. NORCROSS. Mr. Speaker, I thank the gentlewoman for yielding.

I rise in support of H.R. 5587.

First, I want to thank the Members for coming together and certainly their staffs for recognizing the important piece of this legislation where we are going.

As we heard before, a 4-year college is a great pathway for some, but it certainly isn't for everyone. I, myself, am a product of the other 4-year school, an apprenticeship out of the IBEW that allowed me for many, many years to support my family being an electrician.

In New Jersey, my home State, 7 out of 10 jobs that are coming up in the next few years will require less than that 4-year degree, and that reemphasizes why we are here today.

This important bill will go a long way to provide students with alternative pathways to earn a fair day's pay for a fair day's work. I, along with Representative MCKINLEY, formed the Congressional Building Trades Caucus to work on these issues, and we will be meeting later this week to discuss these important items. Apprenticeships are a partnership between employers and employees. They come together and will increase the outcomes.

Once again, I want to thank all those involved for their hard work. I urge the Senate to take this up quickly.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I have no other speakers, so I reserve the balance of my time.

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

Today we have heard Democrats and Republicans from across the United States speak in support of H.R. 5587. This legislation builds upon the investments this Chamber has made in the education system and updates CTE to allow our students to be competitive in a global economy.

I want to give special thanks to the Committee on Education and the Workforce staff, who worked so hard to support Members in drafting this bill that has received such broad bipartisan support.

I urge my colleagues on both sides of the aisle, as well as our Senate colleagues, to quickly take up and approve this commonsense legislation.

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

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

Mr. Speaker, career and technical education helps men and women across the country achieve the American Dream of finding and seizing opportunities to work hard and to succeed within the workforce.

The Strengthening Career and Technical Education for the 21st Century Act makes the positive reforms necessary to ensure more Americans are able to access life-changing education and experience that will allow them to do just that, to achieve the American Dream.

□ 1530

I am pleased that we have been able to work across the aisle in a bipartisan manner—my hope is that we will be able to work in a bicameral manner with the Senate, and I encourage swift action in the Senate—to ensure that this generation is equipped with the tools needed to remain competitive in today's workforce. I believe this is an effort that we can all support.

Mr. Speaker, the title of this bill is Strengthening Career and Technical Education for the 21st Century Act. Normally, we usually find some kind of an acronym—something short and catchy—to call this. Those initials don't lend to that process, but I would have to say I like to refer to this legislation as the opportunity bill. It is the opportunity for those young people who are looking to enter the workforce and want to go on to a path to be able to earn a family-sustaining wage, to be successful through career and technical education training.

It is an opportunity bill for those families who today find themselves depressed and caught in unemployment and looking to get back into the workforce and greater opportunity. It is an opportunity bill. It is an opportunity bill for those families that, maybe, for generations have found themselves trapped in poverty and without an exit strategy, Mr. Speaker. This bill is an opportunity bill. It is an exit ramp from poverty for those families, those Americans.

For those who are job creators who can't grow or maybe even start their business or sustain their business because they can't find qualified and trained workers, this is an opportunity bill, Mr. Speaker. I urge my colleagues to vote ''yes'' on H.R. 5587.

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

The SPEAKER pro tempore (Mr. DUNCAN of Tennessee). The question is on the motion offered by the gentleman from Pennsylvania (Mr. THOMPSON) that the House suspend the rules and pass the bill, H.R. 5587, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. CLARK of Massachusetts. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

HALT TAX INCREASES ON THE MIDDLE CLASS AND SENIORS ACT

Mr. BRADY of Texas. Mr. Speaker, pursuant to House Resolution 858, I call up the bill (H.R. 3590) to amend the Internal Revenue Code of 1986 to repeal the increase in the income threshold used in determining the deduction for medical care, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 858, the amendment in the nature of a substitute recommended by the Committee on Ways and Means, printed in the bill, is adopted, and the bill, as amended, is considered read.

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

H.R. 3590

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Halt Tax Increases on the Middle Class and Seniors Act''.

SEC. 2. REPEAL OF INCREASE IN INCOME THRESHOLD FOR DETERMINING MEDICAL CARE DEDUCTION.

(a) IN GENERAL.—Section 213(a) of the Internal Revenue Code of 1986 is amended by striking ''10 percent'' and inserting ''7.5 percent''.

(b) CONFORMING AMENDMENTS.—

(1) Section 213 of such Code is amended by striking subsection (f).

(2) Section 56(b)(1)(B) of such Code is amended by striking ''without regard to subsection (f) of such section'' and inserting ''by substituting '10 percent' for '7.5 percent' ''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2015.

The SPEAKER pro tempore. The bill, as amended, shall be debatable for 1 hour, equally divided and controlled by the chair and the ranking minority member of the Committee on Ways and Means.

The gentleman from Texas (Mr. BRADY) and the gentleman from Michigan (Mr. LEVIN) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. BRADY of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3590, currently under consideration.

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

There was no objection.

Mr. BRADY of Texas. Mr. Speaker, I yield myself such time as I may consume.

Over the last few months, the American people have witnessed one ObamaCare failure after another. Major insurers are fleeing the exchanges, healthcare premiums are continuing to just skyrocket, and only 7 of ObamaCare's 23 public option co-ops remain. After New Jersey's announcement yesterday that it will close its co-op, we will be down to merely 6 at the end of the year. That means nearly three-quarters of a million Americans have been or will soon be kicked off their current healthcare insurance.

Every week, the news about this law gets worse. That is why House Republicans are taking action right now to protect seniors across our country from another looming negative consequence of the President's healthcare law. I am honored today to speak in support of Congresswoman MARTHA MCSALLY's Halt Tax Increases on the Middle Class and Seniors Act.

Before the Affordable Care Act, Americans could find some relief in their ability to deduct high-cost, out-of-pocket medical expenses from their taxes, but this important source of relief is about to get further out of reach for seniors, thanks to ObamaCare.

For Americans under 65 years of age, a provision of the Affordable Care Act has already raised the previous 7.5 percent income threshold up to 10 percent. Starting January 1, just 3 months from now, the provision will go into effect for America's seniors and elderly as well.

In fact, the American Association of Retired Persons—or AARP, as many know them—in their letter endorsing this legislation stated that ''56 percent of all returns claiming the deduction had at least one member of the household age 65 or older.'' In other words, this is hitting seniors in retirement years, where every dollar matters.

This ObamaCare provision is a tax hike, plain and simple. It makes paying for care even more difficult for individuals, families, and seniors who may already be struggling to afford the care they need.

Mr. Speaker, this law gets more unaffordable and burdensome every day, and it is the middle class and seniors who are being hurt most. With the Halt Tax Increases on the Middle Class and Seniors Act, we can repeal this provision and stop another painful ObamaCare tax hike in its tracks.

I am grateful for Representative MCSALLY's leadership on this important, bipartisan legislation. I would note that, as AARP said, more than half of those impacted are seniors. Nearly half are the middle class. They make between $40,000 and $70,000 a year. Every dollar in their family budget matters as well.

This solution, this targeted ObamaCare repeal, is another example of how House Republicans are delivering the patient-focused solutions Americans deserve. Most importantly, this repeal takes meaningful steps to make health care more affordable and accessible for the American people.

I am proud of the leadership of Congresswoman MCSALLY on behalf of our seniors and our middle class.

Mr. Speaker, I reserve the balance of my time, and I ask unanimous consent that the gentleman from Ohio (Mr. TIBERI), the chairman of the Health Subcommittee, be permitted to control the remainder of the time.

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

There was no objection.

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

Mr. Speaker, this bill is going nowhere, but there are lessons to be learned from it being voted on today. It is an exercise Republicans hope will help them politically, and yet another one of their attempts to undermine the Affordable Care Act.

The Joint Committee on Taxation estimates that this bill would increase the deficit by nearly $33 billion over the next 10 years. This bill does not include any offsets to address this cost. This is a vivid contradiction of worn-out Republican rhetoric claiming time and time again to be concerned about the deficit of this country.

Earlier this year, the President requested $1.9 billion to address the growing threat of the Zika virus in this country. Republicans ignored this request, disregarded our Nation's top public health officials, and, instead, combined lower funding levels with poison pill policy riders.

Nearly 12,000 Americans, including nearly 1,400 pregnant women, have confirmed cases of Zika in this country. The Centers for Disease Control and prevention has stated it is running out of resources to fight the virus. So far, no action.

Zika is an emergency. The Republicans say, Pay for it. Oh, but not a dime for this $35 billion tax cut. How can we afford to provide for an enormous tax cut, like the one before us today, but we can't afford to spend just one-fifteenth of that amount to protect Americans from a devastating disease impacting families and children?

The opioid epidemic. We passed some important legislation to address it, but no money, no action to make sure that it would really be meaningful. But today, we can pass an unpaid-for tax cut of $35 billion?

Flint, Michigan. Thousands of kids were poisoned. Drinking water still cannot be consumed, and water can't be otherwise used in Flint—but no action today. No action, but we can pass this $35 billion bill, unpaid for?

Let's be clear about the ACA, which, once again, the Republicans are trying to repeal, in part. The ACA was fully paid for—fully. And since the ACA passed 6 years ago, the majority has failed to offer any meaningful alternative to the ACA to reduce the ranks of the uninsured and provide affordable coverage to American families. Their response has been ''nada,'' in terms of anything meaningful.

According to the JCT data, approximately two-thirds of the tax benefits from H.R. 3590 will accrue to taxpayers earning $100,000 and more over the next 10 years.

In 2013, only 6.1 percent of all returns claimed the medical expense deduction, and only 11 percent of seniors did so. We know that the higher a household's income, the more likely it is to itemize deductions. So low-income seniors would receive little or no benefit from this bill since much of their income comes from Social Security.

For these reasons, the administration has issued a Statement of Administration Policy. I want to read it because it underlines how, as I said at the beginning, the Republicans here, once again, are going through the motions. This isn't going to become law, but it says something important: don't pay for, be reckless, claim you care, and also take another step to undo ACA.

I quote from the Statement of Administration Policy:

''The Administration strongly opposes House passage of H.R. 3590. It would repeal a provision of the Affordable Care Act that limits a regressive, poorly targeted tax break for health care spending. This repeal would disproportionately benefit high-income Americans, while increasing national health care spending. Additionally, it would increase the Federal deficit by $32.7 billion over ten years, according to the Congressional Budget Office.

''The Administration is always willing to work with the Congress on fiscally responsible ways to further improve health care affordability and the Affordable Care Act. The President's Budget offers a number of proposals to do so. However, H.R. 3590 would be a step in the wrong direction because it would increase health care spending and increase the Federal deficit, while doing little to improve the affordability of health care for middle-class families.

''If the President were presented with H.R. 3590, his senior advisors would recommend that he veto the bill.''

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

□ 1545

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

H.R. 3590, the Halt Tax Increases on the Middle Class and Seniors Act, is a commonsense bill that repeals an onerous tax on 3.8 million households in America; 3.8 million households in America in 2016 alone.

We should encourage patients to seek the care they need, not to create more burdens and restrict access to medical care, as this ObamaCare tax does.

Now, if Americans out there watching listened to the previous speaker say things like ''politically motivated bill,'' ''undermine Affordable Care Act,'' ''a contradiction,'' here is the contradiction. This bill was introduced over a year ago by Congresswoman MARTHA MCSALLY from Arizona, but this isn't the first time this bill has been introduced. It was introduced in the last session of Congress by a gentleman whose name is Ron Barber, a former Congressman from Arizona and a Democrat. How interesting. What a contradiction that is.

So, this so-called politically motivated bill, according to AARP—this is AARP saying this, which supports the legislation—56 percent of all returns claiming this deduction had at least one member of their household age 65 years or older. My mom and dad, over

65, on a fixed income. But, yet, some are opposed to this bill.

Let me tell you who is for it. AARP, Americans for Prosperity, National Taxpayers Union, Americans for Tax Reform, 60 Plus, Association of Mature American Citizens, Campaign for Liberty, Small Business & Entrepreneurial Council.

Mr. Speaker, I am a proud cosponsor of this bill, and I would like to thank Congresswoman MARTHA MCSALLY from Arizona for her passion for this legislation, her tireless work for this legislation, testifying before the Ways and Means subcommittee on this legislation, and trying to help those 3.8 million households in America, many low-income and middle-income households in America, and bringing this important issue to light today.

Mr. Speaker, I yield 4 minutes to the gentlewoman from Arizona (Ms. MCSALLY).

Ms. MCSALLY. Mr. Speaker, I thank Chairman TIBERI as well as Chairman BRADY. I truly appreciate their willingness to work with me on this legislation that will peel back this lesser-known tax increase buried in the Affordable Care Act that is already hurting middle class families and will begin to hurt seniors early next year.

H.R. 3590, the Halt Tax Increases on the Middle Class and Seniors Act, is a bill I introduced earlier in this Congress, and it will protect seniors from this tax hike and it will roll it back for middle class families.

With the costs of health care rising and becoming significantly harder for families and seniors to find, this legislation is necessary to provide relief to Americans with expensive medical bills. Since 2005, healthcare costs have steadily risen faster than inflation in every year except one.

Additionally, the trend towards rising health insurance deductibles and premiums are leaving people exposed to increased out-of-pocket costs. We should be working to reduce this burden, not making it worse; but that is not what this hidden tax hike in the Affordable Care Act would do.

Currently, the IRS allows Americans with high healthcare costs to deduct certain out-of-pocket expenses from their taxes. Prior to 2013, individuals could deduct out-of-pocket costs that exceed 7.5 percent of one's adjusted gross income, or AGI. The Affordable Care Act changed this for Americans under the age of 65 already by moving that threshold to 10 percent, effectively raising taxes on middle class Americans.

To make matters worse, that same tax increase is scheduled to hit Americans 65 and older starting January 1, 2017. This is particularly concerning to me because, according to the Census Bureau's 2014 American Community Survey, approximately 140,000 individuals, roughly one-fifth of my constituents, are over the age of 65.

Though it has not received much attention, the medical expense deduction means a great deal to some of the most vulnerable Americans. According to recent data from the IRS, more than 8 million people use this deduction, with more than 80 percent earning less than $100,000 a year and 49 percent earning less than $50,000 a year. This deduction is extremely important for low-and middle-income Americans who have already spent thousands in out-of-pocket costs and cannot afford another shock to their wallets and pocketbooks.

The same goes for seniors, many who already live on fixed incomes and struggle to make ends meet. According to the AARP, seniors make up 56 percent of all claimants of the medical expense deduction. If the threshold is raised, many seniors who have saved for their whole lives and have carefully planned for retirement will suddenly be faced with hundreds of dollars in extra taxes on top of the out-of-pocket medical costs they already pay.

That is why I introduced this bill. It is a bipartisan bill to stop this tax increase for seniors and roll it back for those under 65.

The impetus for this legislation came from one of my constituents in Green Valley, Arizona. His name is Loren Thorsen. Tragically, Loren passed away earlier this year, but he knew the importance of raising awareness of this tax hike and he was committed and passionate to doing what he could do to stop it. I am honored to be standing here today in order to advance this effort, Loren's effort, one step further.

In closing, I want to thank the 17 cosponsors, including Chairman TIBERI, Congresswoman LYNN JENKINS, Congressman BOB DOLD, and Congressman JASON SMITH, all members of the Ways and Means Committee, as well as my colleague, the gentlewoman from Arizona (Ms. SINEMA).

I would also like to thank the various supporting groups, including the AARP, Americans for Prosperity, 60 Plus, Americans for Tax Reform, the Association of Mature American Citizens, and the National Taxpayers Union.

I would urge all Members to join me in supporting this bill in order to ensure we protect the American people from another harmful healthcare tax increase that they simply cannot afford.

Mr. LEVIN. Mr. Speaker, I yield 4 minutes to the gentleman from Oregon (Mr. BLUMENAUER), a member of our committee.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy for permitting me to add my voice to this discussion. I think we are all deeply concerned about impacts that we have on our constituents, whether it is in terms of tax, expenses in terms of health care, or challenges in their day-to-day life.

What is deeply concerning to me is an inability for us to step back and look at these things in a broader context to be able to prioritize and deal with these items in a way that actually provides some sense of balance.

Now, I will be the first to admit that I had some reservations about some of the funding elements that were part of the Affordable Care Act. I would not have used exactly the same structure, but bear in mind that the investment in the Affordable Care Act has provided significant healthcare subsidies for millions of Americans, which my friend and colleague, Congressman LEVIN, can go through in great detail. But what we are looking at here are three problems.

One, if this bill were to move forward, it would invest $33 billion, either added to the deficit or cutting other programs.

Now, I think it is important to bear in mind that this Congress has been tied in knots, unable to come up with a billion or two to deal with the Zika crisis, the infections that are taking place, the potential of an epidemic starting in places like Florida and Puerto Rico, but putting people at risk around the country. This is an immediate healthcare crisis.

Congress is paralyzed, and we can't come up with a billion or two, let alone $33 billion over the next 10 years. We have watched, on an ongoing basis, people picking away at items of the Affordable Care Act, which was developed as a comprehensive package that had things that some people supported, some people were opposed, but collectively was able to provide these benefits that resulted in having the lowest uninsured rate in American history. We are watching people starting to try and pick away at elements here that either add to the deficit or undermine the integrity of the Affordable Care Act.

Now, one of the things that has been frustrating for me is that we had a complete collapse of the legislative process. There were many things that we could have done to refine and improve the Affordable Care Act. Nobody would have designed the bill exactly like it went through, but that is what happened when the Senate Republicans stopped legislating, and we used the reconciliation package to take what we had, enable it to go forward with the expectation over the course of the last 6 years we would be working together to refine it, like we have done with every single major piece of social legislation in our history.

We work on it. None of these things are perfect. We refine it. We look at the changes that can come forward and try to improve it for the American people. That has not been what has happened in the 6 years that my Republican friends have been in charge of the House of Representatives.

I have deep affection and respect for my friend, Mr. TIBERI. We work on lots of things together. One thing we haven't been able to work on in 6 years is an opportunity to refine the Affordable Care Act, to be able to work together cooperatively to build on it.

We have had an agenda. I lost track at 65 the number of times the votes were to repeal it, not to be able to work together.

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

Mr. LEVIN. I yield the gentleman an additional 2 minutes.

Mr. BLUMENAUER. But to repeal it and to get rid of it, to try to highlight—in fact, there were a number of votes that have taken place to actually make it worse, to have a bigger impact on low- and moderate-income families, have a bigger cliff for people who have changes in their economic circumstances, to have a larger penalty rather than smoothing, refining, and making it better.

We have an opportunity to be able to deal meaningfully with things that will improve the health of the American people. If we don't agree on the refinement of the Affordable Care Act—I am hoping that we might have a more responsible and slightly better Congress next time, but there are things we could do right now in areas of medical research. I mentioned Zika.

We have opportunities to move forward. This takes off the top something that has been in the legislation for some time that focuses one element, but doesn't improve the quality of health care; that doesn't deal with refining and strengthening the Affordable Care Act; that doesn't deal with the crisis of Zika; doesn't beef up medical research.

We have many priorities. We have many opportunities. The easiest thing in the world to do is come in and try to cut taxes, add more deductions, make changes, particularly if we are not going to pay for those changes, if we are just going to add to the deficit greater borrowing for the future.

This is cotton candy. This is not serious legislation. There are no tradeoffs involved here. It is just making it out of whole cloth, moving forward and letting somebody else bear the consequences. I don't think that is what we should be doing. I do think there are people who are serious about reducing the deficit. I think there are people who are serious about improving health care for the American people. There are people who are deadly serious about dealing with the Zika crisis. There are things that we could be doing cooperatively to make things better and focus on priorities. This bill is not that. This bill is cotton candy, unpaid for; cut taxes and let the consequences fall to somebody else.

I think we can do better. I hope we do better. I hope people get this out of their system and make their point. I understand it. In a perfect world, there are things that we would have done differently.

□ 1600

Mr. TIBERI. Mr. Speaker, I have great affection for my colleague from Oregon as well, but today we are making this piece of legislation, this thing called the Affordable Care Act, better. In fact, JCT says that, in 10 years, nearly 10 million households in America will be paying this new tax—again, moderate- and low-income households. For those 10 million people, we are making it better.

Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. DOLD). He is from suburban Chicago, a member of the Ways and Means Committee, and has been active in supporting this legislation and helping get it passed out of committee.

Mr. DOLD. Mr. Speaker, I want to thank the chairman for yielding the time. I also want to join him in saying to my colleague and good friend from Oregon that I welcome the opportunity to try to dive in to the Affordable Care Act to make it better, and I look at the legislation that is in front of us as a step to be able to do some of those things.

Now, again, this is just one step, so I don't believe that it is cotton candy because, as we look at premiums that are going right through the roof, deductibles that have gone sky high, hardworking American taxpayers are looking and saying: What is going on?

Mr. Speaker, the debate today, which I am pleased to join, about H.R. 3590, the Halt Tax Increases on the Middle Class and Seniors Act, is a commonsense piece of legislation and a bipartisan piece of legislation that actually is talking about rolling back a tax that was put into the Affordable Care Act. What is interesting is that this tax, in essence, enabled people to be able to deduct expenses that were over 7.5 percent of their adjusted gross income. Think about that. That is a pretty sizeable amount of resources.

So as of 2013, Mr. Speaker, the Affordable Care Act raised the floor of this 7.5 percent to 10 percent. They raised it on individuals—hardworking American taxpayers—that are out there that are trying to get by and make ends meet to provide a better life for their family.

Currently, seniors age 65 and older still are able to deduct those that are above 7.5 percent of the adjusted gross income. But that is not going to be for very long because, beginning in 2017, they are also going to lose that ability, and it is going to go up to 10 percent.

Here is why that seemingly very small change is a big problem. Individuals, families, and seniors claiming this deduction are already spending a large amount of resources of their personal income on medical bills. Those who depend on this deduction most often have complex, high-cost health conditions.

The bill in front of us today will fix the Affordable Care Act's counterproductive tax increase that has already been imposed on individuals and families, and it will protect seniors from facing the same tax increase by permanently allowing everyone to deduct qualified medical expenses above the pre-ACA level, the Affordable Care Act level, of 7.5 percent.

This isn't cotton candy, I hope. I certainly hope this isn't cotton candy, as my friend from Oregon said. This is a meaningful and, I do believe, important piece of legislation as families all across our country are looking at healthcare costs that are going through the roof, and they are saying: Wait a second; can I please get some relief?

According to the Joint Committee on Taxation, 40 percent of those who would receive immediate relief from this piece of legislation, from this bill, make between $40,000 and $75,000 per year. This is not millionaires and billionaires—$40,000 to $75,000 a year.

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

Mr. TIBERI. Mr. Speaker, I yield the gentleman an additional 1 minute.

Mr. DOLD. Additionally, according to the AARP, 56 percent of all tax returns claiming this as an expense are seniors, have a senior in the household making that claim. Fixing this counterproductive tax puts in place, I believe, the right message that we want people to be able to pay for their medical expenses.

Ultimately, what we are doing is we are seeing these costs continue to rise. I know I am not the only Member of Congress that hears it from their constituents. In talking to my colleagues, frankly, on both sides of the aisle, I know they hear it. The costs are going up, premiums and deductibles.

Ultimately, we want to provide good, quality coverage and health care to families, hardworking taxpayers, and seniors all across our country. This is a commonsense, bipartisan piece of legislation.

Mr. Speaker, I urge my colleagues to step forward and support this legislation.

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Arizona (Ms. SINEMA).

Ms. SINEMA. Mr. Speaker, I thank Congressman LEVIN for yielding, and I thank Congresswoman MCSALLY for working with me on introducing this bipartisan legislation.

Mr. Speaker, I rise today in support of H.R. 3590, the Halt Tax Increases on the Middle Class and Seniors Act.

As the cost of health care shifts onto households, Congress must act to make sure that hardworking families can make ends meet. This bill provides commonsense and needed relief for hardworking Arizona families. It lowers the adjusted gross income threshold for claiming the medical expense deduction back to 7.5 percent and prevents a looming tax hike on Arizona seniors.

According to a 2014 CRS report, medical expenses are the second largest deduction for taxpayers with adjusted gross incomes of under $50,000. Middle-income families who itemize deductions are more likely and more able to claim this deduction than high-income earners.

According to 2014 IRS data, 98 percent of those claiming this deduction have incomes less than $200,000, and 84 percent claiming this deduction make

less than $100,000 a year. More than half of those who claim this deduction earn less than $55,000 a year. So if we talk dollars, 94 percent of the dollars that go back to hardworking families to cover medical expenses went to filers who earn under $200,000 a year.

While the annual growth in healthcare spending has slowed to historically low rates, the out-of-pocket costs for hardworking families continue to rise. This legislation provides modest relief for middle class families and seniors, and that is why it is strongly supported by the AARP.

Again, Mr. Speaker, I thank my colleague from Arizona for her bipartisan work on this bill, and I urge my colleagues to support H.R. 3590.

Mr. TIBERI. Mr. Speaker, I yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACK), who is a leader on the Ways and Means Committee on healthcare issues.

Mrs. BLACK. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today in strong support of the Halt Tax Increases on the Middle Class and Seniors Act, and I thank the sponsor, Ms. MCSALLY, for her work on this important legislation.

Under ObamaCare, more Americans have been pushed into high deductible plans that force them to incur massive out-of-pocket costs before insurance kicks in. Yet, just as Americans are shelling out more for health costs, ObamaCare upped the amount of money you have to spend on medical expenses in order to qualify for a tax deduction.

Seniors initially got a reprieve from this ObamaCare tax hike, but that ends next year. This means that, on top of dealing with ObamaCare's cuts to Medicare, the harmful medical device tax, and the looming threat of the law's Independent Payment Advisory Board—or, commonly called, IPAB—seniors will also be forced to adjust to a new tax rule that hits them right in their pocketbook. This is yet another example of how the President's healthcare law hurts the very people that it pretends to help.

Mr. Speaker, I have always said that, until we can repeal and replace ObamaCare altogether, we must act to ease the damage of this law wherever possible. That is why I am supporting today's legislation.

This bill repeals the ObamaCare tax increase and reinstates the previous threshold of medical expenses as a portion of income that qualify for a tax deduction. It just makes sense that, if Americans are already paying more for their health expenses, Washington shouldn't pile on with a tax hike to make matters worse.

Mr. Speaker, I urge a ''yes'' vote on this bill.

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

Mr. TIBERI. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. MCCARTHY), our majority leader.

Mr. MCCARTHY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I want to thank the gentleman for his work in this House and for the American people.

Mr. Speaker, many words have been said on this floor about ObamaCare, about losing doctors and insurance, about losing jobs and hours at work, and about premium increases and deductibles so high it makes insurance nearly worthless.

Do you know what? It is all true. ObamaCare only makes worse two of the biggest problems holding America back: jobs and cost of living. For America to succeed, we need good-paying jobs for people to make ends meet, and we need costs for services like health care to be low enough so people can afford it.

I have spoken too many times, Mr. Speaker, on how ObamaCare is hurting job growth and keeping people from full employment. I wish I didn't have to keep talking about it, but as long as people continue to be hurt by this law, they need a voice. With insurers dropping out of the marketplace in droves, insurance premiums are going up, some by as much as 50 percent more than the year before.

On top of that, before ObamaCare, the rule was that if you spent 7.5 percent of your income on medical expenses, you could start deducting however much you paid above that from your taxes. The idea was that, if you are really sick, the last thing you need is government making your medical costs even more difficult.

Well, I am sure you will be surprised, but ObamaCare wasn't happy with lowering your taxes, so they moved it up. President Obama and the Democrats in this Congress that passed this terrible bill raised taxes on the sickest people in America, those who spend the most on medical expenses.

Now, I don't understand how they could accept this. I know they didn't read the bill before they passed it, but now they can try to do something about it. They can make one thing right. MARTHA MCSALLY's bill today, part of the House's Better Way agenda, brings that threshold back down to where it was before, 7.5 percent.

Now, it doesn't solve the problem, but at least it gives the American people a break. Seniors and the middle class, those facing the highest medical bills, will all finally get some relief.

Frankly, Mr. Speaker, I don't see how anyone in this body can be against this. We all know ObamaCare is failing. We all know the American people and our country can't afford this law. So let's pass this bill and help those that need it the most.

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

Mr. TIBERI. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. BOUSTANY). Dr. BOUSTANY is the Tax Policy Subcommittee chairman of the Ways and Means Committee, but more importantly, an expert on healthcare policy, due to his life's work as a physician.

Mr. BOUSTANY. Mr. Speaker, I thank Chairman TIBERI for yielding time to me.

Mr. Speaker, I rise in strong support of the Halt Tax Increases on the Middle Class and Seniors Act. This is a critical piece of legislation that addresses one—just one—of many contradictory and damaging provisions of ObamaCare.

ObamaCare was passed in 2009 in a very partisan way, and we have seen steady increases in health insurance premium rates, double-digit increases year upon year, as well as out-of-pocket deductible costs that Americans must cover before their health insurance coverage even kicks in. Now, we have to do something about this.

Unfortunately, many American families have had to forgo the ability to deduct the majority of their total medical expenses since 2013 when this ObamaCare provision took effect for those under age 65. Yet to make matters worse, on January 1, 2017, America's cash-strapped seniors will also be hit with this harmful provision.

Today, more than 56 percent of those claiming the medical expense deduction are aged 65 or older. This is punitive. This is damaging. It is destructive, and it is unacceptable.

□ 1615

That is why I stand in support of Representative MCSALLY's critical piece of legislation, which will afford American families and seniors a small measure of the financial relief they desperately need right now. For people on a fixed income this is difficult. We should be doing everything we can to help them and not hurt them and especially protect them from the ravaging consequences of this horrible law that has devastated and really wrecked our health care system.

I urge my colleagues to join me in supporting this important bill, and I urge passage.

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

I think we are fortunate that the majority leader spoke. It is very clear from his remarks what this is all about, at least in good measure, or I should say bad measure.

This is another effort to attack ACA, the healthcare reform bill. Let me just mention the latest information we have about ACA that came out in today's Census report. Prior to the ACA, there were nearly 50 million uninsured in the United States. That was disgraceful, and the Republicans twiddled their thumbs while those uninsured remained uninsured.

That number dropped to 29 million in 2015. The uninsured rate fell sharply in 2015 from 10.4 percent to 9.1 percent. Four million fewer Americans were uninsured in 2015 than in 2014—4 million—and it was the fifth straight year the uninsured rate has fallen since health reform's enactment in 2010.

The bill, in terms of this provision, has been in effect for nonseniors for several years. It won't go into effect as to seniors until next year. If there is a need to look at ACA, it can be done next year. Why the rush here? It is because we are just a couple of months away from an election.

I want to say one thing about the balance here in terms of this provision. If you look at the information that we received from the Joint Tax Committee on the distributional effect, here is what it would look like in 2024. This bill would provide less than $100 million in tax relief for those earning less than $40,000, while providing over $2.7 billion in tax relief for those earning over $100,000. That shows another real problem with this bill.

I want to close by just talking about the lack of any kind of perspective, any kind of balance, and any real sensitivity. Essentially, this House majority is saying this: pay-for money for Zika, pay for it; pay-for money for the people of Flint; pay-for money to carry out and implement opioid legislation. But don't pay for this tax bill, don't pay for it—$33 billion.

All of this shows the bankruptcy of the House majority, bankrupt in terms of sensitivity to an action for the overwhelming needs of the people of this country, whether it is Zika, whether it is the opioid epidemic, whether it is Flint, or other issues. And also in terms of bankruptcy just spiraling this Nation towards more and more debt, a party that once said it cared but, once again, just goes forth recklessly.

I urge very much that we vote ''no'' on this. We are going through the motions, but motions that are very ill-conceived and motions that will be reckless if ever carried out. That will not happen because the Senate will not act, and it will not happen because if the Senate ever did, the President would veto and his veto would be sustained.

I yield back the balance of my time.

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

Let's go through the latest of the ACA. I concur. More Americans have insurance today. Many have it through Medicaid. In my State, we tried to apply for a Medicaid waiver program that the administration denied. In my district, there are people who have Medicaid today, but that doesn't mean they have better health care.

In fact, you could have insurance, but not have access to your doctor. You can have insurance, but not have access to the hospital where your doctor practices. That is an increasing problem throughout my district. You could have insurance, but the deductible is too high. You could have insurance, but the premiums are going up.

In fact, the average proposed rate hike in the individual market is 24.3 percent. In the 17 States that have approved final rates for next year, the average increase is 26 percent. You are paying more oftentimes and getting less. That is an update that I haven't heard from the other side. Paying for it. Picking away at it.

In December of 2015, just last year, this Congress voted in a bipartisan way to delay the medical device tax, to delay the excise tax on high cost employer health care plans, known as the Cadillac tax, delay the tax on health insurance, none of it paid for, and, oh, by the way, signed by President Barack Obama.

Ladies and gentlemen watching today—Bob and Betty Buckeye in Ohio—this must be a surreal debate that you are listening to. Yes, this Republican bill, sponsored by MARTHA MCSALLY, was first introduced by a Democrat last session of Congress, a Democrat from Arizona. But yet, today, someone will make this partisan.

That is unfortunate to the 3.8 million households, Mr. Speaker, who would be positively impacted by this bill if it became law this year, or the 10 million households, most of whom are middle class and low-income. That is why the AARP supports this bill.

This is about commonsense legislation. This is about helping regular people. This is about fixing a problem within the Affordable Care Act, which has been bipartisan until today, apparently.

With healthcare costs continuing to rise, Mr. Speaker, Congresswoman MARTHA MCSALLY takes a step in the right direction with this bill by providing relief from ObamaCare taxes. Among all of the harmful policies included in the President's health care law, this one is really unsettling because it targets our sickest Americans and our seniors.

The only way you benefit from this is if you have thousands of dollars of out-of-pocket costs. We could strive to make it easier for these people, most of whom are middle- and low-income, to afford their complex and expensive care. But instead, the Affordable Care Act makes it more difficult. This is easy. This shouldn't be partisan. This is common sense.

Join me, Congresswoman MCSALLY, and groups like the AARP in supporting this commonsense legislation to help our most vulnerable.

I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 858, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on passage of the bill will be followed by 5-minute votes on the motion to suspend the rules and pass H.R. 5587 and the motion to suspend the rules and agree to H. Res. 729.

The vote was taken by electronic device, and there were—yeas 261, nays 147, not voting 23, as follows:

[Roll No. 502]

YEAS—261

Abraham
Aderholt
Aguilar
Allen
Amash
Amodei
Ashford
Babin
Barletta
Barr
Barton
Benishek
Bera
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Brownley (CA)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Cohen
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Costello (PA)
Courtney
Cramer
Crawford
Crenshaw
Cuellar
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Delaney
DeLauro
Denham
Dent
DeSantis
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Esty
Farenthold
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Graham
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Herrera Beutler
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Jolly
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Kuster
Labrador
LaHood
LaMalfa
Lamborn
Lance
Larson (CT)
Latta
Lipinski
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lujan Grisham (NM)
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (FL)
Murphy (PA)
Neugebauer
Newhouse
Noem
Nolan
Norcross
Nugent
Nunes
Olson
Palmer
Pascrell
Paulsen
Pearce
Perry
Peters
Peterson
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reichert
Renacci
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Ruiz
Ruppersberger
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Sinema
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Walz
Weber (TX)
Webster (FL)
Wenstrup

Westerman
Westmoreland
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NAYS—147

Adams
Bass
Beatty
Becerra
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brown (FL)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Connolly
Conyers
Cooper
Costa
Crowley
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Edwards
Ellison
Engel
Eshoo
Farr
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Honda
Hoyer
Huffman
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Langevin
Larsen (WA)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Loebsack
Lofgren
Lowenthal
Lowey
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Moore
Moulton
Nadler
Napolitano
Neal
O'Rourke
Pallone
Perlmutter
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Ribble
Rice (NY)
Richmond
Roybal-Allard
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schrader
Scott (VA)
Serrano
Sherman
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Yarmuth

NOT VOTING—23

Brady (PA)
Cicilline
DesJarlais
Duckworth
Fincher
Guinta
Guthrie
Hinojosa
Israel
Johnson, Sam
Kirkpatrick
Luján, Ben Ray (NM)
Meeks
Meng
Palazzo
Payne
Pelosi
Reed
Rush
Schiff
Scott, David
Sewell (AL)
Wilson (FL)

□ 1648

Messrs. SIRES and ELLISON changed their vote from ''yea'' to ''nay.''

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

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

STRENGTHENING CAREER AND TECHNICAL EDUCATION FOR THE 21ST CENTURY ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 5587) to reauthorize the Carl D. Perkins Career and Technical Education Act of 2006, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

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

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 405, nays 5, not voting 21, as follows:

[Roll No. 503]

YEAS—405

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

NAYS—5

Amash
Buck
Jones
Massie
Stutzman

NOT VOTING—21

Brady (PA)
Cicilline
DesJarlais
Duckworth
Fincher
Guinta
Guthrie
Hinojosa
Israel
Johnson, Sam
Kirkpatrick
Luján, Ben Ray (NM)
Meeks
Meng
Palazzo
Payne
Pelosi
Rush
Schiff
Sewell (AL)
Wilson (FL)

□ 1655

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

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. WILSON of Florida. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted ''nay'' on rollcall 502 and ''yea'' on rollcall 503.

EXPRESSING SUPPORT FOR A NEW MEMORANDUM OF UNDERSTANDING ON MILITARY ASSISTANCE TO ISRAEL

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to

the resolution (H. Res. 729) expressing support for the expeditious consideration and finalization of a new, robust, and long-term Memorandum of Understanding on military assistance to Israel between the United States Government and the Government of Israel on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and agree to the resolution.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 405, nays 4, not voting 22, as follows:

[Roll No. 504]

YEAS—405

Abraham
Adams
Aderholt
Aguilar
Allen
Ashford
Babin
Barletta
Barr
Barton
Bass
Beatty
Becerra
Benishek
Bera
Beyer
Bilirakis
Bishop (GA)
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Blumenauer
Bonamici
Bost
Boustany
Boyle, Brendan F.
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Brown (FL)
Brownley (CA)
Buchanan
Buck
Bucshon
Burgess
Bustos
Butterfield
Byrne
Calvert
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Carter (GA)
Carter (TX)
Cartwright
Castor (FL)
Castro (TX)
Chabot
Chaffetz
Chu, Judy
Clark (MA)
Clarke (NY)
Clawson (FL)
Clay
Cleaver
Clyburn
Coffman
Cohen
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Connolly
Conyers
Cook
Cooper
Costa
Costello (PA)
Courtney
Cramer
Crawford
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Curbelo (FL)
Davidson
Davis (CA)
Davis, Danny
Davis, Rodney
DeFazio
DeGette
Delaney
DeLauro
DelBene
Denham
Dent
DeSantis
DeSaulnier
Deutch
Diaz-Balart
Dingell
Doggett
Dold
Donovan
Doyle, Michael F.
Duffy
Duncan (SC)
Edwards
Ellison
Ellmers (NC)
Emmer (MN)
Engel
Eshoo
Esty
Farenthold
Farr
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foster
Foxx
Frankel (FL)
Franks (AZ)
Frelinghuysen
Fudge
Gabbard
Gallego
Garamendi
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Graham
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Grothman
Gutiérrez
Hahn
Hanna
Hardy
Harper
Harris
Hartzler
Hastings
Heck (NV)
Heck (WA)
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins
Hill
Himes
Holding
Honda
Hoyer
Hudson
Huelskamp
Huffman
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jackson Lee
Jeffries
Jenkins (KS)
Jenkins (WV)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Jolly
Jordan
Joyce
Kaptur
Katko
Keating
Kelly (IL)
Kelly (MS)
Kelly (PA)
Kennedy
Kildee
Kilmer
Kind
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Kuster
Labrador
LaHood
LaMalfa
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latta
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Lofgren
Long
Loudermilk
Love
Lowenthal
Lowey
Lucas
Luetkemeyer
Lujan Grisham (NM)
Lummis
Lynch
MacArthur
Maloney, Carolyn
Maloney, Sean
Marchant
Marino
Matsui
McCarthy
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McKinley
McMorris Rodgers
McNerney
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Moore
Moulton
Mullin
Mulvaney
Murphy (FL)
Murphy (PA)
Nadler
Napolitano
Neugebauer
Newhouse
Noem
Nolan
Norcross
Nugent
Nunes
O'Rourke
Olson
Pallone
Palmer
Pascrell
Paulsen
Pearce
Perlmutter
Perry
Peters
Peterson
Pingree
Pittenger
Pitts
Pocan
Poe (TX)
Poliquin
Polis
Pompeo
Posey
Price (NC)
Price, Tom
Quigley
Rangel
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (NY)
Rice (SC)
Richmond
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Roybal-Allard
Royce
Ruiz
Ruppersberger
Russell
Ryan (OH)
Salmon
Sánchez, Linda T.
Sanchez, Loretta
Sanford
Sarbanes
Scalise
Schakowsky
Schrader
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sherman
Shimkus
Shuster
Simpson
Sinema
Sires
Slaughter
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stefanik
Stewart
Stivers
Stutzman
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Titus
Tonko
Torres
Trott
Tsongas
Turner
Upton
Valadao
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Weber (TX)
Webster (FL)
Welch
Wenstrup
Westerman
Westmoreland
Williams
Wilson (FL)
Wilson (SC)
Wittman
Womack
Woodall
Yarmuth
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NAYS—4

Amash
Duncan (TN)
Jones
Massie

NOT VOTING—22

Amodei
Brady (PA)
Cicilline
DesJarlais
Duckworth
Fincher
Guinta
Guthrie
Hinojosa
Israel
Johnson, Sam
Kirkpatrick
Luján, Ben Ray (NM)
Meeks
Meng
Neal
Palazzo
Payne
Pelosi
Rush
Schiff
Sewell (AL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1703

Mr. CARSON of Indiana changed his vote from ''present'' to ''yea.''

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted "nay" on rollcall 502, "yea" on rollcall 503, and "yea" on rollcall 504.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5351, PROHIBITING THE TRANSFER OF ANY DETAINEE AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, AND PROVIDING FOR CONSIDERATION OF H.R. 5226, REGULATORY INTEGRITY ACT OF 2016

Mr. BYRNE, from the Committee on Rules, submitted a privileged report (Rept. No. 114–744) on the resolution (H. Res. 863) providing for consideration of the bill (H.R. 5351) to prohibit the transfer of any individual detained at United States Naval Station, Guantanamo Bay, Cuba, and providing for consideration of the bill (H.R. 5226) to amend chapter 3 of title 5, United States Code, to require the publication of information relating to pending agency regulatory actions, and for other purposes, which was referred to the House Calendar and ordered to be printed.

DEPARTMENT OF VETERANS AFFAIRS EXPIRING AUTHORITIES ACT OF 2016

Mr. MILLER of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5985) to amend title 38, United States Code, to extend certain expiring provisions of law administered by the Secretary of Veterans Affairs, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5985

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Department of Veterans Affairs Expiring Authorities Act of 2016''.

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

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 3. SCORING OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

TITLE I—EXTENSIONS OF AUTHORITY RELATING TO HEALTH CARE

SEC. 101. EXTENSION OF AUTHORITY FOR COLLECTION OF COPAYMENTS FOR HOSPITAL CARE AND NURSING HOME CARE.

Section 1710(f)(2)(B) is amended by striking ''September 30, 2016'' and inserting ''September 30, 2017''.

SEC. 102. EXTENSION OF REQUIREMENT TO PROVIDE NURSING HOME CARE TO CERTAIN VETERANS WITH SERVICE-CONNECTED DISABILITIES.

Section 1710A(d) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

SEC. 103. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR ASSISTANCE AND SUPPORT SERVICES FOR CAREGIVERS.

Section 1720G(e) is amended—

(1) in paragraph (2), by striking ''and'';

(2) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(4) $734,628,000 for fiscal year 2017.''.

SEC. 104. EXTENSION OF AUTHORITY FOR RECOVERY FROM THIRD PARTIES OF COST OF CARE AND SERVICES FURNISHED TO VETERANS WITH HEALTH-PLAN CONTRACTS FOR NON-SERVICE-CONNECTED DISABILITY.

Section 1729(a)(2)(E) is amended, in the matter preceding clause (i), by striking ''October 1, 2016'' and inserting ''October 1, 2017''.

SEC. 105. EXTENSION OF AUTHORITY FOR PILOT PROGRAM ON ASSISTANCE FOR CHILD CARE FOR CERTAIN VETERANS RECEIVING HEALTH CARE.

(a) EXTENSION OF AUTHORITY.—Subsection (e) of section 205 of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 124 Stat. 1144; 38 U.S.C. 1710 note) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Subsection (h) of such section is amended by striking ''and 2016'' and inserting ''2016, and 2017''.

SEC. 106. EXTENSION OF AUTHORITY TO MAKE GRANTS TO VETERANS SERVICE ORGANIZATIONS FOR TRANSPORTATION OF HIGHLY RURAL VETERANS.

Section 307(d) of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 124 Stat. 1154; 38 U.S.C. 1710 note) is amended by striking ''2016'' and inserting ''2017''.

SEC. 107. EXTENSION OF AUTHORITY FOR PILOT PROGRAM ON COUNSELING IN RETREAT SETTINGS FOR WOMEN VETERANS NEWLY SEPARATED FROM SERVICE.

(a) EXTENSION.—Subsection (d) of section 203 of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 124 Stat. 1143; 38 U.S.C. 1712A) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Subsection (f) of such section is amended by striking ''and 2016'' and inserting ''2016, and 2017''.

SEC. 108. EXTENSION OF DEADLINE FOR REPORT ON PILOT PROGRAM ON USE OF COMMUNITY-BASED ORGANIZATIONS AND LOCAL AND STATE GOVERNMENT ENTITIES TO ENSURE THAT VETERANS RECEIVE CARE AND BENEFITS FOR WHICH THEY ARE ELIGIBLE.

Section 506(g)(1) of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 38 U.S.C. 523 note) is amended by striking ''180 days after the completion of the pilot program'' and inserting ''September 30, 2017''.

TITLE II—EXTENSIONS OF AUTHORITY RELATING TO BENEFITS

SEC. 201. EXTENSION OF AUTHORITY FOR THE VETERANS' ADVISORY COMMITTEE ON EDUCATION.

Section 3692(c) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

SEC. 202. EXTENSION OF AUTHORITY FOR CALCULATING NET VALUE OF REAL PROPERTY AT TIME OF FORECLOSURE.

Section 3732(c)(11) is amended by striking ''October 1, 2016'' and inserting ''October 1, 2017''.

SEC. 203. EXTENSION OF AUTHORITY RELATING TO VENDEE LOANS.

Section 3733(a)(7) is amended—

(1) in the matter preceding subparagraph (A), by striking ''September 30, 2016'' and inserting ''September 30, 2017''; and

(2) in subparagraph (C), by striking ''September 30, 2016,'' and inserting ''September 30, 2017,''.

SEC. 204. EXTENSION OF AUTHORITY TO PROVIDE REHABILITATION AND VOCATIONAL BENEFITS TO MEMBERS OF THE ARMED FORCES WITH SEVERE INJURIES OR ILLNESSES.

Section 1631(b)(2) of the Wounded Warrior Act (title XVI of Public Law 110–181; 122 Stat. 458; 10 U.S.C. 1071 note) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

TITLE III—EXTENSIONS OF AUTHORITY RELATING TO HOMELESS VETERANS

SEC. 301. EXTENSION OF AUTHORITY FOR HOMELESS VETERANS REINTEGRATION PROGRAMS.

Section 2021(e)(1)(F) is amended by striking ''2016'' and inserting ''2017''.

SEC. 302. EXTENSION OF AUTHORITY FOR HOMELESS WOMEN VETERANS AND HOMELESS VETERANS WITH CHILDREN REINTEGRATION PROGRAM.

Section 2021A(f)(1) is amended by striking ''2016'' and inserting ''2017''.

SEC. 303. EXTENSION OF AUTHORITY FOR REFERRAL AND COUNSELING SERVICES FOR VETERANS AT RISK OF HOMELESSNESS TRANSITIONING FROM CERTAIN INSTITUTIONS.

Section 2023(d) is amended by striking ''September 30, 2016'' and inserting ''September 30, 2017''.

SEC. 304. EXTENSION OF AUTHORITY TO PROVIDE HOUSING ASSISTANCE FOR HOMELESS VETERANS.

Section 2041(c) is amended by striking ''September 30, 2016'' and inserting ''September 30, 2017''.

SEC. 305. EXTENSION AND MODIFICATION OF AUTHORITY TO PROVIDE FINANCIAL ASSISTANCE FOR SUPPORTIVE SERVICES FOR VERY LOW-INCOME VETERAN FAMILIES IN PERMANENT HOUSING.

Subparagraph (E) of section 2044(e)(1) is amended to read as follows:

''(E) $320,000,000 for each of fiscal years 2015 through 2017.''.

SEC. 306. EXTENSION OF AUTHORITY FOR GRANT PROGRAM FOR HOMELESS VETERANS WITH SPECIAL NEEDS.

Section 2061(d)(1) is amended by striking ''2016'' and inserting ''2017''.

SEC. 307. EXTENSION OF AUTHORITY FOR THE ADVISORY COMMITTEE ON HOMELESS VETERANS.

Section 2066(d) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

SEC. 308. EXTENSION OF AUTHORITY FOR TREATMENT AND REHABILITATION SERVICES FOR SERIOUSLY MENTALLY ILL AND HOMELESS VETERANS.

(a) GENERAL TREATMENT.—Section 2031(b) is amended by striking ''September 30, 2016'' and inserting ''September 30, 2017''.

(b) ADDITIONAL SERVICES AT CERTAIN LOCATIONS.—Section 2033(d) is amended by striking ''September 30, 2016'' and inserting ''September 30, 2017''.

TITLE IV—OTHER EXTENSIONS AND MODIFICATIONS OF AUTHORITY AND OTHER MATTERS

SEC. 401. EXTENSION OF AUTHORITY FOR TRANSPORTATION OF INDIVIDUALS TO AND FROM DEPARTMENT FACILITIES.

Section 111A(a)(2) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

SEC. 402. EXTENSION OF AUTHORITY FOR OPERATION OF THE DEPARTMENT OF VETERANS AFFAIRS REGIONAL OFFICE IN MANILA, THE REPUBLIC OF THE PHILIPPINES.

Section 315(b) is amended by striking ''September 30, 2016'' and inserting ''September 30, 2017''.

SEC. 403. EXTENSION OF AUTHORITY FOR MONTHLY ASSISTANCE ALLOWANCES UNDER THE OFFICE OF NATIONAL VETERANS SPORTS PROGRAMS AND SPECIAL EVENTS.

Section 322(d)(4) is amended by striking ''2016'' and inserting ''2017''.

SEC. 404. EXTENSION OF REQUIREMENT TO PROVIDE REPORTS TO CONGRESS REGARDING EQUITABLE RELIEF IN THE CASE OF ADMINISTRATIVE ERROR.

Section 503(c) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

SEC. 405. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR ADAPTIVE SPORTS PROGRAMS FOR DISABLED VETERANS AND MEMBERS OF THE ARMED FORCES.

Section 521A is amended—

(1) in subsection (g)(1), by striking ''2016'' and inserting ''2017''; and

(2) in subsection (l), by striking ''2016'' and inserting ''2017''.

SEC. 406. EXTENSION OF AUTHORITY FOR ADVISORY COMMITTEE ON MINORITY VETERANS.

Section 544(e) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

SEC. 407. MODIFICATION TO AUTHORIZATION OF APPROPRIATIONS FOR COMPREHENSIVE SERVICE PROGRAMS FOR HOMELESS VETERANS.

Section 2013(7) is amended by striking ''$250,000,000'' and inserting ''$257,700,000''.

SEC. 408. EXTENSION OF AUTHORITY FOR TEMPORARY EXPANSION OF ELIGIBILITY FOR SPECIALLY ADAPTED HOUSING ASSISTANCE FOR CERTAIN VETERANS WITH DISABILITIES CAUSING DIFFICULTY AMBULATING.

Section 2101(a)(4) is amended—

(1) in subparagraph (A), by striking ''September 30, 2016'' and inserting ''September 30, 2017''; and

(2) in subparagraph (B), by striking ''2016'' and inserting ''2017''.

SEC. 409. EXTENSION OF AUTHORITY FOR SPECIALLY ADAPTED HOUSING ASSISTIVE TECHNOLOGY GRANT PROGRAM.

Section 2108(g) is amended by striking ''September 30, 2016'' and inserting ''September 30, 2017''.

SEC. 410. EXTENSION OF AUTHORITY TO GUARANTEE PAYMENT OF PRINCIPAL AND INTEREST ON CERTIFICATES OR OTHER SECURITIES.

Section 3720(h)(2) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

SEC. 411. EXTENSION OF AUTHORITY TO ENTER INTO AGREEMENT WITH THE NATIONAL ACADEMY OF SCIENCES REGARDING ASSOCIATIONS BETWEEN DISEASES AND EXPOSURE TO DIOXIN AND OTHER CHEMICAL COMPOUNDS IN HERBICIDES.

Section 3(i) of the Agent Orange Act of 1991 (Public Law 102–4; 38 U.S.C. 1116 note) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

SEC. 412. EXTENSION OF AUTHORITY FOR PERFORMANCE OF MEDICAL DISABILITIES EXAMINATIONS BY CONTRACT PHYSICIANS.

Subsection (c) of section 704 of the Veterans Benefits Act of 2003 (38 U.S.C. 5101 note) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

SEC. 413. RESTORATION OF PRIOR REPORTING FEE MULTIPLIERS.

Section 406 of the Department of Veterans Affairs Expiring Authorities Act of 2014 (Public Law 113–175; 38 U.S.C. 3684 note) is amended by striking ''two-year'' and inserting ''three-year''.

SEC. 414. EXTENSION OF REQUIREMENT FOR ANNUAL REPORT ON DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS INTERAGENCY PROGRAM OFFICE.

Section 1635(h)(1) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 1071 note) is amended by striking ''2016'' and inserting ''2017''.

SEC. 415. EXTENSION OF AUTHORITY TO APPROVE COURSES OF EDUCATION IN CASES OF WITHDRAWAL OF RECOGNITION OF ACCREDITING AGENCY BY SECRETARY OF EDUCATION.

Section 3679(a) of title 38, United States Code, is amended—

(1) by striking ''Any course'' and inserting ''(1) Except as provided by paragraph (2), any course''; and

(2) by adding at the end the following new paragraph:

''(2) In the case of a course of education that would be subject to disapproval under paragraph (1) solely for the reason that the Secretary of Education withdraws the recognition of the accrediting agency that accredited the course, the Secretary of Veterans Affairs, in consultation with the Secretary of Education, and notwithstanding the withdrawal, may continue to treat the course as an approved course of education under this chapter for a period not to exceed 18 months from the date of the withdrawal of recognition of the accrediting agency, unless the Secretary of Veterans Affairs or the appropriate State approving agency determines that there is evidence to support the disapproval of the course under this chapter. The Secretary shall provide to any veteran enrolled in such a course of education notice of the status of the course of education.''.

The SPEAKER pro tempore (Mr. HULTGREN). Pursuant to the rule, the gentleman from Florida (Mr. MILLER) and the gentleman from California (Mr. TAKANO) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent that Members have 5 legislative days within which to revise and extend their remarks and add extraneous material on H.R. 5985, as amended.

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

There was no objection.

Mr. MILLER of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5985, as amended, would extend a number of expiring authorities and critical programs at both the Department of Veterans Affairs and the Department of Labor. These include extensions for veterans' health care and homeless programs, benefits for disabled veterans and their caregivers, vocational rehabilitative programs for servicemembers and veterans, home loan programs, and a variety of advisory committees and pilot programs.

Absent passage of this legislation today, these important and noncontroversial authorizations and programs are set to expire at the end of this fiscal or this calendar year. These are not new programs, and the costs associated with them have either been fully offset or have been assumed in the baseline budget for fiscal year 2017.

Furthermore, both the majority and minority of the House and Senate Committees on Veterans' Affairs have worked on this language and agree on the need to extend all of these programs.

H.R. 5985, as amended, includes an extension of authority which would allow VA to continue to approve schools for GI Bill benefits for up to 18 months, even if the school's accreditor loses formal recognition by the Department of Education.

Mr. Speaker, this change is necessary to provide student veterans with the same protections that students using title IV funds would have, and it would ensure that our Nation's veterans don't immediately have their GI Bill benefits, including their housing allowances, halted by a DOE decision to no longer recognize an accrediting body.

This provision is a must-pass, as there is possibly an imminent decision by the Department of Education to do just that and to withdraw the approval of the Accrediting Council for Independent Colleges and Schools.

While I am not going to comment today on the Secretary of Education's decision, we have been told it could come as early as this month, and it is this body's duty to protect an estimated 18,000 veterans from losing their benefits instantaneously through absolutely no fault of their own.

The language in this bill would mirror language that is already included in the law governing nonveteran student aid and is supported by numerous veterans service organizations and other stakeholders, including the American Legion, Veterans of Foreign Wars of the United States, Student Veterans of America, and the National Association of State Approving Agencies.

Mr. Speaker, I encourage all Members to support H.R. 5985, as amended.

I reserve the balance of my time.

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

I rise today in support of H.R. 5985, a bill to extend certain expiring provisions related to care at the Department of Veterans Affairs. This bill makes sure that some of the vital programs we have in place to take care of our veterans continue past the end of the fiscal year and continue to help our veterans. Included in this bill are provisions related to health care, benefits, homeless veterans, and other related issues.

I am pleased to support extending programs related to support services for caregivers, child care for certain veterans receiving health care, and a pilot program on counseling in retreat settings for women veterans newly separated from the service.

It also has provisions to extend the authority related to rehabilitation and vocational benefits to members of the armed services with severe injuries or illnesses, homeless veterans' reintegration programs, homeless women veterans and homeless veterans with children and providing housing assistance for homeless veterans.

The final section of the bill deals with the GI Bill and when an institution of higher education loses its accreditation. This section aligns GI Bill benefits in law with all other higher education benefits, such as Pell and Federal student loans.

Now, this provision is crucial because soon the Department of Education may withdraw recognition of the Accrediting Council for Independent Colleges and Schools. I support this move by the Department of Education. It is a long time coming.

But without section 415, when this happens, GI Bill benefits will be cut off for student veterans in schools accredited by this agency. It puts the 37,000 student veterans and dependents receiving GI Bill benefits in schools accredited by this agency on the same footing as all other students receiving Federal higher education benefits. It allows them the time they need to recoup.

Section 415 is strongly supported by veterans service organizations such as Student Veterans of America and is the result of bipartisan agreement.

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

Mr. MILLER of Florida. Mr. Speaker, I yield 1½ minutes to the gentleman from the Fifth District of Colorado (Mr. LAMBORN), a very active member of the House Committee on Veterans' Affairs.

Mr. LAMBORN. Mr. Speaker, I thank the chairman for the great work. We are going to miss his leadership next year when he goes into other pursuits. He will be sorely missed, and veterans will miss him.

Mr. Speaker, I rise today to speak of a missed opportunity in H.R. 5985. At present, the VA is pushing a rule that permits certified registered nurse anesthetists to practice without the supervision of a physician. This is a huge mistake. This bill should extend a 1-year period where the VA cannot implement this rule.

Opponents to this provision cited conditions present in forward-deployed locations as justification for implementing a change of this magnitude. Be that as it may, just because certain practices are permitted in forward-deployed locations due to military necessity does not mean that those risky practices should be forced upon our veterans at all other times and places.

Our veterans deserve the absolute best care possible. They should not be used as test subjects when the VA tries to change how it delivers services. It is not right for the VA to give our veterans unsafe and risky health care.

Mr. TAKANO. Mr. Speaker, I have no further speakers. I simply want to urge my colleagues to join me in passing H.R. 5985, as amended. I want to thank, sincerely, the work that we have done together with Chairman MILLER on this legislation. I am so pleased that we are passing this in the manner we are.

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

Mr. MILLER of Florida. Mr. Speaker, once again, I encourage all Members to support H.R. 5985, as amended.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and pass the bill, H.R. 5985, as amended.

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

A motion to reconsider was laid on the table.

VA ACCOUNTABILITY FIRST AND APPEALS MODERNIZATION ACT OF 2016

GENERAL LEAVE

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material into the RECORD on H.R. 5620.

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

There was no objection.

The SPEAKER pro tempore (Mr. BOUSTANY). Pursuant to House Resolution 859 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 5620.

The Chair appoints the gentleman from Illinois (Mr. HULTGREN) to preside over the Committee of the Whole.

□ 1716

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5620) to amend title 38, United States Code, to provide for the removal or demotion of employees of the Department of Veterans Affairs based on performance or misconduct, and for other purposes, with Mr. HULTGREN in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Florida (Mr. MILLER) and the gentleman from California (Mr. TAKANO) each will control 30 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MILLER of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my bill, the VA Accountability First and Appeals Modernization Act of 2016, would do two very important things for our Nation's veterans. First, it would provide the Secretary of the Department of Veterans Affairs with more tools needed to enforce accountability at VA. Second, it would help modernize VA's current

appeals process, which is not just broken but is preventing VA from providing veterans with the benefits they deserve in a timely manner.

I want to first take a moment to discuss the important and forward-thinking accountability measures that are included in the bill before us today.

H.R. 5620 would allow the VA Secretary to remove or demote any employee for poor performance or misconduct; would allow the recoupment of a bonus given inappropriately to an employee; reduce a senior executive's pension if they are found guilty of a felony that influenced their job performance; make modifications to the Secretary's authority to remove senior executives that was granted in the Choice Act; and recoup any location and moving expenses if the Secretary determines that the employee committed any acts of waste, fraud, or malfeasance.

Furthermore, despite comments made by some of my colleagues on the other side of the aisle, my bill also contains language that increases protections. Let me say that again. It increases protections of whistleblowers. These new whistleblower protections would stipulate that any employee cannot be removed under this new authority if they have an open claim at the Office of Special Counsel.

To add even more protections for those who blow the whistle at VA, my bill would also set up a new process to be used in addition to any other process that is currently allowed by law. This will protect whistleblowers from retaliation and removal while they bring issues to light up through their chain of command.

These protections are unprecedented and strengthen existing whistleblower protections. In fact, 16 whistleblower groups signed a letter of support for the whistleblower provisions of this particular bill and stated that section 8 of my bill is '' . . . a major breakthrough in the struggle for VA whistleblowers to gain credible rights when defending the integrity of the agency mission and disclosing quality of care concerns. Further, section 8 of the bill would provide a system to hold employees accountable for their actions when they retaliate against those exposing waste, fraud, or abuse.''

Mr. Chair, as I have always said, I agree with all of my colleagues that the vast majority of the employees at the Department of Veterans Affairs are hardworking public servants who are dedicated to providing quality health care and the benefits that our veterans have earned. But it is beyond comprehension that, with as much outright malfeasance as our committee has uncovered at the Department of Veterans Affairs and increased scrutiny that we have placed on the Department over the past 5 years and their need to hold employees accountable, we still see far too many instances of VA employees not living up to the standards that America expects. It is even more incomprehensible that anyone would oppose this bill.

For example, we have shown an employee showing up drunk to work to scrub in for a surgery on a veteran; an employee taking a recovering addict to a crack house and buying him drugs and the services of a prostitute; a VA employee participating in an armed robbery; and senior managers retaliating against whistleblowers, at which point VA then has to pay hundreds of thousands of dollars to the whistleblower in restitution.

Not only are all of these acts egregious and not only are all of these instances factual, they really are just the tip of the iceberg. But what causes me to stand before you today is that in none of these instances did the VA hold these employees accountable in any reasonable timeframe, if they did at all. I blame many factors for this, but mainly I blame an antiquated system that has left VA managers unwilling to jump through the many hoops to do what is right.

Mr. Chair, it is well past time that we not allow the current system to continue. It is certainly our duty to finally take action and enact meaningful change at VA that puts their veterans and their families first and foremost. Everything else should come second. That includes the power of the public sector unions. As I have said before, VA is not sacred. Our veterans are.

Unfortunately, since the VA Committee began placing a greater focus on changing the civil service as it pertains to the VA, the unions have pushed back at every single turn, even telling committee staff that anything other than the status quo would never garner their support. Well, if the list of employees I mentioned before of who were not held accountable is not a clear example of how broken the status quo is, then I don't know what is.

Mr. Chair, it is time that we put politics and the misguided rhetoric of opponents of change aside and, instead, align ourselves with our Nation's veterans and the organizations that represent them.

Eighteen veterans service organizations support the bill that is before us today: The American Legion, The Veterans of Foreign Wars of the United States, Disabled American Veterans, Paralyzed Veterans of America, Student Veterans of America, AMVETS, Association of the United States Navy, the Military Order of Purple Heart, National Association for Uniformed Services, Iraq and Afghanistan Veterans of America, Concerned Veterans for America, the Fleet Reserve Association, Military Officers Association of America, Reserve Officers Association, The Enlisted Association of the National Guard of the United States, VetsFirst, Vietnam Veterans of America, and The United States Army Warrant Officers Association.

That is 18 groups, Mr. Chairman. These groups represent millions of veterans and their families, not public employee unions who support the status quo that has led to the litany of problems at the Department of Veterans Affairs. The choice is clear. Each of us is now faced with either siding with the veterans of this country or corrupt union bosses.

Everyone in government knows that the civil service laws that were once meant to promote the efficiency of government are now obsolete and make it almost impossible to remove a poor-performing employee.

Even last year, VA Deputy Secretary Sloan Gibson sat before our committee and admitted it was too difficult to fire a substandard employee. Another former senior VA employee, then Acting Under Secretary for Benefits, stated at a committee hearing last year that ''. . . With our GS employees, it's the rules, the regulations, the protections are such that it's almost impossible to do anything.''

The Government Accountability Office studied the government's ability to hold low-performing employees accountable. They found that it took 6 months to a year, on average, and sometimes significantly longer, to fire poor-performing government employees.

When the Choice Act was signed into law in 2014, even President Obama said at the bill signing: ''If you engage in an unethical practice, if you cover up a serious problem, you should be fired. Period. It shouldn't be that difficult.''

While I know the administration has changed its tone since the Choice Act was signed into law, since this legislation would now affect all VA employees, even unionized ones, I strongly believe we should maintain the same expectations for rank and file employees at VA as we do senior officials, regardless of your title or rank within the agency. It is a privilege to work at VA and to serve the veterans of this country. It is not a right.

Last summer, the House passed the removal section for all VA employees in H.R. 1994. At the time, I received a lot of pushback from my colleagues on the minority side about the accountability language. I was told I was trying to make all VA employees at-will and completely destroy the civil service system.

As I said then and I say now, that was not and is not my intention. But I believe that the current system is hampering VA from moving forward into an organization that is deserving of the veterans that it serves. In short, I want a civil service system at VA that serves and protects veterans, not bad employees.

I continue to hear concerns that this bill will hurt the Department's ability to recruit and retain good employees and will hurt morale. I also know that, last night, the administration released a statement about its concerns with the accountability measures in this bill and that this language would impede rather than support VA's ability to

carry out its duties. I think these arguments are nothing more than scare tactics.

Mr. Chairman, what is impeding VA from carrying out its duties is decades of tolerating poor performance and even criminal or unethical behavior. The antiquated civil service laws are binding the Department's hands and permitting the toxic behavior of a few to overcome the good work of a majority.

If we do not at least try to give the Secretary the tools needed to hold VA employees accountable, then we are just as culpable for any future VA failures as the antiquated civil service laws that foster these failures now.

That is why this legislation is not punitive, but it is necessary if we truly want to make the ability for the changes in this Congress. The American people and, most importantly, our veterans expect this to occur. The best way to improve morale is to make it easier to get rid of the roots of dysfunction that we currently see throughout the Department of Veterans Affairs.

I have been told that VA can't fire its way to excellence, but neither can you tolerate malfeasance and expect excellence to become routine. Most Americans would be appalled with the complexity that is now baked into our civil service system. In the real world, if you don't do your job effectively or if you engage in unethical conduct, you get removed from the payroll. It is that simple.

We only need to look at the news that broke last week regarding 5,300 employees at the Wells Fargo Bank that were fired for creating hundreds of thousands of fake deposit accounts and cheating customers by charging them bogus fees.

□ 1730

That is how disciplinary actions are handled in the private sector. They were fired. And I believe it is something the public sector needs to learn from.

Compare that to the fewer than 10 VA employees held accountable for the wait time manipulation at the center of the largest scandal in VA history, and it is no wonder why Americans are losing faith in their government.

There is not a doubt in my mind that all of my colleagues here, all of them, care about our Nation's veterans, and we can show that by passing this bill before us today.

I also want to touch on a provision in my bill that would improve the appeals process of disability claims at the VA. VA should process veterans' claims for disability benefits accurately, consistently, and in a timely fashion. However, if a veteran disagrees with the decision and decides to file an appeal, VA's appeals process should be thorough, it should be swift, and it should be fair.

The truth is that VA's current appeals process is broken. It is a lengthy, complicated, and confusing process for our veterans and their families. The appeals reform section was drafted by the Department in collaboration with VSOs and other veterans advocates.

The intent of the bill is to modernize their existing cumbersome appeals process and to ensure that veterans receive appeals decisions in a timely fashion.

My bill, based entirely off committee member DINA TITUS' bill, would allow the veteran to remove a traditional appeal with a hearing and opportunity to new evidence in support of their claim.

Additionally, the bill would give veterans the option of choosing a faster process in which the veteran would not submit new evidence or have a hearing but would receive an expedited decision.

Although there are many questions about how VA is going to implement this proposal, we don't have the luxury of time in these closing days, and the backlog of pending appeals is exploding. As of the first of January of this year, there were 375,000 appeals pending in VA, including at the Board of Veterans' Appeals. On the first of June of this year, there were almost 457,000 appeals pending, an increase of 82,000 pending appeals in less than 18 months.

Moreover, the Board of Veterans' Appeals estimates that the number of appeals certified to the Board will rise from 88,000 to almost 360,000 in fiscal year 2017, a 400 percent increase in 1 year.

It is obvious that Congress needs to act now. This bill offers the best chance to improve VA's appeals process and provide veterans with the best possible decision on their claim.

Mr. Chairman, today we have a meaningful package that makes changes to VA's civil service system, while maintaining due process rights, as well as making progressive steps in changing the antiquated system that veterans are currently stuck in when appealing their disability claims.

And finally, it is vital for our colleagues to keep in mind that H.R. 5620 is truly a bipartisan bill. It combines two of the biggest legislative priorities proposed by both the Republicans and the Democrats. And as we near the end of this Congress, we have the opportunity to put politics aside to make real and lasting change to a broken system.

Today, we can decide to stand with our veterans, or we can stand with the status quo and the unions that perpetuate the status quo which, I believe, has failed them and the American public for far, far too long.

I hope you will join me and the 18 veterans service organizations who support this legislation. Do what is right for our veterans. Pass H.R. 5620. Let's put accountability first so that transformative reforms can succeed.

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

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington DC, September 8, 2016.

Hon. JEFF MILLER,
Chairman, Committee on Veterans' Affairs, Washington, DC.

DEAR MR. CHAIRMAN: I write concerning H.R. 5620, the VA Accountability First and Appeals Modernization Act of 2016. As you know, the Committee on Veterans' Affairs received an original referral and the Committee on Oversight and Government Reform a secondary referral when the bill was introduced on July 5, 2016. I recognize and appreciate your desire to bring this legislation before the House of Representatives in an expeditious manner, and accordingly, the Committee on Oversight and Government Reform will forego action on the bill, as amended.

The Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 5620 at this time, we do not waive any jurisdiction over the subject matter contained in this or similar legislation. Further, I request your support for the appointment of conferees from the Committee on Oversight and Government Reform during any House-Senate conference convened on this or related legislation.

Finally, I would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration, to memorialize our understanding.

Sincerely,

JASON CHAFFETZ,
Chairman.

CONGRESS OF THE UNITED STATES,
Washington DC, September 8, 2016.

Hon. JASON CHAFFETZ,
Chairman, House Committee on Oversight and Government Reform, Washington, DC.

DEAR CHAIRMAN CHAFFETZ: In reference to your letter on September 8, 2016, I write to confirm our mutual understanding regarding H.R. 5620, as amended.

I appreciate the House Committee on Oversight and Government Reform's waiver of consideration of provisions under its jurisdiction and its subject matter. I acknowledge that the waiver was granted only to expedite floor consideration of H.R. 5620, as amended, and does not in any way waive or diminish the House Committee on Oversight and Government Reform's jurisdictional interests over this legislation or similar legislation. I will support a request from the House Committee on Oversight and Government Reform for appointment to any House-Senate conference on H.R. 5620, as amended. Finally, I will also support your request to include a copy of our exchange of letters on this matter in the Congressional Record during floor consideration.

Again, thank you for your assistance with these matters.

With personal regards, I am

Sincerely,

JEFF MILLER,
Chairman.

Mr. TAKANO. Mr. Chairman, I yield myself as much time as I may consume, and I rise in strong opposition to H.R. 5620.

Now, there is no dispute whether Congress should take action to increase accountability at the VA. On both sides of the aisle, we recognize that VA employees have a patriotic duty to provide veterans the care they have earned, and there should be consequences when they fail to meet that standard.

But we must also recognize that VA employees, nearly a third of whom are

veterans themselves, have constitutional rights. In several ways, H.R. 5620 violates those rights and, therefore, will not achieve our shared goal of a more accountable VA workforce. In fact, passing this bill will move us further away from a strong accountability system that will improve the quality of service VA provides to veterans.

This flaw in the legislation is not without precedent. The accountability provisions included in the 2014 Veterans Choice Act could not be enforced after the Attorney General determined they violated due process rights. And President Obama threatened to veto a previous version of the bill, H.R. 1994, for the very same reason.

Now, unfortunately, the majority continues to treat the constitutional rights of VA employees as inconvenient obstacles to evade, instead of fundamental civil service protections to uphold.

The strict time requirements H.R. 5620 puts on administrative bodies, such as the Office of Personnel Management and the U.S. Merit Systems Protection Board, to decide appeals cases would meaningfully impact the ability of every VA employee to get a fair and proper hearing.

This bill improperly hands power to the VA Secretary with respect to setting standards for bonuses. According to the Non-Delegation Doctrine, Congress cannot shift its authority to agencies without providing an intelligent framework for carrying out that authority. As written, H.R. 5620 violates that doctrine.

Finally, I believe the majority's effort to institute new whistleblower provisions would be overturned for the same reason that the U.S. Attorney General's Office said it would not defend an unconstitutional section of the Choice Act: it violates the Appointments clause in the Constitution by allowing lower-level employees to have the final decisionmaking authority to decide whether an employee will be fired.

Now, these are more than minor legal concerns; they are reasons why VA employees who commit misconduct will not be held accountable when their terminations are challenged in court. We can pass H.R. 5620, but we will be right back here a year from now or 2 years from now when the law is deemed unconstitutional.

Our Senate colleagues have a bipartisan bill that includes accountability provisions that could serve as a foundation for legislation in the House. We had an opportunity to advance language that both parties and both Chambers can agree to, and I am disappointed that we are not pursuing that path.

I am also disappointed that this bill includes a moratorium on bonuses for VA's senior executives. Recruiting and retaining strong leadership at the VA is critical to its long-term success, and this provision will damage the Department's efforts to maintain a talented workforce that can address the underlying systematic issues that are causing poor performance.

Now I am not alone in this assessment. The American Legion, the Military Officers Association of America, and others have expressed reservations about this punitive approach to the VA's senior executives.

Finally, I am frustrated—I am particularly frustrated that the majority has attached to this bill a desperately needed bipartisan fix for the VA appeals process. The VA Appeals Modernization Act of 2016, introduced by my friend and colleague, Congresswoman DINA TITUS, has unanimous support and would sail through the House and Senate on its own. It is nearly the product of 4 years of work, and both sides agree to it.

Yet, you would attach it to a bill that we cannot agree to. It makes no sense that we are holding up this magnificent legislation that both sides worked on and that was the hard work of my friend and colleague from Nevada.

This legislation would move the VA away from an inefficient and convoluted unified appeals process and replace it with differentiated lanes, which give veterans clear options after receiving an initial decision on a claim. In sum, it would allow veterans to have a clear answer and path forward on their appeal within 1 year from filing.

By attaching it to this bipartisan accountability bill, the majority is preventing VA appeals reform from moving forward, denying veterans the streamlined appeals process they deserve.

I strongly urge the majority to allow Congresswoman TITUS' legislation to come to the floor as a stand-alone bill so we can accomplish a critical objective for the veterans community. Free the Titus bill. Let it come to the floor.

Now, the chairman talks about accountability and improving the culture at the VA. I would like to remind my friend from Florida that last week we heard testimony from the co-chairs of the Commission on Care. This Commission was appointed in a bipartisan way by the President, by the Speaker, by the minority leader of this House, and by the majority and minority leaders of the Senate; and the co-chairs gave us a report on their recommendations.

When asked about should there be an easier way to fire people, should there be a way to streamline the accountability process, to my surprise, they both answered ''no'' to a question posed by one of the Republican Members. They recommended that more investment and more time be devoted to leadership training within the VA.

They both lead private sector health organizations, and they both stated how they are obligated to the due process concerns with their employees. They were shocked at the relative under-appreciation for the personnel function at the VA.

They did not emphasize stripping away due process rights for workers. Instead, they strongly urged our committee to look at supporting the personnel function of the VA and improving leadership development and managerial skills of our managers.

So I recommend that we take this legislation back to committee, back to regular order, instead of considering it on a rushed basis and suspending the rules.

Mr. Chairman, all of us, Democrats and Republicans, believe in the need for stronger accountability for employees at the VA to ensure that our veterans get the care they deserve. Unfortunately, this legislation falls short of that goal. I urge my colleagues to vote ''no.''

I reserve the balance of my time.

Mr. MILLER of Florida. Mr. Chairman, I would remind my good friend, the ranking member over on the minority side, that this bill has been sitting out there for 6 weeks, in time for 80 amendments to have been filed, so it definitely was not rushed.

I remember back in high school the three branches of government, and the executive branch is supposed to enforce the laws that this body, Congress, writes. I don't believe it is the Attorney General's responsibility. She may wish she was a judge, but she is not. She is the Attorney General. She cannot deem something unconstitutional.

Mr. Chairman, I yield 1½ minutes to the gentleman from Colorado (Mr. LAMBORN).

Mr. LAMBORN. Mr. Chairman, I appreciate the leadership of Chairman JEFF MILLER, both in the committee and with this particular piece of legislation.

Mr. Chairman, our veterans demand the strong accountability tools contained in H.R. 5620. Since the Phoenix wait-list scandals, very few individuals have been held accountable. Fewer still are those whose disciplinary actions have not been overturned by the Merit System Protection Board. This state of affairs is deplorable.

This bill provides VA leadership with the tools to hold all VA employees accountable for their performance and misconduct, not just those members of the Senior Executive Service.

This bill is long overdue. Veterans within my district are still experiencing poor service from the VA. VA employees have openly joked in front of our veterans about their immunity to any disciplinary actions for their poor performance.

Mr. Chairman, our veterans have earned the privilege of interacting with VA employees who put the veteran first, not their own careers. I urge my colleagues to support this vital piece of legislation.

□ 1745

Mr. TAKANO. Mr. Chairman, I yield 5 minutes to the gentlewoman from Nevada (Ms. TITUS).

Ms. TITUS. Mr. Chairman, I thank the ranking member for yielding, and I

thank the chairman. Even though we may disagree on this piece of legislation, I believe he has been a fair chairman to work with all members of the committee.

When I became a member of the Veterans' Affairs Committee and the ranking member of the Disability Assistance and Memorial Affairs Subcommittee back in 2013, much of the focus was on the disability claims backlog. It had ballooned, and it was causing some veterans to wait almost 2 years just for their initial claim decision.

After that backlog was reduced, after considerable work by Congress and the administration, the problem shifted to the appeals process, where 450,000 veterans are currently waiting in an overburdened and overcomplicated system. The average claim takes more than 3 years to adjudicate, and claims that progress to the Board of Veterans Appeals can languish for more than 2,000 days. Both of these figures are also rising. So, if we miss this historic opportunity to reform the outdated and overcomplicated appeals system, the wait for our Nation's heroes will continue to lengthen. By 2027, we will be telling our veteran constituents that they will likely have to wait a decade for their appeal to be resolved. That is just unacceptable.

It is important to keep in mind that the appeals process was first developed back in 1933, and it was last updated in the late 1980s; so, surely, true reform is long overdue. Accordingly, this has become a top priority for the VA and for veterans service organizations, and it should be a priority for Congress as well.

Over the past months, the VA has been working closely with experts from the VSOs and other veterans advocacy groups to reform this broken system and replace it with a streamlined process designed to provide quicker outcomes for veterans while also preserving their due process rights.

Before you in this bill is the result of that effort. The new plan creates three lanes from which veterans can choose to appeal their claim. The first is a high-level de novo review for veterans who want to have a fresh set of well-trained eyes review their claim. The second is a lane for veterans who wish to add additional information or evidence to their claim. The third is for veterans who choose to have a full review done by the board, either with new evidence or as an expedited review without new supporting documents.

Veterans will be able to choose their own lane, depending on the specifics of their particular case. As part of this new system, the VA will provide more details to veterans when their initial claim decisions are delivered. This enhanced claims decision will better help veterans decide if they want to appeal and which lane will best suit their needs.

I appreciate that so many veterans organizations, including Disabled American Veterans, The American Legion, Veterans of Foreign Wars, Iraq and Afghanistan Veterans of America, AMVETS, Paralyzed Veterans of America, and others have all endorsed this appeals reform legislation.

It is unfortunate that my bill has been attached to controversial legislation regarding accountability at the VA. While we all agree that accountability for employees at the VA is critical for ensuring that our veterans receive the services and the care that they have earned and deserved, we should separate the two issues, pass appeals reform, and then work in a bipartisan manner on the accountability proceedings.

Last summer, this House passed an accountability bill; so, rather than passing another one that is very similar and which we know the administration opposes and feels is unconstitutional, let's get the appeals reform process done instead of playing politics that could hurt our Nation's heroes.

Mr. MILLER of Florida. Mr. Chairman, I would remind my good friend that the very same group that she says supported her appeals reform is the very same one that supports my accountability legislation.

Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. BILIRAKIS) from the State of Florida's District 12.

Mr. BILIRAKIS. Mr. Chairman, I rise today in support of H.R. 5620, the VA Accountability First and Appeals Modernization Act, and I thank the chairman for filing the bill.

H.R. 5620 provides additional resources and flexibility to the Secretary to remove employees for poor performance or misconduct. What is wrong with that?

It further improves the protections of whistleblowers that continue to receive retaliation from simply wanting to do the right thing. I thank the chairman for putting that language in there.

Additionally, this bill improves the veterans appeals process with reforms sought to decrease excessive wait times for those waiting on a disability rating. I thank Representative TITUS for that language, as well.

In my district, I still hear veterans waiting too long for a decision to be made, which could take additional years on average in the appeals process—much too long.

Mr. Chairman, this process is broken and needs to be modernized right now. So again, with that, I urge my colleagues to support the bill.

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

Mr. Chairman, I wish to comment on the assertion that it is the Attorney General's and the President's responsibility to enforce the law, as it does say that and as it is reflected in the Constitution. However, the Attorney General of the United States also has the duty to make sure that the taxpayers' money is well used. I often hear on the other side of the aisle a concern about unnecessary litigation or litigation that goes beyond the bounds of what is reasonable.

The Attorney General also has the obligation to take a look at the laws and to examine whether or not they would withstand constitutional muster. The American people do not demand of their Attorney General to litigate laws that are clearly unconstitutional. That would be a waste of money.

In the case of an accountability law and an accountability bill that clearly have flawed tools, tools which would be deemed unconstitutional, it would result in the following: it would result in managers taking actions against employees, money being spent on lawyers to dismiss these employees or otherwise discipline them, but employees being able to get their day in court and find that the provisions under which they are being disciplined are unconstitutional being reinstated after a lot of expense.

This is precisely why I would like to see this legislation go back to committee and for us to consult attorneys on both sides and not pass laws that are clearly going to not pass constitutional muster.

Yes, 81 amendments were filed because there are many problems with this legislation. Only 22 were ruled in order. I think we should go back to the drawing board and take the Senate legislation, which has bipartisan support, as a starting point.

As for the whistleblower protections, I have already stated my comments that these whistleblower protections in H.R. 5620 are also flawed. I believe that they would be ruled and deemed unconstitutional and, therefore, are also flawed.

Mr. Chairman, passing this legislation does not pass constitutional muster. It won't solve our problem. We need a real fix to improving VA accountability, and H.R. 5620 is not the solution.

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

Mr. MILLER of Florida. Mr. Chairman, I would remind my good friend that the Attorney General did comment on one particular live case. As a matter of fact, Sharon Helman, the person at the very center of the wait time debacle in Phoenix, believe it or not, is suing to get her job back, and the Attorney General has taken exception with one minor part of the law that was passed in 2014, the Veterans Choice Act. We have actually fixed her questions as relate to the Appointments Clause in the piece of legislation, so that problem should have been resolved at this point.

Mr. Chairman, I yield 2 minutes to the gentleman from the State of Tennessee (Mr. ROE). Dr. ROE is from the First Congressional District of Tennessee.

Mr. ROE of Tennessee. Mr. Chairman, I rise today in support of H.R. 5620, the VA Accountability First and Appeals

Modernization Act sponsored by my friend and colleague and VA Committee chair, JEFF MILLER.

This legislation would bring much-needed relief for veterans who are currently waiting months, and sometimes even years, for the disability benefit appeal to be adjudicated. It also grants the Secretary the expanded authority he needs to remove VA employees for poor performance or misconduct.

Mr. Chairman, at the beginning of 2015, there were roughly 375,000 pending appeals within the VA system. A mere 18 months later, in June of 2016, that number had exploded to 457,000, a 1.2 percent increase per month. With that in mind, it is clear that the VA appeals process is fundamentally broken.

By its own admission, the Board of Veterans' Appeals annual report for fiscal year 2015 stated that the number of appeals certified to the Board from the regional offices will increase from 88,183 in 2016 to 359,000 in 2017, an almost 400 percent increase in 12 months. We must work now, not later, to address this backlog before things get even more out of hand.

By implementing the reforms included in this legislation, the VA will be operating under streamlined processes needed to draw down this backlog. This bill also gives veterans some amount of control over how they wish their appeal to be reviewed. Under H.R. 5620, a veteran will be given the option of having their appeal heard by the regional office or having it bumped directly to the Board of Veterans' Appeals for adjudication.

By allowing veterans to waive or request a hearing and to limit or introduce new evidence in support of their claim, the veteran will have more control over who reviews their appeal, when it is reviewed, and what evidence is reviewed. Without this legislation, veterans will continue to be treated by VA as a mere case number, not as a veteran of the United States Armed Forces.

The CHAIR. The time of the gentleman has expired.

Mr. MILLER of Florida. Mr. Chairman, I yield the gentleman an additional 30 seconds.

Mr. ROE of Tennessee. Also included in this legislation is an important management tool for the Secretary to better maintain order within its workforce by expanding the authority of the Secretary to discipline or fire senior executive employees granted under the Veterans Choice Act to all VA employees. In an effort to protect employees who speak out from suffering retaliation, this bill provides comprehensive whistleblower protections.

These provisions are not meant to discourage or reduce morale for good, honest VA employees. In fact, it should accomplish just the opposite. The opponents of this provision are looking to protect the nurse who showed up drunk for surgery, the employees who purchased illegal drugs for veterans, or the managers who cooked the books on scheduling appointments and resulted in veterans dying. As someone who spent time working in a VA facility, I feel very strongly that the expedited removal of these types of employees improves the corrosive nature within the VA and makes the VA a safer, more respectful place to work.

Veterans deserve the best care, and I would challenge anyone to explain to me how these bad employees contribute to delivering quality of care.

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

Mr. Chairman, I am concerned that the bill before us today will actually undermine whistleblower protections rather than strengthen them. The Office of Special Counsel echoes my concerns. Their statement regarding the bill reads: ''Section 8 of this act may undermine whistleblower protections and accountability by creating a new and unnecessary process for reporting concerns. Section 8 also creates an unreasonable expectation that supervisors will be able to evaluate an employee concern within 4 business days. This process is overly burdensome for employees and supervisors and may be entirely unworkable in many instances.''

We should go back to the drawing board. Let's go through regular order back in committee and not do this under the suspended rules and try to fix things on the floor of the House.

I continue the quote of the Special Counsel: ''This approach is not the best method for improving accountability or evaluating supervisory efforts to support and protect whistleblowers. OSC believes that reinforcing existing channels for reporting concerns would better protect the interests of VA whistleblowers.''

Whistleblowers are essential for proper oversight. Accountability measures that undermine whistleblowers or deter them from coming forward will make it harder. Again, the whistleblower protections in this bill may actually undermine our ability to protect them.

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

□ 1800

Mr. MILLER of Florida. Mr. Chairman, I quote from a letter to Mrs. KIRKPATRICK from the Office of Special Counsel:

''We appreciate the bipartisan support for stronger whistleblower protections for VA employees, as reflected in H.R. 5620.''

Mr. Chairman, I yield 2 minutes to the gentleman from Kansas (Mr. HUELSKAMP), from the First District.

Mr. HUELSKAMP. Mr. Chairman, I thank the chairman, and appreciate his strong, effective leadership in the Veterans' Affairs Committee.

At a committee hearing last year, the VA publicly admitted to me it was too difficult to fire bad employees. The situation is so dire that dozens of blatantly negligent employees and convicted criminals continue to work at the VA with zero consequences for their behavior.

I was a quick cosponsor of this bill when introduced by the chairman because it provides necessary solutions to a problem that has persisted far too long.

This bill will expand the VA Secretary's removal authority to include all VA employees and speed up the process. It will put in place additional whistleblower protections and give the Secretary the authority and responsibility to rescind bonuses and expense payments for corrupt employees. And it reforms the current broken claims process by providing veterans more choices when it comes to appealing VA claims.

It might not be talked about much around here, but inside Washington everyone knows there is almost no accountability in the Federal civil service. In fact, a recent nonpartisan GAO study found, on average, it takes 6 months to a year, and often longer, to remove a bad bureaucrat.

In the VA, we have seen example after example of Federal employees more concerned with defending a couple of bad apples than caring for our veterans. It is not unreasonable to demand VA employees be held accountable for their performance, just like our veterans were during their military service and how millions of hard-working Americans must do in their jobs every single day.

It is my hope this bill will begin a long-overdue cultural shift within the VA. Until that happens, we will continue to see headlines about employees dealing heroin to patients, operating on patients while drunk, keeping their job despite an armed robbery charge, and giving years of paid leave to bad doctors. We can all agree: our veterans deserve better, and the VA should be held accountable for this obligation.

I urge my colleagues in the House to support passage of this very important bill.

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

I include in the RECORD a letter from the Office of Special Counsel to Representative KIRKPATRICK praising her for her amendment. I understand the majority also supports the Kirkpatrick amendment, so it is bipartisan support.

U.S. OFFICE OF SPECIAL COUNSEL,
Washington, DC, September 13, 2016.

Re Pending Legislation to Protect VA Whistleblowers.

Hon. ANN KIRKPATRICK,
Washington, DC.

DEAR REPRESENTATIVE KIRKPATRICK: The Office of Special Counsel (OSC) has received thousands of whistleblower retaliation complaints and disclosures from Department of Veterans Affairs (VA) employees. Based on this experience, we write to express our strong support for your amendment to H.R. 5620, the VA Accountability First and Appeals Modernization Act. Based on our review of the amendment, we believe it will advance the interests of VA whistleblowers.

Importantly, the amendment establishes the Office of Accountability and Whistleblower Protection (OAWP). OSC's ongoing

work with VA whistleblowers will benefit from having a high-level point of contact with the statutory authority to identify, correct, and prevent threats to patient care and to discipline those responsible for creating them. The establishment of similar offices at other agencies, including the Federal Aviation Administration, has significantly improved the whistleblower experience at those agencies. And OAWP, with a Senate-confirmed leader, will have the authority and a mandate to make a significant difference.

For these and other reasons, we believe your amendment will best advance the interests of VA whistleblowers and the Veterans served by the Department. If you are in need of additional information, please contact Adam Miles, Deputy Special Counsel for Policy and Congressional Affairs, at 202–254–3607. We appreciate the bipartisan support for stronger whistleblower protections for VA employees, as reflected in H.R. 5620, and believe this amendment will greatly enhance this effort.

Sincerely,

CAROLYN N. LERNER.

Mr. TAKANO. Mr. Chairman, I yield to the gentleman from Florida (Mr. MILLER) to ask him a question.

Was the quotation the gentleman read from this letter of the special counsel to Mrs. KIRKPATRICK?

Mr. MILLER of Florida. Will the gentleman yield?

Mr. TAKANO. I yield to the gentleman.

Mr. MILLER of Florida. I don't know what the letter is you are holding in your hand. I have one dated September 13.

Mr. TAKANO. Yes, September 13. And it is regarding pending legislation to protect VA whistleblowers?

Mr. MILLER of Florida. That is correct.

Mr. TAKANO. The quotation was from that letter.

I want to clarify that letter from the Office of Special Counsel was in support of Mrs. KIRKPATRICK's amendment, not in support of the entire bill H.R. 5620, and I am pleased that the majority joins us in support of that amendment.

My colleague, Chairman MILLER, mentioned that we have already covered our concerns in the Choice Act, and President Obama lauded the Choice Act when signing it into law. I will remind the chairman that the court—not Congress and not the President or the VA—determine whether a law meets constitutional muster.

I am concerned that the strict and arbitrary time limits in section 3 of H.R. 5620 violate constitutional due process and notions of basic fairness.

The lack of any clear standard of misbehavior by a VA employee that would trigger the Secretary's new firing authority also concerns me. Courts have allowed less notice if the behavior of a civil servant threatens the safety of others, but due process may not be limited simply to make it more convenient for Federal managers to get rid of employees they don't like.

That is why my amendment would pass constitutional muster and achieve the chairman's stated policy outcome more effectively than section 3 of H.R. 5620. It would give the Secretary a brand new authority to immediately remove, without pay, any VA employee whose behavior threatens veterans.

My amendment would address many of the egregious examples of terrible VA employees whose behavior has literally threatened veterans' lives, like the employee who took a veteran to a crack house. Under my alternative, that VA employee would be immediately suspended without pay and fired after a fair investigation.

The problem with passing a bill that limits due process is that if it were to become law, a VA employee fired under this new authority would inevitably sue. By the time the case wound its way through the court system and potentially found to be an unconstitutional violation of due process, the VA would have to reinstate with back pay any employee fired under the authority.

Instead, I would urge us to replace section 3 with my amendment language, or the Senate's language in the Veterans First Act, which contains more fairness and due process while still bringing accountability to the VA.

In our criminal justice system, we are innocent until proven guilty. The same concept applies to due process for VA employees. They should get to tell their side of the story before losing their jobs for what could be a miscommunication, or worse, discrimination or retaliation on the part of their supervisor.

H.R. 5620 is bad policy that sets the VA apart from all other Federal agencies and will make it harder for the VA to recruit exceptional medical providers and managers.

H.R. 5620 would return us to the political spoils system that was so problematic before the advent of civil service protections.

I reserve the balance of my time.

Mr. MILLER of Florida. Mr. Chairman, I agree wholeheartedly with Mr. TAKANO that it is the courts of the United States of America that would rule something unconstitutional and not the Attorney General of this country.

Mr. Chairman, I yield 1½ minutes to the gentleman from the Third District of Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Mr. Chairman, I have long fought for the highest quality health care for our veterans and accountability, and I applaud Chairman MILLER for bringing H.R. 5620 to the floor for a vote. It is long overdue.

This will not only provide greater options for veterans going through the VA's broken appeals process, but it also makes vital reforms to the Department's employee performance policies.

This is commonsense legislation. It will improve outcomes for veterans in my home State of Louisiana, where the VA has a long history of very poor performance.

The bill's provisions will make it easier for the VA Secretary to fire, demote, and recoup bonuses from employees who don't do their job.

Veterans in Louisiana have dealt with the VA's ineffective bureaucracy—and, in some cases, downright wrongdoing—for far too long. We desperately need more stringent accountability measures in place for the agency charged with caring for America's veterans.

This has gone on far too long. Chairman MILLER and I have fought with others for a very long time to do the very best for our veterans. Enough is enough. Enough is enough. It is time for a change. It is time for true accountability.

I am proud to stand with Chairman MILLER and others to support this legislation, and I urge all my colleagues to support it. It is urgently needed.

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

I think it is important that we consider the impact our actions will have on the hardworking frontline VA employees, many of whom are veterans themselves and even whom my friend from Florida, Chairman MILLER, says the vast majority of whom are very good employees.

I include in the RECORD a letter from the American Federation of Government Employees.

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL–CIO,
Washington, DC, September 9, 2016.

Re AFGE Opposition to H.R. 5620.

DEAR REPRESENTATIVE: I am writing on behalf of nearly 700,000 federal employees represented by the American Federation of Government Employees, AFL–CIO (AFGE), including 230,000 employees of the Department of Veterans Affairs (VA) to urge you to oppose H.R. 5620, a bill introduced by Representative Jeff Miller (R–FL) to provide for removal or demotion of VA employees, and for other purposes. The drastic reductions in due process rights for every frontline VA employee proposed by this bill represents another familiar attempt to weaken the VA by weakening its dedicated workforce.

Changes proposed by H.R. 5620, including reduced time to respond to notices of proposed removals, reduced time to appeal to the Merit System Protection Board (MSPB), the loss of MSPB rights if that agency is backlogged, and unfair processes for recouping bonuses and work expenses, will decrease accountability by subjecting vocal employees who speak up against mismanagement and patient harm to more retaliation and harassment. The bill also would directly undermine the Department's progress in filling vacancies and recruiting and retaining a strong VA workforce.

Shorter Notice of Proposed Removal: Under current law, VA employees, like most government employees, are entitled to at least thirty days' advance written notice before they are terminated or demoted (See 5 U.S.C. 7513(b)(1)). H.R. 5620 would reduce that notice period by two-thirds to only ten days. A ten-day period is completely inadequate for allowing an employee to respond to a notice of proposed removal or demotion, receive his or her evidence file, present an effective answer with supporting evidence and secure representation.

Loss of Additional Rights for Petformance-Based Removals: VA employees facing removal on poor performance would lose additional due process rights under this bill, making it nearly impossible to prepare an effective response. Currently, management

must inform employees of specific instances of unacceptable performance and the critical elements for the position involved. (See 5 CFR 1201.22(b)(1).) The bill eliminates both these rights to essential information to prepare one's answer.

Reduced Time to File MSPB Appeal: Currently, employees seeking MSPB review of the agency's decision have 30 calendar days from effective date of the action or within 30 days of receipt of agency decision, whichever is later to file an MSPB appeal. H.R. 5620 would reduce that filing deadline by more than 75 percent to only 7 days after the date of the removal or demotion. This extremely tight filing deadline is likely to have a disproportionate effect on lower wage employees who cannot afford representation.

Loss of All MSPB Appeal Rights if MSPB Fails to Meet Shorter Timeframe: MSPB suffers from a chronic shortage of staff and other resources. Like H.R. 1994, Representative Miller's 2015 ''firing bill'' to eliminate the due process rights of every front-line VA employee, this bill would take away all MSPB appeal rights if a decision is not issued within 60 days, and instead, the VA's final decision would stand. AFGE is very concerned that this may violate constitutional due process. In addition, this is an extremely unrealistic time frame and employees will be the ones to suffer as a result. Recent MSPB data indicates an average processing time for initial Administrative Judge appeals of 93 days and average of 281 days for Board review.

''Safe Harbor'' for Whistleblower Claims Will Overburden the Office of Special Counsel and Harm Whistleblowers: Like H.R. 1994, this bill requires the Office of Special Counsel (OSC) to review all agency decisions of employees who file OSC whistleblower complaints. OSC is already facing a significant increase in claims and does not currently review agency decisions to remove or demote employees. This added responsibility will increase the OSC's backlog and encourage the filing of less meritorious whistleblower complaints. Complainants with more meritorious matters will be adversely affected by additional delays.

Reductions in Senior Executive Retirement Annuities: AFGE also urges you oppose this provision that would remove covered service in calculating the annuities of VA senior executives who have been convicted of certain crimes. Pension recoupment is unnecessary and punitive, and would set an extremely dangerous precedent throughout the federal government for requiring forfeiture of earned compensation.

Unfair Bonus Recoupment Process: H.R. 5620 provides the VA Secretary with unfettered discretion to set the criteria for recoupment of bonuses already paid to employees. In addition, the bill is ambiguous about the appeals process that employees could utilize to challenge an unfair bonus recoupment decision.

Unfair Process for Recoupment of Payments for Relocation and Other Work Expenses: H.R. 5620 would give management overly broad authority to recoup allegedly improper reimbursements of work-related expenses. This overly broad and possibly unconstitutional provision could lead to more mismanagement and targeting of employees. VA already has ample authority to recoup improper payments, and payments made through misfeasance and malfeasance. In addition, the Department already addressed abuse of relocation bonuses by eliminating its Appraised Value Offer program. The lack of appeal rights in the bill is likely to give rise to an unconstitutional taking. This provision would further erode the morale of the VA workforce and discourage employees from relocating to hard-to-recruit locations to fill vacancies.

Thank you for considering the views of AFGE. If you need more information, please contact Marilyn Park of my staff.

Sincerely yours,

J. DAVID COX, Sr.,
National President.

Mr. TAKANO. The letter reads: ''The drastic reductions in due process rights for every frontline VA employee proposed by this bill represents another familiar attempt to weaken the VA by weakening its dedicated workforce.

''Changes proposed by H.R. 5620, including reduced time to respond to notices of proposed removals, reduced time to appeal to the Merit System Protection Board (MSPB), the loss of MSPB rights if that agency is backlogged, and unfair processes for recouping bonuses and work expenses, will decrease accountability by subjecting vocal employees who speak up against mismanagement and patient harm to more retaliation and harassment. The bill also would directly undermine the Department's progress in filling vacancies and recruiting and retaining a strong VA workforce.''

I reserve the balance of my time.

Mr. MILLER of Florida. Mr. Chairman, I yield myself such time as I may consume.

I include in the RECORD the letters from five veterans service organizations in support of this legislation, H.R. 5620.

THE AMERICAN LEGION,
July 12, 2016.

Hon. JEFF MILLER,
Chairman, Committee on Veterans' Affairs, House of Representatives, Washington, DC.

CHAIRMAN MILLER: On behalf of the more than 2 million members of The American Legion, I express qualified support for H.R. 5620, the VA Accountability First and Appeals Modernization Act of 2016. The bill would bring additional accountability measures to the Department of Veterans Affairs while strengthening protections for whistleblowers. Additionally, the bill would reform the department's disability benefits appeals process—a top priority for VA leaders and many veterans service organizations.

Veterans deserve a first rate agency to provide for their needs, and the VA is an excellent agency that is unfortunately marred from time to time by bad actors that the complicated system of discipline makes difficult to remove. Legislation to improve that process and make it easier to deal with these few, problem employees would help restore trust in what is otherwise an excellent system. However, we cannot support the prohibition on VA senior executives from receiving awards or bonuses over the next five years. This overly punitive form of collective punishment is unfair and counterproductive to efforts to rebuild a leadership cadre after the extensive turnover experienced since the 2014 wait time scandal.

We wholeheartedly support the appeals modernization provisions in this legislation. They represent a combined team effort between VA, Congress, and the Veteran Service Organizations to produce highly needed reforms to the complex disability claims appeals system and The American Legion is proud of the work accomplished here.

The American Legion thanks you for the leadership you have shown to bring improvement and more accountability to VA. We are committed to working with you and your House and Senate colleagues to shepherd a veterans benefits legislative package before this session ends that we can all be proud of.

Sincerely,

DALE BARNETT,
National Commander.

DAV,
July 14, 2016.

Hon. JEFF MILLER,
Chairman, House Committee on Veterans' Affairs, Washington, DC.

DEAR CHAIRMAN MILLER: On behalf of DAV and our 1.3 million members, all of whom were injured or made ill during wartime service, I write to offer our support for H.R. 5620, the ''VA Accountability First and Appeals Modernization Act of 2016.'' This legislation could significantly improve the ability of veterans to receive more timely and accurate decisions on their claims and appeals for earned benefits.

As you know, the number of appeals awaiting decisions has risen dramatically—to almost 450,000—and the average time for an appeal decision is between three and five years, a delay that is simply unacceptable. To address this challenge, VA convened a workgroup in March consisting of DAV, other stakeholders and VA officials in order to seek common ground on a new framework for appeals. After months of intensive efforts, the workgroup reached consensus on a new framework for the appeals process that could offer veterans quicker decisions, while protecting their rights and prerogatives.

H.R. 5620, which contains the new appeals framework, would make fundamental changes to the appeals process by creating multiple options to appeal or reconsider claims' decisions, either formally to the Board or informally within the Veterans Benefits Administration. The central feature of the legislation would provide veterans three options, or ''lanes,'' to appeal unfavorable claims decisions; and if they were not satisfied with their decisions, they could continue to pursue one of the other two options. As long as a veteran continuously pursues a new appeals option within one year of the last decision, they would be able to preserve their earliest effective date. This legislation also allows veterans to present new evidence and have a hearing before the Board or VBA if they so desire.

If faithfully implemented as designed by the workgroup, and if fully funded by Congress and VA in the years ahead, H.R. 5620 would make a marked improvement in the ability of veterans to get timely and accurate decisions on appeals of their claims. We urge the House to swiftly approve this legislation and then work with the Senate to reach agreement on final legislation that can be sent to the President to sign this year.

Respectfully,

GARRY J. AUGUSTINE,
Executive Director, Washington Headquarters.

VETERANS OF FOREIGN WARS,
September 6, 2016.

Hon. JEFF MILLER,
Chairman, House Veterans' Affairs Committee, Washington, DC.

DEAR CHAIRMAN MILLER: On behalf of the men and women of the Veterans of Foreign Wars of the United States (VFW) and our Auxiliaries, we are pleased to offer our support for H.R. 5620, the VA Accountability First and Appeals Modernization Act of 2016.

Your legislation would allow the Secretary of the Department of Veterans Affairs (VA) to expeditiously remove or demote any VA employee based on poor performance or misconduct. For far too long, under performing employees have been allowed to continue working at VA, simply because the processes for removal are so protracted. The VFW believes that employees should have some

layer of protection, but that true accountability must be enforced for those who willfully fail to meet the standard. This is critical to ensuring that VA consistently provides the highest quality services, as well as continuing to restore veterans' faith in the Department.

Additionally, your legislation works to address concerns related to the appeal of a veteran's disability compensation claim. Today, there are more than 450,000 appeals awaiting the years-long process to a final decision by the Board of Veterans' Appeals. While the VFW insists that the right of the veteran to appeal must be continued and protected, common sense changes like those included in this legislation will help to eliminate backlogs, reduce the amount of time that veterans wait for their earned benefits, and still ensure that veterans receive the assistance needed when completing such appeals.

The VFW commends your leadership on this issue and your commitment to meaningful VA reforms. We look forward to working with you to ensure the passage of this important legislation.

Sincerely,

RAYMOND C. KELLEY,
Director, VFW National Legislative Service.

PARALYZED VETERANS OF AMERICA,
July 11, 2016.

Hon. JEFF MILLER,
Chairman, House Committee on Veterans' Affairs, Washington, DC.

DEAR CHAIRMAN MILLER: On behalf of Paralyzed Veterans of America (PVA), I would like to offer our support for H.R. 5620, the ''VA Accountability First and Appeals Modernization Act.'' This important legislation focuses on two important issues that must be addressed within the Department of Veterans Affairs (VA)—accountability at all levels and reform of the veterans' claims appeals process.

As you are aware, PVA has supported efforts to ensure proper accountability at all levels of the Department of Veterans Affairs (VA). Unfortunately, in recent years there have been numerous accounts of bad actors in VA senior management (and frankly lower level management) who have failed to fulfill the responsibility of their positions and in some cases arguably violated the law. The focus on accountability in this proposal strikes a reasonable balance to ensure VA leadership has the ability to manage personnel while affording due process protections to VA employees.

Additionally, while work remains to ensure appropriate implementation, this legislation advances critically needed appeals reform. PVA, and our partners in the veterans' service organization community, has been directly engaged with VA to affect meaningful appeals reform. This legislation reflects much of that work. However, we must emphasize that VA needs a definitive plan to address implementation, specifically a plan to deal with the current inventory of appeals.

Mr. Chairman, we applaud your commitment to strong accountability and meaningful appeals reform at the VA. We hope that the Committee will consider and approve this important legislation expeditiously.

Respectfully,

SHERMAN GILLUMS, Jr.,
Executive Director,
Paralyzed Veterans of America

MILITARY OFFICERS
ASSOCIATION OF AMERICA,
August 16, 2016.

Hon. JEFF MILLER,
Chairman, Committee on Veterans' Affairs,
House of Representatives, Washington, DC.

DEAR CHAIRMAN MILLER: On behalf of MOAA's more than 390,000 members, I am writing to express our appreciation for your continuing efforts to improve accountability across the Department of Veterans Affairs (VA) and modernize the disability claims system through sponsorship of H.R. 5620, the VA Accountability First and Appeals Modernization Act of 2016.

This bill builds upon your earlier legislation, H.R. 1994, the VA Accountability Act of 2015, by further strengthening protections for whistleblowers, providing for removal or demotion of employees based on performance or misconduct, and reforming the disability benefits appeals process.

MOAA appreciates your commitment to providing the Secretary of Veterans Affairs the additional authority to remove employees for sub-standard performance and misconduct. However, we do have some concerns about setting a long-term prohibition on Senior Executive Service employee bonuses for the period 2017 to 2021, mentioned in Section 10. MOAA anticipates VA employees, who are striving to solve these very difficult problems, should have the ability to be rewarded for making progress. MOAA would prefer to see conditions placed on receipt of bonuses rather than implement a blanket prohibition.

MOAA believes the result of change should be outcome-driven. That is, accountability mechanisms should be placed on achieving a desired outcome versus prescribing each step taken to reach that outcome. We support the restructuring of the VA claims adjudication process and the goal of providing veterans with more expeditious claim resolution. That said, we are concerned the proposed bill appears to eliminate the VA's duty to assist veterans with their claims during the appeal process. MOAA believes continuing the VA's duty to assist veterans during the appeal will be important to fair resolution of the claim.

In closing, MOAA urges the House and Senate Committees on Veterans' Affairs to work together to reach agreement on how best to move forward on H.R. 5620 and S. 2921, the Veterans First Act, incorporating the necessary elements of accountability and appeals in order to achieve meaningful and substantive reform before Congress adjourns this year.

We deeply appreciate your support of our nation's servicemembers, veterans and their families. MOAA looks forward to continuing cooperation with you in helping to resolve these important issues.

Sincerely,

LT. GEN. DANA T. ATKINS, USAF (RET),
President and CEO.

Mr. MILLER of Florida. I reserve the balance of my time.

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

Mr. Chairman, for all of the foregoing arguments that were made today, I urge all of my colleagues to vote ''no'' on H.R. 5620.

I yield back the balance of my time.

Mr. MILLER of Florida. Mr. Chairman, I yield myself such time as I may consume.

I urge all Members to support H.R. 5620, and I yield back the balance of my time.

The Acting CHAIR (Mr. MOONEY of West Virginia). All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule. The bill shall be considered as read.

The text of the bill is as follows:

H.R. 5620

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''VA Accountability First and Appeals Modernization Act of 2016''.

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

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 3. REMOVAL OR DEMOTION OF EMPLOYEES BASED ON PERFORMANCE OR MISCONDUCT.

(a) IN GENERAL.—Chapter 7 is amended by adding at the end the following new section:

''§ 715. Employees: removal or demotion based on performance or misconduct

''(a) IN GENERAL.—The Secretary may remove or demote an individual who is an employee of the Department if the Secretary determines the performance or misconduct of the individual warrants such removal or demotion. If the Secretary so removes or demotes such an individual, the Secretary may—

''(1) remove the individual from the civil service (as defined in section 2101 of title 5); or

''(2) demote the individual by means of—

''(A) a reduction in grade for which the individual is qualified and that the Secretary determines is appropriate; or

''(B) a reduction in annual rate of pay that the Secretary determines is appropriate.

''(b) PAY OF CERTAIN DEMOTED INDIVIDUALS.—(1) Notwithstanding any other provision of law, any individual subject to a demotion under subsection (a)(2)(A) shall, beginning on the date of such demotion, receive the annual rate of pay applicable to such grade.

''(2) An individual so demoted may not be placed on administrative leave or any other category of paid leave during the period during which an appeal (if any) under this section is ongoing, and may only receive pay if the individual reports for duty. If an individual so demoted does not report for duty,

such individual shall not receive pay or other benefits pursuant to subsection (e)(5).

''(c) NOTICE TO CONGRESS.—Not later than 30 days after removing or demoting an individual under subsection (a), the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives notice in writing of such removal or demotion and the reason for such removal or demotion.

''(d) PROCEDURE.—(1) Subsection (b) of section 7513 of title 5 shall apply with respect to a removal or a demotion under this section, except that the period for notice and response, which includes the advance notice period required by paragraph (1) of such subsection and the response period required by paragraph (2) of such subsection, shall not exceed a total of ten calendar days.

''(2) The procedures under chapter 43 of title 5 shall not apply to a removal or demotion under this section.

''(3)(A) Subject to subparagraph (B) and subsection (e), any removal or demotion under subsection (a) may be appealed to the Merit Systems Protection Board under section 7701 of title 5.

''(B) An appeal under subparagraph (A) of a removal or demotion may only be made if such appeal is made not later than seven days after the date of such removal or demotion.

''(e) EXPEDITED REVIEW BY MSPB.—(1) Upon receipt of an appeal under subsection (d)(3)(A), the Merit Systems Protection Board shall expedite any such appeal under such section and, in any such case, shall issue a decision not later than 60 days after the date of the appeal.

''(2) Notwithstanding section 7701(c)(1)(B) of title 5, the Merit Systems Protection Board shall uphold the decision of the Secretary to remove or demote an employee under subsection (a) if the decision is supported by substantial evidence.

''(3) The decision of the Merit Systems Protection Board under paragraph (1), and any final removal or demotion described in paragraph (4), may be appealed to the United States Court of Appeals for the Federal Circuit pursuant to section 7703 of title 5. Any decision by such Court shall be in compliance with section 7462(f)(2) of this title.

''(4) In any case in which the Merit Systems Protection Board cannot issue a decision in accordance with the 60-day requirement under paragraph (1), the removal or demotion is final. In such a case, the Merit Systems Protection Board shall, within 14 days after the date that such removal or demotion is final, submit to Congress and the Committees on Veterans' Affairs of the Senate and House of Representatives a report that explains the reasons why a decision was not issued in accordance with such requirement.

''(5) The Merit Systems Protection Board may not stay any removal or demotion under this section.

''(6) During the period beginning on the date on which an individual appeals a removal from the civil service under subsection (d) and ending on the date that the Merit Systems Protection Board issues a final decision on such appeal, such individual may not receive any pay, awards, bonuses, incentives, allowances, differentials, student loan repayments, special payments, or benefits.

''(7) To the maximum extent practicable, the Secretary shall provide to the Merit Systems Protection Board such information and assistance as may be necessary to ensure an appeal under this subsection is expedited.

''(f) WHISTLEBLOWER PROTECTION.—(1) In the case of an individual seeking corrective action (or on behalf of whom corrective action is sought) from the Office of Special Counsel based on an alleged prohibited personnel practice described in section 2302(b) of title 5, the Secretary may not remove or demote such individual under subsection (a) without the approval of the Special Counsel under section 1214(f) of title 5.

''(2) In the case of an individual who has filed a whistleblower complaint, as such term is defined in section 741 of this title, the Secretary may not remove or demote such individual under subsection (a) until a final decision with respect to the whistleblower complaint has been made.

''(g) TERMINATION OF INVESTIGATIONS BY OFFICE OF SPECIAL COUNSEL.—Notwithstanding any other provision of law, the Special Counsel (established by section 1211 of title 5) may terminate an investigation of a prohibited personnel practice alleged by an employee or former employee of the Department after the Special Counsel provides to the employee or former employee a written statement of the reasons for the termination of the investigation. Such statement may not be admissible as evidence in any judicial or administrative proceeding without the consent of such employee or former employee.

''(h) RELATION TO OTHER AUTHORITIES.—The authority provided by this section is in addition to the authority provided by subchapter V of chapter 74 of this title, subchapter II of chapter 75 of title 5, chapter 43 of such title, and any other authority with respect to disciplining an individual.

''(i) DEFINITIONS.—In this section:

''(1) The term 'individual' means an individual occupying a position at the Department but does not include—

''(A) an individual, as that term is defined in section 713(g)(1); or

''(B) a political appointee.

''(2) The term 'grade' has the meaning given such term in section 7511(a) of title 5.

''(3) The term 'misconduct' includes neglect of duty, malfeasance, or failure to accept a directed reassignment or to accompany a position in a transfer of function.

''(4) The term 'political appointee' means an individual who is—

''(A) employed in a position described under sections 5312 through 5316 of title 5 (relating to the Executive Schedule);

''(B) a limited term appointee, limited emergency appointee, or noncareer appointee in the Senior Executive Service, as defined under paragraphs (5), (6), and (7), respectively, of section 3132(a) of title 5; or

''(C) employed in a position of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations.''.

(b) CLERICAL AND CONFORMING AMENDMENTS.—

(1) CLERICAL.—The table of sections at the beginning of chapter 7 is amended by inserting after the item relating to section 713 the following new item:

''715. Employees: removal or demotion based on performance or misconduct.''.

(2) CONFORMING.—Section 4303(f) of title 5, United States Code, is amended—

(A) by striking ''or'' at the end of paragraph (2);

(B) by striking the period at the end of paragraph (3) and inserting '', or''; and

(C) by adding at the end the following:

''(4) any removal or demotion under section 715 of title 38.''.

SEC. 4. REDUCTION OF BENEFITS FOR MEMBERS OF THE SENIOR EXECUTIVE SERVICE WITHIN THE DEPARTMENT OF VETERANS AFFAIRS CONVICTED OF CERTAIN CRIMES.

(a) REDUCTION OF BENEFITS.—

(1) IN GENERAL.—Chapter 7 is further amended by inserting after section 715, as added by section 3, the following new section:

''§ 717. Senior executives: reduction of benefits of individuals convicted of certain crimes

''(a) REDUCTION OF ANNUITY FOR REMOVED EMPLOYEE.—(1) The Secretary shall order that the covered service of an individual removed from a senior executive position for performance or misconduct under section 713 of this title, chapter 43 or subchapter V of chapter 75 of title 5, or any other provision of law shall not be taken into account for purposes of calculating an annuity with respect to such individual under chapter 83 or chapter 84 of title 5, if—

''(A) the individual is convicted of a felony that influenced the individual's performance while employed in the senior executive position; and

''(B) before such order is made, the individual is afforded—

''(i) notice of the order and an opportunity to respond to the order; and

''(ii) consistent with paragraph (2), an opportunity to appeal the order to another department or agency of the Federal Government.

''(2) If a final decision on an appeal made under paragraph (1)(B)(ii) is not made by the applicable department or agency of the Federal Government within 30 days after receiving such appeal, the order of the Secretary under paragraph (1) shall be final and not subject to further appeal.

''(b) REDUCTION OF ANNUITY FOR RETIRED EMPLOYEE.—(1) The Secretary may order that the covered service of an individual who is subject to a removal or transfer action for performance or misconduct under section 713 of this title, chapter 43 or subchapter V of chapter 75 of title 5, or any other provision of law but who leaves employment at the Department prior to the issuance of a final decision with respect to such action shall not be taken into account for purposes of calculating an annuity with respect to such individual under chapter 83 or chapter 84 of title 5, if—

''(A) the individual is convicted of a felony that influenced the individual's performance while employed in the senior executive position; and

''(B) before such order is made, the individual is afforded notice and an opportunity for a hearing conducted by another department or agency of the Federal Government.

''(2) The Secretary shall make such an order not later than seven days after the date of the conclusion of a hearing referred to in paragraph (1)(B) that determines that such order is lawful.

''(c) ADMINISTRATIVE REQUIREMENTS.—(1) Not later than 30 days after the Secretary issues an order under subsection (a) or (b), the Director of the Office of Personnel Management shall recalculate the annuity of the individual.

''(2) A decision regarding whether the covered service of an individual shall be taken into account for purposes of calculating an annuity under subsection (a) or (b) is final and may not be reviewed by any department or agency or any court.

''(d) LUMP-SUM ANNUITY CREDIT.—Any individual with respect to whom an annuity is reduced under subsection (a) or (b) shall be entitled to be paid so much of such individual's lump-sum credit as is attributable to the period of covered service.

''(e) SPOUSE OR CHILDREN EXCEPTION.—The Secretary, in consultation with the Office of Personnel Management, shall prescribe regulations that may provide for the payment to the spouse or children of any individual referred to in subsection (a) or (b) of any amounts which (but for this subsection)

would otherwise have been nonpayable by reason of such subsections. Any such regulations shall be consistent with the requirements of section 8332(o)(5) and 8411(l)(5) of title 5, as the case may be.

''(f) DEFINITIONS.—In this section:

''(1) The term 'covered service' means, with respect to an individual subject to a removal or transfer for performance or misconduct under section 713 of this title, chapter 43 or subchapter V of chapter 75 of title 5, or any other provision of law, the period of service beginning on the date that the Secretary determines under such applicable provision that the individual engaged in activity that gave rise to such action and ending on the date that the individual is removed or transferred from the senior executive position or leaves employment at the Department prior to the issuance of a final decision with respect to such action, as the case may be.

''(2) The term 'lump-sum credit' has the meaning given such term in section 8331(8) or section 8401(19) of title 5, as the case may be.

''(3) The term 'senior executive position' has the meaning given such term in section 713(g)(3) of this title.

''(4) The term 'service' has the meaning given such term in section 8331(12) or section 8401(26) of title 5, as the case may be.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item relating to section 715, as added by section 3, the following new item:

''717. Senior executives: reduction of benefits of individuals convicted of certain crimes.''.

(b) APPLICATION.—Section 717 of title 38, United States Code, as added by subsection (a)(1), shall apply to any action of removal or transfer under section 713 of title 38, United States Code, commencing on or after the date of the enactment of this Act.

SEC. 5. AUTHORITY TO RECOUP BONUSES OR AWARDS PAID TO EMPLOYEES OF DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Chapter 7 is further amended by inserting after section 717, as added by section 4, the following new section:

''§ 719. Recoupment of bonuses or awards paid to employees of Department

''(a) RECOUPMENT.—Notwithstanding any other provision of law, the Secretary may issue an order directing an employee of the Department to repay the amount, or a portion of the amount, of any award or bonus paid to the employee under title 5, including under chapters 45 or 53 of such title, or this title if—

''(1) the Secretary determines such repayment appropriate pursuant to regulations prescribed under subsection (c); and

''(2) before such repayment, the employee is afforded notice and an opportunity for a hearing conducted by another department or agency of the Federal Government.

''(b) REVIEW.—(1) Upon the issuance of an order by the Secretary under subsection (a), the employee shall be afforded—

''(A) notice of the order and an opportunity to respond to the order; and

''(B) consistent with paragraph (2), an opportunity to appeal the order to another department or agency of the Federal Government.

''(2) If a final decision on an appeal made under paragraph (1)(B) is not made by the applicable department or agency of the Federal Government within 30 days after receiving such appeal, the order of the Secretary under subsection (a) shall be final and not subject to further appeal.

''(c) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by section 4, is amended by inserting after the item relating to section 717 the following new item:

''719. Recoupment of bonuses or awards paid to employees of Department.''.

(c) EFFECTIVE DATE.—Section 719 of title 38, United States Code, as added by subsection (a), shall apply with respect to an award or bonus paid by the Secretary of Veterans Affairs to an employee of the Department of Veterans Affairs on or after the date of the enactment of this Act.

(d) CONSTRUCTION.—Nothing in this Act or the amendments made by this Act may be construed to modify the certification issued by the Office of Personnel Management and the Office of Management and Budget regarding the performance appraisal system of the Senior Executive Service of the Department of Veterans Affairs.

SEC. 6. AUTHORITY TO RECOUP RELOCATION EXPENSES PAID TO OR ON BEHALF OF EMPLOYEES OF DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Chapter 7 is further amended by adding at the end the following new section:

''§ 721. Recoupment of relocation expenses paid on behalf of employees of Department

''(a) RECOUPMENT.—(1) Notwithstanding any other provision of law, the Secretary may direct an employee of the Department to repay the amount, or a portion of the amount, paid to or on behalf of the employee under title 5 for relocation expenses, including any expenses under section 5724 or 5724a of such title, or this title if—

''(A) the Secretary determines that—

''(i) the employee has committed an act of fraud, waste, or malfeasance; and

''(ii) such repayment is appropriate pursuant to regulations prescribed under subsection (c); and

''(B) before such repayment is ordered, the individual is afforded—

''(i) notice of the determination of the Secretary and an opportunity to respond to the determination; and

''(ii) consistent with paragraph (2), an opportunity to appeal the determination to another department or agency of the Federal Government.

''(2) If a final decision on an appeal made under paragraph (1)(B)(ii) is not made by the applicable department or agency of the Federal Government within 30 days after receiving such appeal, the order of the Secretary under paragraph (1) shall be final and not subject to further appeal.

''(b) REVIEW.—A decision regarding a repayment by an employee pursuant to subsection (a)(1)(B)(ii) is final and may not be reviewed by any department, agency, or court.

''(c) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is further amended by adding at the end the following new item:

''721. Recoupment of relocation expenses paid to or on behalf of employees of Department.''.

(c) EFFECTIVE DATE.—Section 721 of title 38, United States Code, as added by subsection (a), shall apply with respect to an amount paid by the Secretary of Veterans Affairs to or on behalf of an employee of the Department of Veterans Affairs for relocation expenses on or after the date of the enactment of this Act.

(d) CONSTRUCTION.—Nothing in this section or the amendments made by this section may be construed to modify the certification issued by the Office of Personnel Management and the Office of Management and Budget regarding the performance appraisal system of the Senior Executive Service of the Department of Veterans Affairs.

SEC. 7. SENIOR EXECUTIVES: PERSONNEL ACTIONS BASED ON PERFORMANCE OR MISCONDUCT.

(a) EXPANSION OF COVERED PERSONNEL ACTIONS.—Section 713 is amended in subsection (a)(1) by inserting after ''such removal.'' the following: ''If the Secretary determines that the performance or misconduct of such an individual does not merit removal from the senior executive service position, the Secretary may suspend, reprimand, or admonish the individual.''.

(b) REMOVAL OF APPEAL TO MERIT SYSTEMS PROTECTION BOARD.—Section 713 is further amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''so removes'' and inserting ''removes''; and

(B) by adding at the end the following:

''(3) On the date that is 5 days before taking any personnel action against a senior executive under paragraph (1), the Secretary shall provide the individual with—

''(A) notice in writing of the proposed personnel action, including the reasons for such action; and

''(B) an opportunity to respond to the proposed personnel action within the 5-day period.'';

(2) in subsection (b)(2)—

(A) by striking ''under this section'' and inserting ''under section 723''; and

(B) by striking the second sentence;

(3) in subsection (c)—

(A) by striking ''30'' and inserting ''5''; and

(B) by striking ''and the reason for such removal or transfer'' and inserting '', the reason for such removal or transfer, the name and position of the employee, and all charging documents and evidence pertaining to such removal or transfer'';

(4) by striking subsections (d) and (e) and inserting the following:

''(d) PROCEDURE.—(1) The procedures under title 5 shall not apply to any personnel action under this section.

''(2) A personnel action under this section—

''(A) may be appealed to the Senior Executive Disciplinary Appeals Board under section 723; and

''(B) may not be appealed to the Merit Systems Protection Board under section 7701 of title 5.'';

(5) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively; and

(6) in subsection (f), as redesignated by paragraph (5), by adding at the end the following:

''(4) The term 'suspend' means the placing of an individual in a temporary status without duties and pay for a period greater than 14 days.''.

(c) REMOVAL OF EXPEDITED PROCEDURES.—Section 707 of the Veterans Access, Choice, and Accountability Act of 2014 (38 U.S.C. 713 note) is amended by—

(1) striking subsection (b); and

(2) redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(d) SENIOR EXECUTIVE DISCIPLINARY APPEALS BOARD.—Chapter 7 is further amended by inserting after section 721, as added by section 6, the following new section:

''§ 723. Senior Executive Disciplinary Appeals Board

''(a) The Secretary shall from time to time appoint a board to hear appeals of any personnel action taken under section 713. Such board shall be known as the Senior Executive Disciplinary Appeals Board (hereinafter referred to as the 'Board'). Each Board shall

consist of 3 employees of the Department. The Board shall have exclusive jurisdiction to review any personnel action under section 713.

''(b) Upon an appeal of such a personnel action, the Senior Executive Disciplinary Appeals Board shall—

''(1) review all evidence provided by the Secretary and the appellant; and

''(2) issue a decision not later than 21 days after the date of the appeal.

''(c) The Board shall afford an employee appealing a personnel action an opportunity for an oral hearing. If such a hearing is held, the appellant may be represented by counsel.

''(d) The Board shall uphold the decision of the Secretary if—

''(1) there is substantial evidence supporting the decision; and

''(2) the applicable personnel action is within the tolerable bounds of reasonableness.

''(e) If the Board issues a decision under this section that reverses or otherwise mitigates the applicable personnel action, the Secretary may reverse the decision of the Board. Consistent with the requirements of subsection (g), the decision of the Secretary under this subsection shall be final.

''(f) In any case in which the Board cannot issue a decision in accordance with the 21-day requirement under subsection (b)(2), the personnel action is final.

''(g) A petition to review a final order or final decision of the Secretary or the Board under this section shall be filed in the United States Court of Appeals for the Federal Circuit. Any decision by such Court shall be in compliance with section 7462(f)(2) of this title.

''(h) During the period beginning on the date on which an individual appeals a removal from the civil service under section 713(d) and ending on the date that the Board or Secretary issues a final decision on such appeal, such individual may not receive any pay, awards, bonuses, incentives, allowances, differentials, student loan repayments, special payments, or benefits.''.

(e) TECHNICAL AND CLERICAL AMENDMENTS.—

(1) TECHNICAL AMENDMENT.—The section heading of section 713 is amended to read as follows: **Senior executives: personnel actions based on performance or misconduct**.

(2) CLERICAL AMENDMENTS.—The table of contents for such chapter is further amended—

(A) by striking the item relating to section 713 and inserting the following:

''713. Senior executives: personnel actions based on performance or misconduct.'';

and

(B) by adding at the end the following:

''723. Senior Executive Disciplinary Appeals Board.''.

(f) RULE OF CONSTRUCTION.—Nothing in this section or section 731 of title 38, United States Code, (as added by subsection (c)) shall be construed to apply to an appeal of a removal, transfer, or other personnel action that was pending before the date of the enactment of this Act.

SEC. 8. TREATMENT OF WHISTLEBLOWER COMPLAINTS IN DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Chapter 7 is further amended by adding at the end the following new subchapter:

''SUBCHAPTER II—WHISTLEBLOWER COMPLAINTS

''§ 741. Whistleblower complaint defined

''In this subchapter, the term 'whistleblower complaint' means a complaint by an employee of the Department disclosing, or assisting another employee to disclose, a potential violation of any law, rule, or regulation, or gross mismanagement, gross waste of funds, abuse of authority, or substantial and specific danger to public health and safety.

''§ 742. Treatment of whistleblower complaints

''(a) FILING.—(1) In addition to any other method established by law in which an employee may file a whistleblower complaint, an employee of the Department may file a whistleblower complaint in accordance with subsection (g) with a supervisor of the employee.

''(2) Except as provided by subsection (d)(1), in making a whistleblower complaint under paragraph (1), an employee shall file the initial complaint with the immediate supervisor of the employee.

''(b) NOTIFICATION.—(1) Not later than four business days after the date on which a supervisor receives a whistleblower complaint by an employee under this section, the supervisor shall notify, in writing, the employee of whether the supervisor determines that there is a reasonable likelihood that the complaint discloses a violation of any law, rule, or regulation, or gross mismanagement, gross waste of funds, abuse of authority, or substantial and specific danger to public health and safety. The supervisor shall retain written documentation regarding the whistleblower complaint and shall submit to the next-level supervisor a written report on the complaint.

''(2) On a monthly basis, the supervisor shall submit to the appropriate director or other official who is superior to the supervisor a written report that includes the number of whistleblower complaints received by the supervisor under this section during the month covered by the report, the disposition of such complaints, and any actions taken because of such complaints pursuant to subsection (c). In the case in which such a director or official carries out this paragraph, the director or official shall submit such monthly report to the supervisor of the director or official.

''(c) POSITIVE DETERMINATION.—If a supervisor makes a positive determination under subsection (b)(1) regarding a whistleblower complaint of an employee, the supervisor shall include in the notification to the employee under such subsection the specific actions that the supervisor will take to address the complaint.

''(d) FILING COMPLAINT WITH NEXT-LEVEL SUPERVISORS.—(1) If any circumstance described in paragraph (3) is met, an employee may file a whistleblower complaint in accordance with subsection (g) with the next-level supervisor who shall treat such complaint in accordance with this section.

''(2) An employee may file a whistleblower complaint with the Secretary if the employee has filed the whistleblower complaint to each level of supervisors between the employee and the Secretary in accordance with paragraph (1).

''(3) A circumstance described in this paragraph are any of the following circumstances:

''(A) A supervisor does not make a timely determination under subsection (b)(1) regarding a whistleblower complaint.

''(B) The employee who made a whistleblower complaint determines that the supervisor did not adequately address the complaint pursuant to subsection (c).

''(C) The immediate supervisor of the employee is the basis of the whistleblower complaint.

''(e) TRANSFER OF EMPLOYEE WHO FILES WHISTLEBLOWER COMPLAINT.—If a supervisor makes a positive determination under subsection (b)(1) regarding a whistleblower complaint filed by an employee, the Secretary shall—

''(1) inform the employee of the ability to volunteer for a transfer in accordance with section 3352 of title 5; and

''(2) give preference to the employee for such a transfer in accordance with such section.

''(f) PROHIBITION ON EXEMPTION.—The Secretary may not exempt any employee of the Department from being covered by this section.

''(g) WHISTLEBLOWER COMPLAINT FORM.—(1) A whistleblower complaint filed by an employee under subsection (a) or (d) shall consist of the form described in paragraph (2) and any supporting materials or documentation the employee determines necessary.

''(2) The form described in this paragraph is a form developed by the Secretary, in consultation with the Special Counsel, that includes the following:

''(A) An explanation of the purpose of the whistleblower complaint form.

''(B) Instructions for filing a whistleblower complaint as described in this section.

''(C) An explanation that filing a whistleblower complaint under this section does not preclude the employee from any other method established by law in which an employee may file a whistleblower complaint.

''(D) A statement directing the employee to information accessible on the Internet website of the Department as described in section 745(c).

''(E) Fields for the employee to provide—

''(i) the date that the form is submitted;

''(ii) the name of the employee;

''(iii) the contact information of the employee;

''(iv) a summary of the whistleblower complaint (including the option to append supporting documents pursuant to paragraph (1)); and

''(v) proposed solutions to complaint.

''(F) Any other information or fields that the Secretary determines appropriate.

''(3) The Secretary, in consultation with the Special Counsel, shall develop the form described in paragraph (2) by not later than 60 days after the date of the enactment of this section.

''§ 743. Adverse actions against supervisory employees who commit prohibited personnel actions relating to whistleblower complaints

''(a) IN GENERAL.—(1) In accordance with paragraph (2), the Secretary shall carry out the following adverse actions against supervisory employees whom the Secretary, an administrative judge, the Merit Systems Protection Board, the Office of Special Counsel, an adjudicating body provided under a union contract, a Federal judge, or the Inspector General of the Department determines committed a prohibited personnel action described in subsection (c):

''(A) With respect to the first offense, an adverse action that is not less than a 14-day suspension and not more than removal.

''(B) With respect to the second offense, removal.

''(2)(A) Except as provided by subparagraph (B), and notwithstanding subsections (b) and (c) of section 7513 and section 7543 of title 5, the provisions of subsections (d) and (e) of section 713 of this title shall apply with respect to an adverse action carried out under paragraph (1).

''(B) An employee who is notified of being the subject of a proposed adverse action under paragraph (1) may not be given more than five days following such notification to provide evidence to dispute such proposed adverse action. If the employee does not provide any such evidence, or if the Secretary

determines that such evidence is not sufficient to reverse the determination to propose the adverse action, the Secretary shall carry out the adverse action following such five-day period.

''(b) LIMITATION ON OTHER ADVERSE ACTIONS.—With respect to a prohibited personnel action described in subsection (c), if the Secretary carries out an adverse action against a supervisory employee, the Secretary may carry out an additional adverse action under this section based on the same prohibited personnel action if the total severity of the adverse actions do not exceed the level specified in subsection (a).

''(c) PROHIBITED PERSONNEL ACTION DESCRIBED.—A prohibited personnel action described in this subsection is any of the following actions:

''(1) Taking or failing to take a personnel action in violation of section 2302 of title 5 against an employee relating to the employee—

''(A) filing a whistleblower complaint in accordance with section 742 of this title;

''(B) filing a whistleblower complaint with the Inspector General of the Department, the Special Counsel, or Congress;

''(C) providing information or participating as a witness in an investigation of a whistleblower complaint in accordance with section 742 or with the Inspector General of the Department, the Special Counsel, or Congress;

''(D) participating in an audit or investigation by the Comptroller General of the United States;

''(E) refusing to perform an action that is unlawful or prohibited by the Department; or

''(F) engaging in communications that are related to the duties of the position or are otherwise protected.

''(2) Preventing or restricting an employee from making an action described in any of subparagraphs (A) through (F) of paragraph (1).

''(3) Conducting a peer review or opening a retaliatory investigation relating to an activity of an employee that is protected by section 2302 of title 5.

''(4) Requesting a contractor to carry out an action that is prohibited by section 4705(b) or section 4712(a)(1) of title 41, as the case may be.

''§ 744. Evaluation criteria of supervisors and treatment of bonuses

''(a) EVALUATION CRITERIA.—(1) In evaluating the performance of supervisors of the Department, the Secretary shall include the criteria described in paragraph (2).

''(2) The criteria described in this subsection are the following:

''(A) Whether the supervisor treats whistleblower complaints in accordance with section 742.

''(B) Whether the appropriate deciding official, performance review board, or performance review committee determines that the supervisor was found to have committed a prohibited personnel action described in section 743(b) by an administrative judge, the Merit Systems Protection Board, the Office of Special Counsel, an adjudicating body provided under a union contract, a Federal judge, or, in the case of a settlement of a whistleblower complaint (regardless of whether any fault was assigned under such settlement), the Secretary.

''(b) BONUSES.—(1) The Secretary may not pay to a supervisor described in subsection (a)(2)(B) an award or bonus under this title or title 5, including under chapter 45 or 53 of such title, during the one-year period beginning on the date on which the determination was made under such subsection.

''(2) Notwithstanding any other provision of law, the Secretary shall issue an order directing a supervisor described in subsection (a)(2)(B) to repay the amount of any award or bonus paid under this title or title 5, including under chapter 45 or 53 of such title, if—

''(A) such award or bonus was paid for performance during a period in which the supervisor committed a prohibited personnel action as determined pursuant to such subsection (a)(2)(B);

''(B) the Secretary determines such repayment appropriate pursuant to regulations prescribed by the Secretary to carry out this section; and

''(C) before such order is made, the supervisor is afforded—

''(i) notice of the order and an opportunity to respond to the order; and

''(ii) an opportunity to appeal the order to another department or agency of the Federal Government, except that any such department or agency shall issue a final decision with respect to such appeal not later than the date that is 30 days after the date the department or agency received such appeal.

''§ 745. Training regarding whistleblower complaints

''(a) TRAINING.—The Secretary, in coordination with the Whistleblower Protection Ombudsman designated under section 3(d)(1)(C) of the Inspector General Act of 1978 (5 U.S.C. App.), shall annually provide to each employee of the Department training regarding whistleblower complaints, including—

''(1) an explanation of each method established by law in which an employee may file a whistleblower complaint;

''(2) an explanation of prohibited personnel actions described by section 743(c) of this title;

''(3) with respect to supervisors, how to treat whistleblower complaints in accordance with section 742 of this title;

''(4) the right of the employee to petition Congress regarding a whistleblower complaint in accordance with section 7211 of title 5;

''(5) an explanation that the employee may not be prosecuted or reprised against for disclosing information to Congress in instances where such disclosure is permitted by law, including under sections 5701, 5705, and 7742 of this title, under section 552a of title 5 (commonly referred to as the Privacy Act), under chapter 93 of title 18, and pursuant to regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191);

''(6) an explanation of the language that is required to be included in all nondisclosure policies, forms, and agreements pursuant to section 115(a)(1) of the Whistleblower Protection Enhancement Act of 2012 (5 U.S.C. 2302 note); and

''(7) the right of contractors to be protected from reprisal for the disclosure of certain information under section 4705 or 4712 of title 41.

''(b) CERTIFICATION.—The Secretary shall annually provide training on merit system protection in a manner that the Special Counsel certifies as being satisfactory.

''(c) PUBLICATION.—(1) The Secretary shall publish on the Internet website of the Department, and display prominently at each facility of the Department, the rights of an employee to file a whistleblower complaint, including the information described in paragraphs (1) through (7) of subsection (a).

''(2) The Secretary shall publish on the Internet website of the Department, the whistleblower complaint form described in section 742(g)(2).

''§ 746. Notice to Congress

''Not later than 30 days after the date on which the Secretary receives from the Special Counsel information relating to a whistleblower complaint pursuant to section 1213 of title 5, the Secretary shall notify the Committees on Veterans' Affairs of the House of Representatives and the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate of such information, including the determination made by the Special Counsel.''.

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENT.—Such chapter is further amended by inserting before section 701 the following:

''SUBCHAPTER I—GENERAL EMPLOYEE MATTERS''.

(2) CLERICAL AMENDMENTS.—The table of sections at the beginning of such chapter is amended—

(A) by inserting before the item relating to section 701 the following new item:

''SUBCHAPTER I—GENERAL EMPLOYEE MATTERS'';

and

(B) by adding at the end the following new items:

''SUBCHAPTER II—WHISTLEBLOWER COMPLAINTS

''741. Whistleblower complaint defined.
''742. Treatment of whistleblower complaints.
''743. Adverse actions against supervisory employees who commit prohibited personnel actions relating to whistleblower complaints.
''744. Evaluation criteria of supervisors and treatment of bonuses.
''745. Training regarding whistleblower complaints.
''746. Notice to Congress.''.

SEC. 9. APPEALS REFORM.

(a) DEFINITIONS.—Section 101 of title 38, United States Code, is amended by adding at the end the following new paragraphs:

''(34) The term 'Agency of Original Jurisdiction' means the activity which entered the original determination with regard to a claim for benefits under this title.

''(35) The term 'relevant evidence' means evidence that tends to prove or disprove a matter in issue.''.

(b) NOTICE TO CLAIMANTS OF REQUIRED INFORMATION AND EVIDENCE.—Section 5103 of title 38, United States Code, is amended—

(1) in subsection (a)(2)(B)(i) by striking '', a claim for reopening a prior decision on a claim, or a claim for an increase in benefits;'' and inserting ''or a supplemental claim;''; and

(2) in subsection (b) by adding at the end the following new paragraph:

''(6) Nothing in this section shall require notice to be sent for a supplemental claim that is filed within the timeframe set forth in subsections (a)(2)(B) and (a)(2)(D) of section 5110 of this title.''.

(c) RULE WITH RESPECT TO DISALLOWED CLAIMS.—Section 5103A(f) of title 38, United States Code, is amended to read as follows:

''(f) RULE WITH RESPECT TO DISALLOWED CLAIMS.—Nothing in this section shall be construed to require the Secretary to readjudicate a claim that has been disallowed except when new and relevant evidence is presented or secured, as described in section 5108 of this title.''.

(d) OTHER MATTERS.—Chapter 51 of title 38, United States Code, is amended by inserting after section 5103A the following new sections:

''§ 5103B. Applicability of duty to assist

''(a) TIME FRAME.—The Secretary's duty to assist under section 5103A of this title shall

apply only to a claim, or supplemental claim, for a benefit under a law administered by the Secretary until the time that a claimant is provided notice of the decision of the agency of original jurisdiction decision with respect to such claim, or supplemental claim, under section 5104 of this title.

''(b) NON-APPLICABILITY TO CERTAIN REVIEWS AND APPEALS.—The Secretary's duty to assist under section 5103A of this title shall not apply to higher-level review by the agency of original jurisdiction, pursuant to section 5104B of this title, or to review on appeal by the Board of Veterans' Appeals.

''(c) CORRECTION OF DUTY TO ASSIST ERRORS.—(1) If, during review of the decision of the agency of original jurisdiction under section 5104B of this title, the higher-level reviewer identifies an error on the part of the agency of original jurisdiction to satisfy its duties under section 5103A of this title, and that error occurred prior to the decision of the agency of original jurisdiction being reviewed, the higher-level reviewer shall return the claim for correction of such error and readjudication unless the claim can be granted in full.

''(2) If the Board, during review on appeal of a decision of the agency of original jurisdiction decision, identifies an error on the part of the agency of original jurisdiction to satisfy its duties under section 5103A of this title, and that error occurred prior to the decision of the agency of original jurisdiction on appeal, the Board shall remand the claim to the agency of original jurisdiction for correction of such error and readjudication unless the claim can be granted in full. Remand for correction of such error may include directing the agency of original jurisdiction to obtain an advisory medical opinion under section 5109 of this title.

''§ 5104A. Binding nature of favorable findings

''Any finding favorable to the claimant as described in section 5104(b)(4) of this title shall be binding on all subsequent adjudicators within the department, unless clear and convincing evidence is shown to the contrary to rebut such favorable finding.

''§ 5104B. Higher-level review by the agency of original jurisdiction

''(a) IN GENERAL.—The claimant may request a review of the decision of the agency of original jurisdiction by a higher-level adjudicator within the jurisdiction of the agency of original jurisdiction.

''(b) TIME AND MANNER OF REQUEST.—A request for higher-level review by the agency of original jurisdiction must be in writing in the form prescribed by the Secretary and made within one year of the notice of the decision of the agency of original jurisdiction. Such request may specifically indicate whether such review is requested by a higher-level adjudicator at the same office within the agency of original jurisdiction or by an adjudicator at a different office of the agency of original jurisdiction.

''(c) DECISION.—Notice of a higher-level review decision under this section shall be provided in writing.

''(d) EVIDENTIARY RECORD FOR REVIEW.—The evidentiary record before the higher-level reviewer shall be limited to the evidence of record in the decision of the agency of original jurisdiction being reviewed.

''(e) DE NOVO REVIEW.—Higher-level review under this section shall be de novo.''.

(e) NOTICE OF DECISIONS.—Section 5104(b) of title 38, United States Code, is amended to read as follows:

''(b) In any case where the Secretary denies a benefit sought, the notice required by subsection (a) shall also include—

''(1) identification of the issues adjudicated;

''(2) a summary of the evidence considered by the Secretary;

''(3) a summary of the applicable laws and regulations;

''(4) identification of findings favorable to the claimant;

''(5) identification of elements not satisfied leading to the denial;

''(6) an explanation of how to obtain or access evidence used in making the decision; and

''(7) if applicable, identification of the criteria that must be satisfied to grant service connection or the next higher level of compensation.''.

(f) SUPPLEMENTAL CLAIMS.—Section 5108 of title 38, United States Code, is amended to read as follows:

''§ 5108. Supplemental claims

''If new and relevant evidence is presented or secured with respect to a supplemental claim, the Secretary shall readjudicate the claim taking into consideration any evidence added to the record prior to the former disposition of the claim.''.

(g) REMANDS FOR MEDICAL OPINIONS.—Section 5109 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(d) The Board of Veterans' Appeals may remand a claim to direct the agency of original jurisdiction to obtain an advisory medical opinion under this section to correct an error on the part of the agency of original jurisdiction to satisfy its duties under section 5103A of this title when such error occurred prior to the decision of the agency of original jurisdiction on appeal. The Board's remand instructions shall include the questions to be posed to the independent medical expert providing the advisory medical opinion.''.

(h) EFFECTIVE DATES OF AWARDS.—Section 5110 of title 38, United States Code, is amended—

(1) by striking subsection (a) and inserting the following new subsection (a):

''(a)(1) Unless specifically provided otherwise in this chapter, the effective date of an award based on an initial claim, or a supplemental claim, of compensation, dependency and indemnity compensation, or pension, shall be fixed in accordance with the facts found, but shall not be earlier than the date of receipt of application therefor.

''(2) For purposes of applying the effective date rules in this section, the date of application shall be considered the date of the filing of the initial application for a benefit provided that the claim is continuously pursued by filing any of the following either alone or in succession:

''(A) A request for higher-level review under section 5104B of this title within one year of an agency of original jurisdiction decision.

''(B) A supplemental claim under section 5108 of this title within one year of an agency of original jurisdiction decision.

''(C) A notice of disagreement within one year of an agency of original jurisdiction decision.

''(D) A supplemental claim under section 5108 of this title within one year of a decision of the Board of Veterans' Appeals.

''(3) Except as otherwise provided in this section, for supplemental claims received more than one year after an agency of original jurisdiction decision or a decision by the Board of Veterans' Appeals, the effective date shall be fixed in accordance with the facts found, but shall not be earlier than the date of receipt of the supplemental claim.''; and

(2) in subsection (i) by—

(A) striking ''reopened'' and inserting ''readjudicated'';

(B) striking ''material'' and inserting ''relevant''; and

(C) striking ''reopening'' and inserting ''readjudication''.

(i) DEFINITION OF AWARD OR INCREASED REWARD.—Section 5111(d)(1) of title 38, United States Code, is amended by striking ''or reopened award;'' and inserting ''award or award based on a supplemental claim;''.

(j) RECOGNITION OF AGENTS AND ATTORNEYS GENERALLY.—Section 5904 of title 38, United States Code, is amended—

(1) in subsection (c)(1) by striking ''notice of disagreement is filed'' and inserting ''claimant is provided notice of the initial decision of the agency of original jurisdiction under section 5104 of this title''; and

(2) in subsection (c)(2) by striking ''notice of disagreement is filed'' and inserting ''claimant is provided notice of the initial decision of the agency of original jurisdiction under section 5104 of this title''.

(k) CORRECTION OF OBVIOUS ERRORS.—Section 7103 of title 38, United States Code, is amended—

(1) in subsection (b)(1)(A) by striking ''heard'' and inserting ''decided''; and

(2) in subsection (b)(1)(B) by striking ''heard'' and inserting ''decided''.

(l) JURISDICTION OF BOARD.—Section 7104(b) of title 38, United States Code, is amended by striking ''reopened'' and inserting ''readjudicated''.

(m) FILING OF APPEAL.—Section 7105 of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) by striking the first sentence and inserting ''Appellate review will be initiated by the filing of a notice of disagreement in the form prescribed by the Secretary.''; and

(B) by striking ''hearing and'';

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

''(b)(1) Except in the case of simultaneously contested claims, notice of disagreement shall be filed within one year from the date of the mailing of notice of the decision of the agency of original jurisdiction under section 5104, 5104B, or 5108 of this title. A notice of disagreement postmarked before the expiration of the one-year period will be accepted as timely filed. A question as to timeliness or adequacy of the notice of disagreement shall be decided by the Board.

''(2) Notices of disagreement must be in writing, must set out specific allegations of error of fact or law, and may be filed by the claimant, the claimant's legal guardian, or such accredited representative, attorney, or authorized agent as may be selected by the claimant or legal guardian. Not more than one recognized organization, attorney, or agent will be recognized at any one time in the prosecution of a claim. Notices of disagreement must be filed with the Board.

''(3) The notice of disagreement shall indicate whether the claimant requests a hearing before the Board, requests an opportunity to submit additional evidence without a Board hearing, or requests review by the Board without a hearing or submission of additional evidence. If the claimant does not expressly request a Board hearing in the notice of disagreement, no Board hearing will be held.'';

(3) by amending subsection (c) to read as follows:

''(c) If no notice of disagreement is filed in accordance with this chapter within the prescribed period, the action or decision of the agency of original jurisdiction shall become final and the claim will not thereafter be readjudicated or allowed, except as may otherwise be provided by section 5104B or 5108 of this title or regulations not inconsistent with this title.'';

(4) by striking subsections (d)(1) through (d)(5);

(5) by adding a new subsection (d) to read as follows:

''(d) The Board of Veterans' Appeals may dismiss any appeal which fails to allege specific error of fact or law in the decision being appealed.''; and

(6) by striking subsection (e).

(n) SIMULTANEOUSLY CONTESTED CLAIMS.—Subsection (b) of section 7105A of title 38, United States Code, is amended to read as follows:

''(b) The substance of the notice of disagreement shall be communicated to the other party or parties in interest and a period of 30 days shall be allowed for filing a brief or argument in response thereto. Such notice shall be forwarded to the last known address of record of the parties concerned, and such action shall constitute sufficient evidence of notice.''.

(o) ADMINISTRATIVE APPEALS.—Strike section 7106 of title 38, United States Code.

(p) DOCKETS AND HEARINGS.—Section 7107 of title 38, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

''(a) The Board shall maintain two separate dockets. A non-hearing option docket shall be maintained for cases in which no Board hearing is requested and no additional evidence will be submitted. A separate and distinct hearing option docket shall be maintained for cases in which a Board hearing is requested in the notice of disagreement or in which no Board hearing is requested, but the appellant requests, in the notice of disagreement, an opportunity to submit additional evidence. Except as provided in subsection (b), each case before the Board will be decided in regular order according to its respective place on the Board's non-hearing option docket or the hearing option docket.'';

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

''(b) A case on either the Board's non-hearing option docket or hearing option docket, may, for cause shown, be advanced on motion for earlier consideration and determination. Any such motion shall set forth succinctly the grounds upon which the motion is based. Such a motion may be granted only—

''(1) if the case involves interpretation of law of general application affecting other claims;

''(2) if the appellant is seriously ill or is under severe financial hardship; or

''(3) for other sufficient cause shown.'';

(3) by amending subsection (c) to read as follows:

''(c)(1) For cases on the Board hearing option docket in which a hearing is requested in the notice of disagreement, the Board shall notify the appellant whether a Board hearing will be held—

''(A) at its principal location, or

''(B) by picture and voice transmission at a facility of the Department where the Secretary has provided suitable facilities and equipment to conduct such hearings.

''(2)(A) Upon notification of a Board hearing at the Board's principal location as described in subsection (c)(1)(A) of this section, the appellant may alternatively request a hearing as described in subsection (c)(1)(B) of this section. If so requested, the Board shall grant such request.

''(B) Upon notification of a Board hearing by picture and voice transmission as described in subsection (c)(1)(B) of this section, the appellant may alternatively request a hearing as described in subsection (c)(1)(A) of this section. If so requested, the Board shall grant such request.''; and

(4) by striking subsections (d) and (e) and redesignating subsection (f) as subsection (d).

(q) INDEPENDENT MEDICAL OPINIONS.—Strike section 7109 of title 38, United States Code.

(r) REVISION OF DECISIONS ON GROUNDS OF CLEAR AND UNMISTAKABLE ERROR.—Section 7111(e) of title 38, United States Code, is amended by striking ''merits, without referral to any adjudicative or hearing official acting on behalf of the Secretary.'' and inserting ''merits.''.

(s) EVIDENTIARY RECORD.—Chapter 71 of title 38, United States Code, is amended by adding the following new section:

''§ 7113. Evidentiary record before the board

''(a) NON-HEARING OPTION DOCKET.—For cases in which a Board hearing is not requested in the notice of disagreement, the evidentiary record before the Board shall be limited to the evidence of record at the time of the agency of original jurisdiction decision on appeal.

''(b) HEARING OPTION DOCKET.—(1) Except as provided in paragraph (2), for cases on the hearing option docket in which a hearing is requested in the notice of disagreement, the evidentiary record before the Board shall be limited to the evidence of record at the time of the agency of original jurisdiction decision on appeal.

''(2) The evidentiary record before the Board for cases on the hearing option docket in which a hearing is requested, shall include each of the following, which the Board shall consider in the first instance—

''(A) evidence submitted by the appellant and his or her representative, if any, at the Board hearing; and

''(B) evidence submitted by the appellant and his or her representative, if any, within 90 days following the Board hearing.

''(3)(A) Except as provided in subparagraph (B) of this paragraph, for cases on the hearing option docket in which a hearing is not requested in the notice of disagreement, the evidentiary record before the Board shall be limited to the evidence considered by the agency of original jurisdiction in the decision on appeal.

''(B) The evidentiary record before the Board for cases on the hearing option docket in which a hearing is not requested, shall include each of the following, which the Board shall consider in the first instance—

''(i) evidence submitted by the appellant and his or her representative, if any, with the notice of disagreement; and

''(ii) evidence submitted by the appellant and his or her representative, if any, within 90 days following receipt of the notice of disagreement.''.

(t) CONFORMING AMENDMENT.—The heading of section 7105 is amended by striking ''notice of disagreement and''.

(u) CLERICAL AMENDMENTS.—

(1) CHAPTER 51.—The table of sections at the beginning of chapter 51 of title 38, United States Code, is amended—

(A) by inserting after the item relating to section 5103A the following new item:

''5103B. Applicability of duty to assist.'';

and

(B) by inserting after the item relating to section 5104 the following new items:

''5104A. Binding nature of favorable findings.
''5104B. Higher-level review by the agency of original jurisdiction.'';

and

(C) by striking the item relating to section 5108 and inserting the following new item:

''5108. Supplemental claims.''.

(2) CHAPTER 71.—The table of sections at the beginning of chapter 71 of title 38, United States Code, is amended—

(A) by striking the item relating to section 7105 and inserting the following new item:

''7105. Filing of appeal.'';

(B) by striking the item relating to section 7106;

(C) by striking the item relating to section 7109; and

(D) by adding at the end the following new item:

''7113. Evidentiary record before the Board.''.

SEC. 10. LIMITATION ON AWARDS AND BONUSES PAID TO SENIOR EXECUTIVE EMPLOYEES OF DEPARTMENT OF VETERANS AFFAIRS.

Section 705 of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 703 note) is amended by striking the period at the end and inserting the following: '', except that during each of fiscal years 2017 through 2021, no award or bonus may be paid to any employee of the Department of Veterans Affairs who is a member of the Senior Executive Service.''.

The Acting CHAIR. No amendment to the bill shall be in order except those printed in House Report 114–742. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. MILLER OF FLORIDA

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 114–742.

Mr. MILLER of Florida. Mr. Chairman, I rise to offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 4, beginning on line 16, strike ''under section 7701 of title 5''.

Page 11, strike lines 11 through 14 and insert the following:

''(B) before such order is made, the individual is afforded—

''(i) notice of the order and an opportunity to respond to the order; and

''(ii) an opportunity to appeal the order to another department or agency of the Federal Government.''.

Page 14, strike lines 20 through 23 and insert the following:

''(2) before such repayment, the employee is afforded—

''(A) notice of the order and an opportunity to respond to the order; and

''(B) an opportunity to appeal the order to another department or agency of the Federal Government.''.

Page 20, line 8, insert ''consistent with paragraph (3),'' before ''may''.

Page 20, after line 11, insert the following:

''(3) An appeal of a personnel action pursuant to paragraph (2)(A) must be filed with the Senior Executive Disciplinary Appeals Board not later than the date that is seven days after the date of such action. If such appeal is not made within the seven-day period, the personnel action shall be final and not subject to further appeal.''.

Page 29, strike lines 13 through 18 and insert the following:

''(2)(A) Except as provided by subparagraph (B), with respect to a supervisory employee subject to an adverse action under this section who is—

''(i) an individual as that term is defined in section 715(i)(1) of this title, the procedures under subsections (d) and (e) of section 715 of this title shall apply; and

''(ii) an individual as that term is defined in section 713(g)(1) of this title, the procedures under section 713(d) of this title shall apply.''.

Page 29, line 21, strike ''five days'' and insert ''ten days''.

Page 30, line 2, strike ''five-day'' and insert ''ten-day''.

Page 33, line 17, strike ''except that'' and all that follows through the period on line 21 and insert ''except that—''

(I) any such department or agency shall issue a final decision with respect to such appeal not later than the date that is 30 days after the date the department or agency received such appeal; and

(II) if such a final decision is not made by the applicable department or agency within 30 days after receiving such appeal, the order of the Secretary shall be final and not subject to further appeal.

Page 34, line 19, strike ''7742'' and insert ''7332''.

The Acting CHAIR. Pursuant to House Resolution 859, the gentleman from Florida (Mr. MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MILLER of Florida. Mr. Chairman, specifically, this would provide technical, conforming, and clarifying language changes to the bill while not changing the substance of the bill. It would also align the pre-notice and due process language on three of the sections relating to bonus, pension, and relocation expenses. And it would also align the pre-notice requirements for whistleblower retaliators who are receiving an adverse action to the same amount of time as other disciplinary actions in the bill.

This amendment is noncontroversial, it doesn't cost a penny, and it doesn't change any of the underlying policy.

I urge adoption of the amendment.

I reserve the balance of my time.

Mr. TAKANO. Mr. Chair, I rise in opposition to the amendment.

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

Mr. TAKANO. Mr. Chair, this amendment really changes nothing favorably, from our point of view, in H.R. 5620. It does not cure the fundamental flaws in the bill which relate to its possible unconstitutionality, and, therefore, I will oppose the amendment.

I reserve the balance of my time.

Mr. MILLER of Florida. Mr. Chairman, I am very sorry that my good friend would oppose something as simple as a technical and conforming amendment, but I accept this opposition.

I reserve the balance of my time.

Mr. TAKANO. Mr. Chair, I have no further comments, and I yield back the balance of my time.

Mr. MILLER of Florida. Mr. Chair, I urge adoption of my amendment, and I yield back the balance of my time.

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

The amendment was agreed to.

□ 1815

AMENDMENT NO. 2 OFFERED BY MR. WALZ

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 114–742.

Mr. WALZ. Mr. Chair, 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 1, line 5, strike ''VA Accountability First and''.

Page 2, beginning line 3, strike sections 2 through 8.

Page 53, beginning line 14, strike section 10.

The Acting CHAIR. Pursuant to House Resolution 859, the gentleman from Minnesota (Mr. WALZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. WALZ. Mr. Chairman, I have three amendments that are coming up. On this first one, I am going to yield time to my colleague, who is the author of the original bill.

I just wanted to say, first of all, in appreciation to the chairman of the full committee, the bipartisan manner of approaching this is in the long tradition of the House Veterans' Affairs Committee. It is also in the long tradition of the chairman himself, welcoming ideas, trying to strike balances, having legitimate differences that are meant to be discussed—for that, I am grateful—and also for restoring regular order.

Making our amendments in order to try to improve upon a bill is something that is a time-honored tradition here. Unfortunately, it has not been the norm. So the chairman's leadership on that issue is greatly appreciated.

This amendment I want to be very clear about when the gentlewoman from Nevada (Ms. TITUS) talks about it.

The amendment does not disagree with the basic premise of the reform. There are legitimate differences amongst us here. We will work those out. But it is a harsh reality that we don't have a Senate companion on this. The chance that the White House is going to sign the reform piece into law is nonexistent. But there is a piece of this that is noncontroversial that is critically important, and that is the appeals process.

The ranking member, under the leadership of Ms. TITUS, has recognized this as an issue, brought about bipartisan solutions to it; and it can be passed and be signed by the President and be positively affecting veterans right away.

That doesn't diminish the need for the reforms. It doesn't question the value of the things that are being brought forward. It is a political reality that we are better off to move on a piece we know can be signed into law than to wait for something that can't.

Mr. Chair, I yield such time as she may consume to the gentlewoman from Nevada (Ms. TITUS), the author of this legislation.

Ms. TITUS. I thank my friend from Minnesota (Mr. WALZ) for yielding to me and for helping me with this amendment.

Mr. Chair, this is very simple. It would just remove all of the accountability provisions from the bill and give the House an opportunity to send a clean reform bill to the Senate.

While we all agree that accountability for employees at the VA is critical, we should separate these two issues, pass appeals reform, and then work in a bipartisan manner on the accountability issues.

Rather than send another accountability bill to the Senate, which is opposed by the administration, we should pass this amendment and send to the President a clean bill that can be signed right away and fix this deeply flawed, old, outdated appeals process.

I am proud to have worked with various VSOs and the VA to develop the overhaul of appealing VA benefits claims. As I said earlier, the current system is broken, and every day it gets worse. More appeals are added to the backlog. It has ballooned to 450,000 claims. If we don't act now, veterans will soon have to wait a decade before their appeals can be adjudicated.

Passing this amendment will allow us to address this growing problem now instead of subjecting our veterans not to good policy, but to bad politics.

Mr. WALZ. Mr. Chair, I want to, again, thank the chairman.

This is not an attempt to derail the reforms. It is an attempt to try to get something passed and done immediately. I certainly welcome the chairman's advice, guidance, suggestions on ways that we can make that happen in the most expedient manner.

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

Mr. MILLER of Florida. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. MILLER of Florida. Mr. Chairman, I yield myself such time as I may consume.

Before I begin, let me say I believe that there is only one piece of legislation that has been filed at this point in the Senate that deals with—I know there are folks that have been talking about it—appeals reform, and that is Senator RUBIO. Senator RUBIO has the companion to this piece of legislation that has been filed in the Senate.

As has already been stated, this removes every section from the underlying bill, except for the appeals modernization. It would strike out all the accountability provisions, many of which have already passed this House of Representatives.

The underlying bill already includes revised accountability language that would make significant concessions towards the minority's position as it relates to due process. And I don't believe anybody on the minority side can say that this doesn't.

I believe that any reform that passes this Congress is doomed to fail if we don't provide the Secretary of the Department of Veterans Affairs with the

authority he needs to swiftly and fairly discipline employees.

If this amendment passes, the same antiquated and broken civil service system will remain in place.

As I have already said, 18 VSOs believe the accountability provisions are critical to the success of reforming the Department of Veterans Affairs.

From the VFW:

For far too long, underperforming employees have been allowed to continue working at VA simply because the processes for removal are so protracted.

The VFW believes that employees should have some layer of protection, but that true accountability must be enforced for those who willfully fail to meet the standard.

This is critical to ensuring that VA consistently provides the highest quality services, as continuing to restore veterans' faith in the Department.

From the American Legion:

Veterans deserve a first-rate agency to provide for their needs, and the VA is an excellent agency that is, unfortunately, marred from time to time by bad actors that the complicated system of discipline makes it difficult to remove.

Legislation to improve that process and make it easier to deal with these few problem employees would help restore trust.

In short, our VSOs understand how critical both of the appeals and accountability provisions are, and we should listen to them.

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

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

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

Mr. TAKANO. 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.

AMENDMENT NO. 3 OFFERED BY MR. TAKANO

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 114–742.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike section 3 and insert the following:

SEC. 3. SUSPENSION AND REMOVAL OF DEPARTMENT OF VETERANS AFFAIRS EMPLOYEES FOR PERFORMANCE OR MISCONDUCT THAT IS A THREAT TO PUBLIC HEALTH OR SAFETY.

(a) IN GENERAL.—Chapter 7 of title 38, United States Code, is amended by adding after section 713 the following new section:

''§ 715. Employees: suspension and removal for performance or misconduct that is a threat to public health or safety

''(a) SUSPENSION AND REMOVAL.—Subject to subsections (b) and (c), the Secretary may—

''(1) suspend without pay an employee of the Department of Veterans Affairs if the Secretary determines the performance or misconduct of the employee is a threat to public health or safety, including the health and safety of veterans; and

''(2) remove an employee suspended under paragraph (1) when, after such investigation and review as the Secretary considers necessary, the Secretary determines that removal is necessary in the interests of public health or safety.

''(b) PROCEDURE.—An employee suspended under subsection (a)(1) is entitled, after suspension and before removal, to—

''(1) within 30 days after suspension, a written statement of the specific charges against the employee, which may be amended within 30 days thereafter;

''(2) an opportunity within 30 days thereafter, plus an additional 30 days if the charges are amended, to answer the charges and submit affidavits;

''(3) a hearing, at the request of the employee, by a Department authority duly constituted for this purpose;

''(4) a review of the case by the Secretary, before a decision adverse to the employee is made final; and

''(5) written statement of the decision of the Secretary.

''(c) RELATION TO OTHER DISCIPLINARY RULES.—The authority provided under this section shall be in addition to the authority provided under section 713 and title 5 with respect to disciplinary actions for performance or misconduct.

''(d) BACK PAY FOR WHISTLEBLOWERS.—If any employee of the Department of Veterans Affairs is subject to a suspension or removal under this section and such suspension or removal is determined by an appropriate authority under applicable law, rule, regulation, or collective bargaining agreement to be a prohibited personnel practice described under section 2302(b)(8) or (9) of title 5, such employee shall receive back pay equal to the total amount of basic pay that such employee would have received during the period that the suspension and removal (as the case may be) was in effect, less any amounts earned by the employee through other employment during that period.

''(e) DEFINITIONS.—In this section, the term 'employee' means any individual occupying a position within the Department of Veterans Affairs under a permanent or indefinite appointment and who is not serving a probationary or trial period.''.

(b) CLERICAL AND CONFORMING AMENDMENTS.—

(1) CLERICAL.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 713 the following new item:

''715. Employees: suspension and removal for performance or misconduct that is a threat to public health or safety.''.

(2) CONFORMING.—Section 4303(f) of title 5, United States Code, is amended—

(A) by striking ''or'' at the end of paragraph (2);

(B) by striking the period at the end of paragraph (3) and inserting '', or''; and

(C) by adding at the end the following:

''(4) any suspension or removal under section 715 of title 38.''.

(c) REPORT ON SUSPENSIONS AND REMOVALS.—Not later than one year after the date of the enactment of this Act, the Inspector General of the Department of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report on suspensions and removals of employees of the Department made under section 715 of title 38, United States Code, as added by subsection (a). Such report shall include, with respect to the period covered by the report, the following:

(1) The number of employees who were suspended under such section.

(2) The number of employees who were removed under such section.

(3) A description of the threats to public health or safety that caused such suspensions and removals.

(4) The number of such suspensions or removals, or proposed suspensions or removals, that were of employees who filed a complaint regarding—

(A) an alleged prohibited personnel practice committed by an officer or employee of the Department and described in section 2302(b)(8) or 2302(b)(9)(A)(i), (B), (C), or (D) of title 5, United States Code; or

(B) the safety of a patient at a medical facility of the Department.

(5) Of the number of suspensions and removals listed under paragraph (4), the number that the Inspector General considers to be retaliation for whistleblowing.

(6) The number of such suspensions or removals that were of an employee who was the subject of a complaint made to the Department regarding the health or safety of a patient at a medical facility of the Department.

(7) Any recommendations by the Inspector General, based on the information described in paragraphs (1) through (6), to improve the authority to make such suspensions and removals.

The Acting CHAIR. Pursuant to House Resolution 859, the gentleman from California (Mr. TAKANO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. TAKANO. Mr. Chair, I rise in support of my amendment, which would ensure that any VA employee whose performance or misconduct threatens public health or safety, including the health and safety of veterans, be immediately suspended without pay.

Specifically, it replaces section 3 of H.R. 5620 with a new provision allowing the Secretary to take lawful and abrupt action in extreme cases in which immediate action is warranted.

My amendment would also give the Secretary the authority to remove a suspended employee, after a thorough investigation and review, if the Secretary determines removal is in the interest of public health and safety.

Both parties share the desire to protect veterans from mistreatment or harm, especially when they are seeking medical care at a VA hospital, but the current language in this bill will not accomplish that goal.

The process for removing dangerous employees in H.R. 5620 is unconstitutional, and any action it authorized against underperforming VA employees would not hold up in court. Instead of achieving the majority's stated outcome of removing VA employees whose misconduct harms veterans, this bill would produce expensive legal costs, and it would fail to hold bad employees accountable.

My amendment is specifically designed to make sure the Secretary has the authority to immediately suspend any VA employee whose behavior threatens the health and safety of veterans and that the suspended employee receives no pay while the investigation is carried out.

I urge my colleagues to support the amendment.

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

Mr. MILLER of Florida. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. MILLER of Florida. Mr. Chairman, I yield myself such time as I may consume.

I appreciate the ranking member's attempt to insert what he thinks is the appropriate balance of due process and accountability, but this confusing language fails to achieve a balance. What it actually does is it strikes the entire accountability section and inserts an entirely new process for the discipline of non-SES employees.

It would be convoluted, at best, and seemingly stricter than current law, but the most troubling change that this amendment would make would be to change the standard to discipline VA employees from performance or misconduct.

The amendment would change it to a direct threat to public health or safety, which it would be nearly unobtainable, if not an immeasurable bar to reach.

It would also, more than likely, not apply to some of the employees who have been associated with VA's most egregious scandals recently. It would not do anything for those who were involved in the bloated Denver, Colorado, hospital construction project which was over $1 billion over budget, or the data manipulation at the Philadelphia regional office, or the $2.5 billion budget shortfall for fiscal year 2015, or the cost overruns of the Orlando VA Medical Center, or the allegations of inappropriate use of government purchase cards to the tune of $6 billion, and many, many others. These are the types of employees that our constituents and our veterans expect to be held accountable, but this amendment would not cover disciplinary action against them.

It would allow for employees to be on indefinite suspension for months, if not years, awaiting the Secretary's final decision, which is not fair to the veterans, the employee, the good-performing employees, or our taxpayers. VA is unable to backfill while the disciplinary actions are on appeal.

In the end, the question is clear: Do we want to stand with the veterans and the taxpayers and provide the VA the appropriate tools to hold employees accountable, or do we want to give in to special interest groups and unions that support only the status quo?

I would hope that for all Members, that is an easy question to answer.

I urge all Members to oppose the Takano amendment and support the underlying bill.

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

Mr. TAKANO. Mr. Chair, I would like to say that we on this side of the aisle do stand with veterans, and we do stand for accountability, and we do stand with the taxpayers. And that is precisely why we must oppose the unconstitutional provisions in H.R. 5620 for removing dangerous employees.

The current provisions we do believe are unconstitutional; and that is why, in the end, it will not protect veterans. Actually, it harms them more because these employees will be reinstated after the courts find the provisions that they were dismissed under—this bill, under this law, would be found unconstitutional, and they would be reinstated and a lot of taxpayer money would be wasted.

Yes, we stand with the veteran. Yes, we stand for the taxpayer. Yes, we stand for accountability.

I urge my colleagues to support my amendment, therefore, because we replace it with a constitutional alternative.

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

Mr. MILLER of Florida. 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. TAKANO).

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

Mr. TAKANO. 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.

□ 1830

AMENDMENT NO. 4 OFFERED BY MS. MICHELLE LUJAN GRISHAM OF NEW MEXICO

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 114–742.

Ms. MICHELLE LUJAN GRISHAM of New Mexico. 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 4, line 2, after ''Representatives'' insert the following: ''and to each Member of Congress representing a district in the State or territory where the facility where the individual was employed immediately before being removed or demoted is located''.

Page 5, line 22, after ''Representatives'' insert the following: ''and to each Member of Congress representing a district in the State or territory where the facility where the individual was employed immediately before being removed or demoted is located''.

Page 25, line 17, strike ''to the supervisor of the director or official.'' and insert ''to—''

''(A) the supervisor of the director or official;

''(B) the Committees on Veterans' Affairs of the Senate and House or Representatives; and

''(C) each Member of Congress representing a district in the State or territory where the facility where the supervisor is employed is located.''.

Page 36, line 5, after ''Senate'' insert the following: ''and each Member of Congress representing a district in the State or territory where a facility relevant to the whistleblower complaint is located''.

The Acting CHAIR. Pursuant to House Resolution 859, the gentlewoman from New Mexico (Ms. MICHELLE LUJAN GRISHAM) 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. Chairman, as I am sure you have heard, my amendment, as many others, is simple. It ensures that, one, Members of Congress know when Veterans Administration employees are fired or demoted at VA facilities in their district for misconduct or poor performance; and, two, that Members are aware of whistleblowers' complaints from VA employees in their districts and how they are, in fact, being handled.

Congress cannot solve the issues at the VA that it does not know about. Even though I have met with and listened to countless VA employees, veterans, and family members since I was elected to Congress, my office not only continues to hear about the same problems that have gone unaddressed, but also about new issues all the time. In fact, I have more constituent casework regarding issues at the VA than any other Federal agency, and there are likely many more veterans and VA employees who are dealing with serious issues that I may never hear about.

Lastly, I share frustrations with Members on both sides of the aisle for the lack of followup about what the VA is doing to both investigate allegations about misconduct and hold responsible employees accountable.

Members of Congress deserve to know about potential issues at VA health facilities in their communities and what the VA is doing to address them. My amendment would increase congressional oversight and transparency of the VA. It also helps to ensure that veterans receive the timely, quality care that they have earned.

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

Mr. MILLER of Florida. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I am not opposed to the amendment.

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

There was no objection.

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

Mr. MILLER of Florida. Mr. Chair, I yield myself such time as I may consume.

Mr. Chair, again, as has already been stated by the author of the amendment, this would require VA to notify the appropriate Member of Congress when the new accountability process is used or to remove or demote an employee who works for the VA at a facility in that Member's district.

I think this is an excellent suggestion that would improve transparency,

something that is most needed at the Department of Veterans Affairs. It has my full support.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from New Mexico (Ms. MICHELLE LUJAN GRISHAM).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MS. KUSTER

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 114–742.

Ms. KUSTER. Mr. Chair, I rise to speak in favor of my amendment No. 5, to improve the accountability provisions found within H.R. 5620.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike section 7 and insert the following:

SEC. 7. IMPROVED AUTHORITIES OF SECRETARY OF VETERANS AFFAIRS TO IMPROVE ACCOUNTABILITY OF SENIOR EXECUTIVES.

(a) ACCOUNTABILITY OF SENIOR EXECUTIVES.—

(1) IN GENERAL.—Section 713 of title 38, United States Code, is amended to read as follows:

''§ 713. Accountability of senior executives

''(a) AUTHORITY.—(1) The Secretary may, as provided in this section, reprimand or suspend, involuntarily reassign, demote, or remove a covered individual from a senior executive position at the Department if the Secretary determines that the misconduct or performance of the covered individual warrants such action.

''(2) If the Secretary so removes such an individual, the Secretary may remove the individual from the civil service (as defined in section 2101 of title 5).

''(b) RIGHTS AND PROCEDURES.—(1) A covered individual who is the subject of an action under subsection (a) is entitled to—

''(A) be represented by an attorney or other representative of the covered individual's choice;

''(B) not fewer than 10 business days advance written notice of the charges and evidence supporting the action and an opportunity to respond, in a manner prescribed by the Secretary, before a decision is made regarding the action; and

''(C) grieve the action in accordance with an internal grievance process that the Secretary, in consultation with the Assistant Secretary for Accountability and Whistleblower Protection, shall establish for purposes of this subsection.

''(2)(A) The Secretary shall ensure that the grievance process established under paragraph (1)(C) takes fewer than 21 days.

''(B) The Secretary shall ensure that, under the process established pursuant to paragraph (1)(C), grievances are reviewed only by employees of the Department.

''(3) A decision or grievance decision under paragraph (1)(C) shall be final and conclusive.

''(4) A covered individual adversely affected by a final decision under paragraph (1)(C) may obtain judicial review of the decision.

''(5) In any case in which judicial review is sought under paragraph (4), the court shall review the record and may set aside any Department action found to be—

''(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with a provision of law;

''(B) obtained without procedures required by a provision of law having been followed; or

''(C) unsupported by substantial evidence.

''(c) RELATION TO OTHER PROVISIONS OF LAW.—(1) The authority provided by subsection (a) is in addition to the authority provided by section 3592 or subchapter V of chapter 75 of title 5.

''(2) Section 3592(b)(1) of title 5 and the procedures under section 7543(b) of such title do not apply to an action under subsection (a).

''(d) DEFINITIONS.—In this section:

''(1) The term 'covered individual' means—

''(A) a career appointee (as that term is defined in section 3132(a)(4) of title 5); or

''(B) any individual who occupies an administrative or executive position and who was appointed under section 7306(a) or section 7401(1) of this title.

''(2) The term 'misconduct' includes neglect of duty, malfeasance, or failure to accept a directed reassignment or to accompany a position in a transfer of function.

''(3) The term 'senior executive position' means—

''(A) with respect to a career appointee (as that term is defined in section 3132(a) of title 5), a Senior Executive Service position (as such term is defined in such section); and

''(B) with respect to a covered individual appointed under section 7306(a) or section 7401(1) of this title, an administrative or executive position.''.

(2) CONFORMING AMENDMENT.—Section 7461(c)(1) of such title is amended by inserting ''employees in senior executive positions (as defined in section 713(d) of this title) and'' before ''interns''.

(b) PERFORMANCE MANAGEMENT.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall establish a performance management system for employees in senior executive positions, as defined in section 713(d) of title 38, United States Code, as amended by subsection (a), that ensures performance ratings and awards given to such employees—

(A) meaningfully differentiate extraordinary from satisfactory contributions; and

(B) substantively reflect organizational achievements over which the employee has responsibility and control.

(2) REGULATIONS.—The Secretary shall prescribe regulations to carry out paragraph (1).

The Acting CHAIR. Pursuant to House Resolution 859, the gentlewoman from New Hampshire (Ms. KUSTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New Hampshire.

Ms. KUSTER. Mr. Chair, I believe accountability of senior executives at the VA is of great importance.

In recent years, administration of the Department of Veterans Affairs has come under intense public scrutiny. What Congress and the American people learned was that, while the vast majority of officials at the VA are selfless public servants who do their utmost to deliver quality health care to our veterans, there are some who hamper our ability as a country to care for our veterans.

It is our duty to ensure that our veterans receive the best possible care and benefits they have earned through their service to our country. My amendment seeks to strengthen the legislation to ensure that we truly are improving accountability at the VA.

This amendment is the result of a bipartisan process that gives the VA appropriate tools to keep senior executives accountable in a way that is fair and constitutional. My amendment utilizes bipartisan language developed in the Senate for the Veterans First Act, which was supported by veterans service organizations, including the American Legion.

It is important to note that my amendment is not a significant departure from Chairman MILLER's language found in section 7 of the bill. Indeed, it also eliminates the expedited appeals process passed in the 2014 Veterans Choice Act, and it establishes stricter standards that require the VA to take more immediate action against senior executives that the agency has found to be incompetent or otherwise negligent in their duties to deliver high-quality services to our Nation's veterans.

However, there are some legal concerns about aspects of section 7 of the bill that could prevent it from passing future legal scrutiny. My amendment ensures our intention to enforce accountability is not derailed by constitutionality issues.

Unfortunately, the bill would enable an ad hoc disciplinary appeals board to hear an appeal to an adverse action. This section also contains an arbitrary deadline for the decision, which would impact an employee's due process rights as afforded by the U.S. Constitution.

My amendment would resolve this issue by making the VA Secretary responsible for ensuring the appeals process takes less than 21 days and by making the Secretary of the VA directly responsible. My amendment strengthens transparency of the process without compromising accountability.

I am additionally concerned that this same section of the bill could be leveraged against whistleblowers of the Department who are critical to bring about change in an agency that serves millions of veterans. The ad hoc nature of the board could be used to pick officials that might have predispositions against a potential whistleblower.

The requirement that this individual answer their notice of adverse action within 5 calendar days could be used strategically to make an honest and meritorious appeal harder to achieve. My amendment replaces the 5-calendar-day standard with a 10-business-day standard.

The lack of transparency and accountability in the VA is truly worrisome, and I share Chairman MILLER's concern that it is worrisome to the American public. I thank Mr. MILLER and my committee colleagues for tackling this issue with forthrightness.

My amendment seeks to improve the bill and ensures its efficacy in law. For those reasons, I urge my colleagues to vote in favor of the Kuster amendment.

I yield back the balance of my time.

Mr. MILLER of Florida. Mr. Chair, while I understand what the gentlewoman is trying to accomplish, I do have to rise in opposition.

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

Mr. MILLER of Florida. Mr. Chair, first of all, I have to rise in opposition because it doesn't provide the appropriate level of accountability for SES employees. It largely mimics the same SES accountability language that is already in the bill, with just a few exceptions.

The open-ended timeline defies the intent to quickly adjudicate these cases within a clear and concrete timeline to benefit both the VA and the employee, and that is what we are trying to get at.

The pre-decision due process that would be required would actually exceed the current practice of 5 days that the VA enacted after passage of the Choice Act. And I remind my good friend that the Choice Act passed both Chambers with a huge bipartisan majority.

When the President signed the bill, he said: ''Now, finally, we're giving the VA Secretary more authority to hold people accountable. We've got to give Bob the authority so that he can move quickly to remove senior executives who fail to meet the standards of conduct and competence that the American people demand. If you engage in an unethical practice, if you cover up a serious problem, you should be fired. Period. It shouldn't be that difficult.''

We should be trying to improve the culture at VA by increasing accountability, not by weakening it.

I urge all Members to oppose this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from New Hampshire (Ms. KUSTER).

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

Ms. KUSTER. 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 gentlewoman from New Hampshire will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. TAKANO

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 114–742.

Mr. TAKANO. Mr. Chair, as the designee of the gentlewoman from Arizona (Mrs. KIRKPATRICK), I offer amendment No. 6.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike section 8 and insert the following:

SEC. 8. OFFICE OF ACCOUNTABILITY AND WHISTLEBLOWER PROTECTION.

(a) IN GENERAL.—Chapter 3 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 323. Office of Accountability and Whistleblower Protection

''(a) ESTABLISHMENT.—There is established in the Department an office to be known as the Office of Accountability and Whistleblower Protection (in this section referred to as the 'Office').

''(b) HEAD OF OFFICE.—(1) The head of the Office shall be responsible for the functions of the Office and shall be appointed by the President pursuant to section 308(a) of this title.

''(2) The head of the Office shall be known as the 'Assistant Secretary for Accountability and Whistleblower Protection'.

''(3) The Assistant Secretary shall report directly to the Secretary on all matters relating to the Office.

''(4) Notwithstanding section 308(b) of this title, the Secretary may only assign to the Assistant Secretary responsibilities relating to the functions of the Office set forth in subsection (c).

''(c) FUNCTIONS.—(1) The functions of the Office are as follows:

''(A) Advising the Secretary on all matters of the Department relating to accountability, including accountability of employees of the Department, retaliation against whistleblowers, and such matters as the Secretary considers similar and affect public trust in the Department.

''(B) Issuing reports and providing recommendations related to the duties described in subparagraph (A).

''(C) Receiving whistleblower disclosures.

''(D) Referring whistleblower disclosures received under subparagraph (C) for investigation to the Office of the Medical Inspector, the Office of Inspector General, or other investigative entity, as appropriate, if the Assistant Secretary has reason to believe the whistleblower disclosure is evidence of a violation of a provision of law, mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to public health and safety.

''(E) Receiving and referring disclosures from the Special Counsel for investigation to the Medical Inspector of the Department, the Inspector General of the Department, or such other person with investigatory authority, as the Assistant Secretary considers appropriate.

''(F) Recording, tracking, reviewing, and confirming implementation of recommendations from audits and investigations carried out by the Inspector General of the Department, the Medical Inspector of the Department, the Special Counsel, and the Comptroller General of the United States, including the imposition of disciplinary actions and other corrective actions contained in such recommendations.

''(G) Analyzing data from the Office and the Office of Inspector General telephone hotlines, other whistleblower disclosures, disaggregated by facility and area of health care if appropriate, and relevant audits and investigations to identify trends and issue reports to the Secretary based on analysis conducted under this subparagraph.

''(H) Receiving, reviewing, and investigating allegations of misconduct, retaliation, or poor performance involving—

''(i) an individual in a senior executive position (as defined in section 713(d) of this title) in the Department;

''(ii) an individual employed in a confidential, policy-making, policy-determining, or policy-advocating position in the Department; or

''(iii) a supervisory employee, if the allegation involves retaliation against an employee for making a whistleblower disclosure.

''(I) Making such recommendations to the Secretary for disciplinary action as the Assistant Secretary considers appropriate after substantiating any allegation of misconduct or poor performance pursuant to an investigation carried out as described in subparagraph (F) or (H).

''(2) In carrying out the functions of the Office, the Assistant Secretary shall ensure that the Office maintains a toll-free telephone number and Internet website to receive anonymous whistleblower disclosures.

''(3) In any case in which the Assistant Secretary receives a whistleblower disclosure from an employee of the Department under paragraph (1)(C), the Assistant Secretary may not disclose the identity of the employee without the consent of the employee, except in accordance with the provisions of section 552a of title 5, or as required by any other applicable provision of Federal law.

''(d) STAFF AND RESOURCES.—The Secretary shall ensure that the Assistant Secretary has such staff, resources, and access to information as may be necessary to carry out the functions of the Office.

''(e) RELATION TO OFFICE OF GENERAL COUNSEL.—The Office shall not be established as an element of the Office of the General Counsel and the Assistant Secretary may not report to the General Counsel.

''(f) REPORTS.—(1)(A) Not later than June 30 of each calendar year, beginning with June 30, 2017, the Assistant Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the activities of the Office during the calendar year in which the report is submitted.

''(B) Each report submitted under subparagraph (A) shall include, for the period covered by the report, the following:

''(i) A full and substantive analysis of the activities of the Office, including such statistical information as the Assistant Secretary considers appropriate.

''(ii) Identification of any issues reported to the Secretary under subsection (c)(1)(G), including such data as the Assistant Secretary considers relevant to such issues and any trends the Assistant Secretary may have identified with respect to such issues.

''(iii) Identification of such concerns as the Assistant Secretary may have regarding the size, staffing, and resources of the Office and such recommendations as the Assistant Secretary may have for legislative or administrative action to address such concerns.

''(iv) Such recommendations as the Assistant Secretary may have for legislative or administrative action to improve—

''(I) the process by which concerns are reported to the Office; and

''(II) the protection of whistleblowers within the Department.

''(v) Such other matters as the Assistant Secretary considers appropriate regarding the functions of the Office or other matters relating to the Office.

''(2) If the Secretary receives a recommendation for disciplinary action under subsection (c)(1)(I) and does not take or initiate the recommended disciplinary action before the date that is 60 days after the date on which the Secretary received the recommendation, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a detailed justification for not taking or initiating such disciplinary action.

''(g) DEFINITIONS.—In this section:

''(1) The term 'supervisory employee' means an employee of the Department who is a supervisor as defined in section 7103(a) of title 5.

''(2) The term 'whistleblower' means one who makes a whistleblower disclosure.

''(3) The term 'whistleblower disclosure' means any disclosure of information by an employee of the Department or individual applying to become an employee of the Department which the employee or individual reasonably believes evidences—

''(A) a violation of a provision of law; or

''(B) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.''.

(b) CONFORMING AMENDMENT.—Section 308(b) of such title is amended by adding at the end the following new paragraph:

''(12) The functions set forth in section 323(c) of this title.''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 3 of such title is amended by adding at the end the following new item:

''323. Office of Accountability and Whistleblower Protection.''.

SEC. 9. PROTECTION OF WHISTLEBLOWERS IN DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Chapter 7 of title 38, United States Code, is further amended by adding at the end the following new sections:

''§ 725. Protection of whistleblowers as criteria in evaluation of supervisors

''(a) DEVELOPMENT AND USE OF CRITERIA REQUIRED.—The Secretary, in consultation with the Assistant Secretary of Accountability and Whistleblower Protection, shall develop criteria that—

''(1) the Secretary shall use as a critical element in any evaluation of the performance of a supervisory employee; and

''(2) promotes the protection of whistleblowers.

''(b) PRINCIPLES FOR PROTECTION OF WHISTLEBLOWERS.—The criteria required by subsection (a) shall include principles for the protection of whistleblowers, such as the degree to which supervisory employees respond constructively when employees of the Department report concerns, take responsible action to resolve such concerns, and foster an environment in which employees of the Department feel comfortable reporting concerns to supervisory employees or to the appropriate authorities.

''(c) SUPERVISORY EMPLOYEE AND WHISTLEBLOWER DEFINED.—In this section, the terms 'supervisory employee' and 'whistleblower' have the meanings given such terms in section 323 of this title.

''§ 727. Training regarding whistleblower disclosures

''(a) TRAINING.—Not less frequently than once every two years, the Secretary, in coordination with the Whistleblower Protection Ombudsman designated under section 3(d)(1)(C) of the Inspector General Act of 1978 (5 U.S.C. App.), shall provide to each employee of the Department training regarding whistleblower disclosures, including—

''(1) an explanation of each method established by law in which an employee may file a whistleblower disclosure;

''(2) the right of the employee to petition Congress regarding a whistleblower disclosure in accordance with section 7211 of title 5;

''(3) an explanation that the employee may not be prosecuted or reprised against for disclosing information to Congress, the Inspector General, or another investigatory agency in instances where such disclosure is permitted by law, including under sections 5701, 5705, and 7732 of this title, under section 552a of title 5 (commonly referred to as the Privacy Act), under chapter 93 of title 18, and pursuant to regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191);

''(4) an explanation of the language that is required to be included in all nondisclosure policies, forms, and agreements pursuant to section 115(a)(1) of the Whistleblower Protection Enhancement Act of 2012 (5 U.S.C. 2302 note); and

''(5) the right of contractors to be protected from reprisal for the disclosure of certain information under section 4705 or 4712 of title 41.

''(b) MANNER TRAINING IS PROVIDED.—The Secretary shall ensure, to the maximum extent practicable, that training provided under subsection (a) is provided in person.

''(c) CERTIFICATION.—Not less frequently than once every two years, the Secretary shall provide training on merit system protection in a manner that the Special Counsel certifies as being satisfactory.

''(d) PUBLICATION.—The Secretary shall publish on the Internet website of the Department, and display prominently at each facility of the Department, the rights of an employee to make a whistleblower disclosure, including the information described in paragraphs (1) through (5) of subsection (a).

''(e) WHISTLEBLOWER DISCLOSURE DEFINED.—In this section, the term 'whistleblower disclosure' has the meaning given such term in section 323 of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is further amended by adding at the end the following new items:

''725. Protection of whistleblowers as criteria in evaluation of supervisors.

''727. Training regarding whistleblower disclosures.''.

SEC. 10. TREATMENT OF CONGRESSIONAL TESTIMONY BY DEPARTMENT OF VETERANS AFFAIRS EMPLOYEES AS OFFICIAL DUTY.

(a) IN GENERAL.—Chapter 7 of title 38, United States Code, is further amended by adding at the end the following new section:

''§ 729. Congressional testimony by employees: treatment as official duty

''(a) CONGRESSIONAL TESTIMONY.—An employee of the Department is performing official duty during the period with respect to which the employee is testifying in an official capacity in front of either chamber of Congress, a committee of either chamber of Congress, or a joint or select committee of Congress.

''(b) TRAVEL EXPENSES.—The Secretary shall provide travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, to any employee of the Department of Veterans Affairs performing official duty described under subsection (a).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by section 102, is further amended by inserting after the item relating to section 721 the following new item:

''Sec. 729. Congressional testimony by employees: treatment as official duty.''.

SEC. 11. REPORT ON METHODS USED TO INVESTIGATE EMPLOYEES OF DEPARTMENT OF VETERANS AFFAIRS.

(a) REPORT REQUIRED.—Not later than 540 days after the date of the enactment of this Act, the Assistant Secretary for Accountability and Whistleblower Protection shall submit to the Secretary, the Committee on Veterans' Affairs of the Senate, and the Committee on Veterans' Affairs of the House of Representatives a report on methods used to investigate employees of the Department of Veterans Affairs and whether such methods are used to retaliate against whistleblowers.

(b) CONTENTS.—The report required by subsection (a) shall include the following:

(1) An assessment of the use of administrative investigation boards, peer review, searches of medical records, and other methods for investigating employees of the Department.

(2) A determination of whether and to what degree the methods described in paragraph (1) are being used to retaliate against whistleblowers.

(3) Recommendations for legislative or administrative action to implement safeguards to prevent the retaliation described in paragraph (2).

(c) WHISTLEBLOWER DEFINED.—In this section, the term ''whistleblower'' has the meaning given such term in section 323 of title 38, United States Code, as added by section 8.

The Acting CHAIR. Pursuant to House Resolution 859, the gentleman from California (Mr. TAKANO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

MODIFICATION TO AMENDMENT NO. 6 OFFERED BY MR. TAKANO

Mr. TAKANO. Mr. Chairman, I ask unanimous consent that the amendment be modified in the form I have placed at the desk.

The Acting CHAIR. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 6 offered by Mr. TAKANO of California:

Page 23, after line 17, insert the following:

SEC. 8. OFFICE OF ACCOUNTABILITY AND WHISTLEBLOWER PROTECTION.

(a) IN GENERAL.—Chapter 3 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 323. Office of Accountability and Whistleblower Protection

''(a) ESTABLISHMENT.—There is established in the Department an office to be known as the Office of Accountability and Whistleblower Protection (in this section referred to as the 'Office').

''(b) HEAD OF OFFICE.—(1) The head of the Office shall be responsible for the functions of the Office and shall be appointed by the President pursuant to section 308(a) of this title.

''(2) The head of the Office shall be known as the 'Assistant Secretary for Accountability and Whistleblower Protection'.

''(3) The Assistant Secretary shall report directly to the Secretary on all matters relating to the Office.

''(4) Notwithstanding section 308(b) of this title, the Secretary may only assign to the Assistant Secretary responsibilities relating to the functions of the Office set forth in subsection (c).

''(c) FUNCTIONS.—(1) The functions of the Office are as follows:

''(A) Advising the Secretary on all matters of the Department relating to accountability, including accountability of employees of the Department, retaliation against whistleblowers, and such matters as the Secretary considers similar and affect public trust in the Department.

''(B) Issuing reports and providing recommendations related to the duties described in subparagraph (A).

''(C) Receiving whistleblower complaints.

''(D) Referring whistleblower complaints received under subparagraph (C) for investigation to the Office of the Medical Inspector, the Office of Inspector General, or other investigative entity, as appropriate, if the Assistant Secretary has reason to believe the whistleblower complaint is evidence of a violation of a provision of law, mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to public health and safety.

''(E) Receiving and referring complaints from the Special Counsel for investigation to the Medical Inspector of the Department, the Inspector General of the Department, or such other person with investigatory authority, as the Assistant Secretary considers appropriate.

''(F) Recording, tracking, reviewing, and confirming implementation of recommendations from audits and investigations carried out by the Inspector General of the Department, the Medical Inspector of the Department, the Special Counsel, and the Comptroller General of the United States, including the imposition of disciplinary actions and other corrective actions contained in such recommendations.

''(G) Analyzing data from the Office and the Office of Inspector General telephone hotlines, other whistleblower complaints, disaggregated by facility and area of health care if appropriate, and relevant audits and investigations to identify trends and issue reports to the Secretary based on analysis conducted under this subparagraph.

''(H) Receiving, reviewing, and investigating allegations of misconduct, retaliation, or poor performance involving—

''(i) an individual in a senior executive position (as defined in section 713(d) of this title) in the Department;

''(ii) an individual employed in a confidential, policy-making, policy-determining, or policy-advocating position in the Department; or

''(iii) a supervisory employee.

''(I) Making such recommendations to the Secretary for disciplinary action as the Assistant Secretary considers appropriate after substantiating any allegation of misconduct or poor performance pursuant to an investigation carried out as described in subparagraph (F) or (H).

''(2) In carrying out the functions of the Office, the Assistant Secretary shall ensure that the Office maintains a toll-free telephone number and Internet website to receive anonymous whistleblower complaints.

''(3) In any case in which the Assistant Secretary receives a whistleblower complaint from an employee of the Department under paragraph (1)(C), the Assistant Secretary may not disclose the identity of the employee without the consent of the employee, except in accordance with the provisions of section 552a of title 5, or as required by any other applicable provision of Federal law.

''(d) RELATION TO OFFICE OF GENERAL COUNSEL.—The Office shall not be established as an element of the Office of the General Counsel and the Assistant Secretary may not report to the General Counsel.

''(e) REPORTS.—(1)(A) Not later than June 30 of each calendar year, beginning with June 30, 2017, the Assistant Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the activities of the Office during the calendar year in which the report is submitted.

''(B) Each report submitted under subparagraph (A) shall include, for the period covered by the report, the following:

''(i) A full and substantive analysis of the activities of the Office, including such statistical information as the Assistant Secretary considers appropriate.

''(ii) Identification of any issues reported to the Secretary under subsection (c)(1)(G), including such data as the Assistant Secretary considers relevant to such issues and any trends the Assistant Secretary may have identified with respect to such issues.

''(iii) Identification of such concerns as the Assistant Secretary may have regarding the size, staffing, and resources of the Office and such recommendations as the Assistant Secretary may have for legislative or administrative action to address such concerns.

''(iv) Such recommendations as the Assistant Secretary may have for legislative or administrative action to improve—

''(I) the process by which concerns are reported to the Office; and

''(II) the protection of whistleblowers within the Department.

''(v) Such other matters as the Assistant Secretary considers appropriate regarding the functions of the Office or other matters relating to the Office.

''(2) If the Secretary receives a recommendation for disciplinary action under subsection (c)(1)(I) and does not take or initiate the recommended disciplinary action before the date that is 60 days after the date on which the Secretary received the recommendation, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a detailed justification for not taking or initiating such disciplinary action.

''(f) DEFINITIONS.—In this section:

''(1) The term 'supervisory employee' means an employee of the Department who is a supervisor as defined in section 7103(a) of title 5.

''(2) The term 'whistleblower' means one who makes a whistleblower complaint.

''(3) The term 'whistleblower complaint' means any disclosure of information by an employee of the Department or individual applying to become an employee of the Department which the employee or individual reasonably believes evidences—

''(A) a violation of a provision of law; or

''(B) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.''.

(b) CONFORMING AMENDMENT.—Section 308(b) of such title is amended by adding at the end the following new paragraph:

''(12) The functions set forth in section 323(c) of this title.''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 3 of such title is amended by adding at the end the following new item:

''323. Office of Accountability and Whistleblower Protection.''.

Mr. MILLER of Florida (during the reading). Mr. Chairman, I ask unanimous consent that the reading be dispensed with.

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

There was no objection.

The Acting CHAIR. Without objection, the amendment is modified.

There was no objection.

Mr. TAKANO. Mr. Chairman, I express my full support of Representative KIRKPATRICK's amendment to H.R. 5620. I would like to thank Chairman MILLER for working with Representative KIRKPATRICK to develop a bipartisan amendment we all can support.

Whistleblowers are critical to uncovering and eliminating misconduct and wrongdoing at the Department of Veterans Affairs. Without them, serious issues like those discovered at the Phoenix VA facility may never have been brought to our attention. The courageous VA employees who chose to speak out deserve our respect and protection. We must create an environment in which whistleblowers expect appreciation, not retribution. Representative KIRKPATRICK's amendment, which would create the VA Office of Accountability and Whistleblower Protection, will help us achieve that goal.

Representative KIRKPATRICK's amendment has been developed in consultation with the Office of Special Counsel and includes language from the Senate's bipartisan Veterans First Act. The amendment would create an independent VA Office of Accountability and Whistleblower Protection, which would report directly to the VA Secretary. The office would staff an anonymous hotline and refer whistleblower complaints to the appropriate office or entity for investigation and investigate allegations of misconduct, retaliation, or poor performance of senior executives and supervisors.

Mr. Chairman, this amendment will create an environment in which whistleblowers are protected and misconduct is more quickly discovered and eliminated. I urge my colleagues to support Representative KIRKPATRICK's amendment to H.R. 5620.

I yield back the balance of my time.

Mr. MILLER of Florida. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I am not opposed to the amendment.

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

There was no objection.

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

Mr. MILLER of Florida. Mr. Chairman, I appreciate the gentlewoman from Arizona (Mrs. KIRKPATRICK) working with us to add the Office of Whistleblower Protection. It also does create an assistant secretary that would oversee this brand-new office.

I appreciate Mrs. KIRKPATRICK working with us on this amendment to better align it with the protections that are already in the bill. A portion of this amendment to create the new office already passed the House in H.R. 1994. This amendment now has my full support.

I urge my colleagues to agree and support it.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment, as modified, offered by the gentleman from California (Mr. TAKANO).

The amendment, as modified, was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. NEWHOUSE

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in House Report 114–742.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end the following new section:

SEC. 11. CLARIFICATION OF EMERGENCY HOSPITAL CARE FURNISHED BY THE SECRETARY OF VETERANS AFFAIRS TO CERTAIN VETERANS.

(a) IN GENERAL.—Chapter 17 of title 38, United States Code, is amended by inserting

after section 1730A the following new section:

"§ 1730B. Examination and treatment for emergency medical conditions and women in labor

''(a) MEDICAL SCREENING EXAMINATIONS.—In carrying out this chapter, if any enrolled veteran requests, or a request is made on behalf of the veteran, for examination or treatment for a medical condition, regardless of whether such condition is service-connected, at a hospital emergency department of a medical facility of the Department, the Secretary shall ensure that the veteran is provided an appropriate medical screening examination within the capability of the emergency department, including ancillary services routinely available to the emergency department, to determine whether an emergency medical condition exists.

''(b) NECESSARY STABILIZING TREATMENT FOR EMERGENCY MEDICAL CONDITIONS AND LABOR.—(1) If an enrolled veteran comes to a medical facility of the Department and the Secretary determines that the veteran has an emergency medical condition, the Secretary shall provide either—

''(A) such further medical examination and such treatment as may be required to stabilize the medical condition; or

''(B) for the transfer of the veteran to another medical facility of the Department or a non-Department facility in accordance with subsection (c).

''(2) The Secretary is deemed to meet the requirement of paragraph (1)(A) with respect to an enrolled veteran if the Secretary offers the veteran the further medical examination and treatment described in such paragraph and informs the veteran (or an individual acting on behalf of the veteran) of the risks and benefits to the veteran of such examination and treatment, but the veteran (or individual) refuses to consent to the examination and treatment. The Secretary shall take all reasonable steps to secure the written informed consent of such veteran (or individual) to refuse such examination and treatment.

''(3) The Secretary is deemed to meet the requirement of paragraph (1) with respect to an enrolled veteran if the Secretary offers to transfer the individual to another medical facility in accordance with subsection (c) of this section and informs the veteran (or an individual acting on behalf of the veteran) of the risks and benefits to the veteran of such transfer, but the veteran (or individual) refuses to consent to the transfer. The hospital shall take all reasonable steps to secure the written informed consent of such veteran (or individual) to refuse such transfer.

''(c) RESTRICTION OF TRANSFERS UNTIL VETERAN STABILIZED.—(1) If an enrolled veteran at a medical facility of the Department has an emergency medical condition that has not been stabilized, the Secretary may not transfer the veteran to another medical facility of the Department or a non-Department facility unless—

''(A)(i) the veteran (or a legally responsible individual acting on behalf of the veteran), after being informed of the obligation of the Secretary under this section and of the risk of transfer, requests in writing a transfer to another medical facility;

''(ii) a physician has signed a certification (including a summary of the risks and benefits) that, based upon the information available at the time of transfer, the medical benefits reasonably expected from the provision of appropriate medical treatment at another medical facility outweigh the increased risks to the veteran and, in the case of labor, to the unborn child from effecting the transfer; or

''(iii) if a physician is not physically present in the emergency department at the time a veteran is transferred, a qualified medical person (as defined by the Secretary in regulations) has signed a certification described in clause (ii) after a physician, in consultation with the person, has made the determination described in such clause, and subsequently countersigns the certification; and

''(B) the transfer is an appropriate transfer as described in paragraph (2).

''(2) An appropriate transfer to a medical facility is a transfer—

''(A) in which the transferring medical facility provides the medical treatment within the capacity of the facility that minimizes the risks to the health of the enrolled veteran and, in the case of a woman in labor, the health of the unborn child;

''(B) in which the receiving facility—

''(i) has available space and qualified personnel for the treatment of the veteran; and

''(ii) has agreed to accept transfer of the veteran and to provide appropriate medical treatment;

''(C) in which the transferring facility sends to the receiving facility all medical records (or copies thereof), related to the emergency condition for which the veteran has presented, available at the time of the transfer, including records related to the emergency medical condition of the veteran, observations of signs or symptoms, preliminary diagnosis, treatment provided, results of any tests and the informed written consent or certification (or copy thereof) provided under paragraph (1)(A), and the name and address of any on-call physician (described in subsection (d)(1)(C) of this section) who has refused or failed to appear within a reasonable time to provide necessary stabilizing treatment;

''(D) in which the transfer is effected through qualified personnel and transportation equipment, as required including the use of necessary and medically appropriate life support measures during the transfer; and

''(E) that meets such other requirements as the Secretary may find necessary in the interest of the health and safety of veterans transferred.

''(d) CHARGES.—(1) Nothing in this section may be construed to affect any charges that the Secretary may collect from a veteran or third party.

''(2) The Secretary shall treat any care provided by a non-Department facility pursuant to this section as care otherwise provided by a non-Department facility pursuant to this chapter for purposes of paying such non-Department facility for such care.

''(e) NONDISCRIMINATION.—A medical facility of the Department or a non-Department facility, as the case may be, that has specialized capabilities or facilities (such as burn units, shock-trauma units, neonatal intensive care units, or (with respect to rural areas) regional referral centers as identified by the Secretary in regulation) shall not refuse to accept an appropriate transfer of an enrolled veteran who requires such specialized capabilities or facilities if the facility has the capacity to treat the veteran.

''(f) NO DELAY IN EXAMINATION OR TREATMENT.—A medical facility of the Department or a non-Department facility, as the case may be, may not delay provision of an appropriate medical screening examination required under subsection (a) or further medical examination and treatment required under subsection (b) of this section in order to inquire about the method of payment or insurance status of an enrolled veteran.

''(g) WHISTLEBLOWER PROTECTIONS.—The Secretary may not take adverse action against an employee of the Department because the employee refuses to authorize the transfer of an enrolled veteran with an emergency medical condition that has not been stabilized or because the employee reports a violation of a requirement of this section.

''(h) DEFINITIONS.—In this section:

''(1) The term 'emergency medical condition' means—

''(A) a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in—

''(i) placing the health of the enrolled veteran (or, with respect to an enrolled veteran who is a pregnant woman, the health of the woman or her unborn child) in serious jeopardy;

''(ii) serious impairment to bodily functions; or

''(iii) serious dysfunction of any bodily organ or part; or

''(B) with respect to an enrolled veteran who is a pregnant woman having contractions—

''(i) that there is inadequate time to effect a safe transfer to another hospital before delivery; or

''(ii) that transfer may pose a threat to the health or safety of the woman or the unborn child.

''(2) The term 'enrolled veteran' means a veteran who is enrolled in the health care system established under section 1705(a) of this title.

''(3) The term 'to stabilize' means, with respect to an emergency medical condition described in paragraph (1)(A), to provide such medical treatment of the condition as may be necessary to assure, within reasonable medical probability, that no material deterioration of the condition is likely to result from or occur during the transfer of the enrolled veteran from a facility, or, with respect to an emergency medical condition described in paragraph (1)(B), to deliver (including the placenta).

''(4) The term 'stabilized' means, with respect to an emergency medical condition described in paragraph (1)(A), that no material deterioration of the condition is likely, within reasonable medical probability, to result from or occur during the transfer of the individual from a facility, or, with respect to an emergency medical condition described in paragraph (1)(B), that the woman has delivered (including the placenta).

''(5) The term 'transfer' means the movement (including the discharge) of an enrolled veteran outside the facilities of a medical facility of the Department at the direction of any individual employed by (or affiliated or associated, directly or indirectly, with) the Department, but does not include such a movement of an individual who—

''(A) has been declared dead; or

''(B) leaves the facility without the permission of any such person.''.

(b) CLERICAL AMENDMENT.—The table of sections of such chapter is amended by inserting after the item relating to section 1730A the following new item:

''1730B. Examination and treatment for emergency medical conditions and women in labor.''.

The Acting CHAIR. Pursuant to House Resolution 859, the gentleman from Washington (Mr. NEWHOUSE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

□ 1845

Mr. NEWHOUSE. Mr. Chairman, first of all, I include in the RECORD six letters from various veterans service organizations in support of H.R. 5620, as amended.

MILITARY ORDER OF THE PURPLE HEART,
Springfield, VA, July 14, 2016.

Hon. JEFF MILLER,
Chairman, House Committee on Veterans' Affairs, Washington, DC.

DEAR CHAIRMAN MILLER: On behalf of the Military Order of the Purple Heart (MOPH), whose membership is comprised entirely of combat wounded veterans, I am pleased to offer our support for sections 1 through 8 and 10 of H.R. 5620, the VA Accountability First and Appeals Modernization Act of 2016. If enacted, this legislation would establish reasonable accountability measures for Department of Veterans Affairs (VA) employees.

The ability to reward good employees and hold poor employees accountable is essential to any high-performing organization. Unfortunately, events of the past two years have made it clear to MOPH that VA lacks the necessary authority to punish, remove, and recoup the performance bonuses of employees who were found to have endangered veterans, misused government funds, and otherwise underperformed in their duties. While we understand that VA cannot simply fire its way to success, we feel that improvements to these authorities made by this legislation are critical to allowing VA to function as it should, while also maintaining veterans' trust in their VA. Furthermore, these reforms would send the right message to the vast majority of VA employees who do an exemplary job every day that their good performance is truly appreciated. MOPH is also pleased that this legislation contains robust whistleblower protections, as no VA employee should ever fear reprisal for identifying deficiencies that could endanger veterans in any way.

MOPH is still evaluating section 9, which makes substantive changes to the VA appeals process, and takes no position on this section at this time.

MOPH thanks you for your leadership on this issue and your commitment to veteran-centric VA reform. We look forward to working with you to ensure the passage of this important legislation.

Respectfully,

ROBERT PUSKAR,
National Commander.

FLEET RESERVE ASSOCIATION,
Alexandria, VA, July 26, 2016.

Hon. JEFF MILLER,
Chairman, House Veterans' Affairs Committee, House of Representatives, Washington, DC.

DEAR CHAIRMAN MILLER: The Fleet Reserve Association (FRA) supports the ''VA Accountability First and Appeals Modernization Act'' (H.R. 5620) that would reform the VA's disability benefits appeals process—a top priority for FRA. The bill also strengthens protections for whistleblowers and enforces accountability for unprofessional employees.

The Association appreciates your strong leadership on this issue and stands ready to provide assistance in advancing this legislation. The FRA point of contact is John Davis, Director of Legislative Programs.

Sincerely,

THOMAS J. SNEE,
National Executive Director.

ENLISTED ASSOCIATION OF THE NATIONAL GUARD OF THE UNITED STATES,
Alexandria, VA, July 21, 2016.

Hon. JEFF MILLER,
Chairman, Committee on Veterans' Affairs, House of Representatives, Washington, DC.

DEAR CHAIRMAN MILLER: On behalf of the Enlisted Association of the National Guard of the United States (EANGUS) which represents the interests of over 400,000 enlisted men and women of the Army and Air National Guard, we are pleased to offer our full support for H.R. 5620, the VA Accountability First and Appeals Modernization Act of 2016. This bill combines much needed accountability measures for the employees of the Department of Veterans Affairs (VA), with long overdue reforms to the personal appeals process.

We believe your legislation gives the VA the power it needs to hold its employees accountable, while strengthening protection for whistleblowers. This is crucial, as the events of the past two years have made it clear to our organization that the VA is unable to remove employees that are negligent, underperforming, and don't serve in the best interest of veterans. We also believe the robust protections for whistleblowers contained in this legislation are critical. Employees that do the right thing should not fear reprisals for identifying deficiencies that could endanger veterans.

EANGUS thanks you for your continued leadership on this issue and your commitment to bring improvements and accountability to the VA. We stand ready to work with you and your staff to ensure the passage of this important piece of legislation.

Sincerely,

FRANK YOAKUM,
Sgt. Maj., U.S. Army (retired), Executive Director.

From: CVA—Press.
Date: Thursday, July 7, 2016.
To: CVA HQ.
For Immediate Release: July 7, 2016.

CONCERNED VETERANS FOR AMERICA ANNOUNCES SUPPORT FOR MILLER VA ACCOUNTABILITY BILL

ARLINGTON, VA.—Concerned Veterans for America (CVA) Vice President for Legislative and Political Action Dan Caldwell released the following statement today in support of House Veterans' Affairs Committee Chairman Miller's introduction of the 'VA Accountability First and Appeals Modernization Act of 2016:'

''Concerned Veterans for America applauds Chairman Miller for introducing H.R. 5620, the VA Accountability First and Appeals Modernization Act of 2016: This legislation would go a long way in addressing the lack of accountability plaguing the VA and impeding the timely delivery of health care and other benefits to eligible veterans. From providing meaningful limits on how long VA employees can appeal administrative actions, to giving the VA secretary the authority to recoup bonuses and salary awarded to unethical employees, this bill is full of the reforms that will rid the department of its accountability crisis. Importantly, its removal of the Merit Systems Protection Board (MSPB) from the appeals process for senior executives is a critical component to ensuring that top leaders are held accountable for their actions and kept from negatively influencing veterans' care in the future. We urge the VA committees of both houses of Congress to move quickly on this legislation, and deliver the reform veterans deserve.''

ASSOCIATION OF THE UNITED STATES NAVY,
August 10, 2016.

Hon. JEFF MILLER,
Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN MILLER: The Association for the United States Navy strongly supports HR 5620, which combines VA accountability provisions with appeals reform. The VA has had a history of committing crimes without anything more than a slap on the wrist, leaving it to veterans to suffer from lesser care. With HR 5620, the accountability that veterans have been looking for in order to require that the VA give the proper care would finally occur. We at AUSN greatly appreciate your introduction of this bill and look forward to seeing it gain traction in the House and Senate.

HR 5620 helps outline both accountability measures and appeals reform together, which benefit veterans as well as VA leadership give better care. Both sections 3 and 7 help hold individuals, not just the entire organization or leadership, accountable for their actions. The expedited system would allow employees who had misbehaved to appeal within 10 days and then have their appeal decided within 60 days, which is a much quicker, cleaner version to the system we currently have. This would help bring in better individuals rather than new leadership every time there is a problem, and would allow for expedited reprimand of the individuals by streamlining the discipline process. The appeals reform section of the bill is also impressive, giving veterans three different avenues to go about their appeals process rather than just one and consistently having the same problem. This bill is one that really focuses on the individual rather than the collective, which makes it beneficial for veterans to receive the best quality care possible.

It is crucial that accountability and appeal reform occurs within the VA. The current system is too rigid for real reform to occur, and by having initiatives that are introduced in this bill, it would help make last change within the VA and finally give veterans the care they deserve for serving our country.

Sincerely

MICHAEL LITTLE.

AUGUST 31, 2016.

Hon. JEFF MILLER,
Chairman, House Committee on Veterans' Affairs, House of Representatives, Washington, DC.

DEAR MR. MILLER: AMVETS (American Veterans) is pleased to support your bill, H.R. 5620, the VA Accountability First and Appeals Modernization Act of 2016, which seeks to provide for the removal or demotion of employees of the Department of Veterans Affairs (VA) based on performance or misconduct, and to reform the Veterans Benefits Administration (VBA) appeals process.

The intent of this bill is in line with two of our National Resolutions, which dictate our legislative priorities, that our members voted on and passed at the AMVETS 72nd National Convention in Reno, Nevada in August. The first Resolution is related to the need for, and importance of, improved VA accountability. It states, in part, that until each and every VA employee can be held accountable for their actions, or lack thereof, the VA system will remain broken, unsatisfactory, and unsafe. The second Resolution is related to fixing the VBA claims processing and appeals systems. It states, in part, that AMVETS continues to monitor the progress of the veteran claims processing system, and working as a stakeholder, seeks to address the shortcomings. For these reasons we stand ready to help you gain passage of H.R. 5620.

AMVETS appreciates your leadership in introducing this important legislation and in striving to improve the lives of all veterans.

Sincerely,

JOSEPH R. CHENELLY,
Executive Director.

Mr. NEWHOUSE. Mr. Chairman, I believe one of the Federal Government's most important functions is to support those who have sacrificed so much in the defense of our Nation. Whenever

our government fails to meet this responsibility, swift action must be taken.

We have heard far too many distressing stories in recent years about the Department of Veterans Affairs failing to provide our veterans the care they deserve. My amendment seeks to address one of these problems by adding the text of H.R. 3216, the Veterans Emergency Treatment Act, to this bill. This language is supported by the Veterans of Foreign Wars, the American Legion, and the Disabled American Veterans.

In short, my amendment would ensure that every enrolled veteran who arrives at an emergency department of a VA medical facility and indicates an emergency condition exists is assessed and treated in an effort to prevent further injury or death. This is accomplished by applying the statutory requirements of the Emergency Medical Treatment and Labor Act, or EMTALA, to emergency care furnished by the VA to enrolled veterans.

Mr. Chairman, my attention was drawn to this issue by one of my own constituents. In February of 2015, a 64-year-old Army veteran arrived at the Seattle VA emergency room in severe pain with a broken foot that had swollen to the size of a football. No longer able to walk, he requested emergency room staff assist him in traveling the 10 feet from his car to the ER entrance. Hospital personnel promptly hung up on him after instructing him he would need to call 911 to assist him at his own expense. He was eventually helped into the emergency room by a Seattle fire captain as well as three firefighters.

Another notable incident occurred in New Mexico in 2014, when a veteran collapsed in the cafeteria of a VA facility and ultimately died when the VA refused to transport him 500 yards across the campus to the emergency room.

EMTALA is a Federal statute that supersedes State and local laws and grants every individual a Federal right to emergency care. It was enacted by Congress in 1986 and is designed to prevent hospitals from transferring, or dumping, uninsured or Medicaid patients to public hospitals. EMTALA requires a hospital to conduct a medical examination to determine if an emergency medical condition exists. If one does, then the hospital must either stabilize the patient or effectuate a proper transfer at the patient's request. Currently, the VA hospitals are considered to be nonparticipating hospitals and are therefore not obligated to fulfill the requirements instituted by EMTALA. This amendment will revise current law to remove the nonparticipating designation and require them to fulfill requirements of EMTALA, just as every other hospital does.

Mr. Chairman, it is actually the Veterans Health Administration's stated policy that all transfers in and out of VA facilities of patients in the emergency department or urgent care units are accomplished in a manner that ensures maximum patient safety and is in compliance with the transfer provisions of EMTALA and its implementing regulations.

However, unfortunately, this policy is not always followed, and occasionally locally designed transfer policies undermine efforts to provide emergency care to veterans. Additionally, in some of these instances there was clear confusion on the part of the VA facilities about their own transfer policies. This is why we must act now.

Mr. Chairman, I urge the House to support and pass my amendment to H.R. 5620. It is time we ensure our veterans receive proper medical care during emergency medical situations, all without requiring additional spending.

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

Mr. MILLER of Florida. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I am not opposed.

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

There was no objection.

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

Mr. MILLER of Florida. Mr. Chairman, as the sponsor has already said, it clarifies and strengthens VA's responsibility with regard to emergency care. It has been drafted very well in response to a recent, very tragic incident where a veteran died in a VA parking lot in very close proximity to a VA emergency room. It is supported by numerous veterans service organizations.

I am grateful to the gentleman from Washington (Mr. NEWHOUSE), my good friend, and urge all of my colleagues to join me in supporting this amendment.

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

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

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

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. SCHWEIKERT

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 114–742.

Mr. SCHWEIKERT. 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:

Add at the end the following new section:

SEC. 11. USE OF DISTRIBUTED LEDGER TECHNOLOGY TO SCHEDULE APPOINTMENTS.

(a) USE OF DISTRIBUTED LEDGER TECHNOLOGY.—

(1) IN GENERAL.—Beginning not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall ensure that veterans seeking health care appointments at medical facilities of the Department are able to use an Internet website, a mobile application, or other similar electronic method to use distributed ledger technology to view such appointments and ascertain whether an employee of the Department of Veterans Affairs has modified such appointments.

(2) CONTRACTS.—The Secretary shall carry out paragraph (1) by seeking to enter into one or more contracts with appropriate entities to develop the appointment distributed ledger technology system described in such paragraph.

(3) PRIVACY AND OWNERSHIP OF INFORMATION.—Any information relating to a veteran that is used or transmitted pursuant to this section—

(A) shall be treated in accordance with section 552a of title 5, United States Code (commonly referred to as the ''Privacy Act'') and other applicable laws and regulations relating to the privacy of the veteran;

(B) may only be used by an employee or contractor of the Department of Veterans Affairs to carry out paragraph (1); and

(C) may not be disclosed to any person who is not the veteran or such an employee or contractor unless the veteran provides consent to such disclosure.

(b) REPORT.—Not later than 180 days after the date on which the Secretary commences subsection (a)(1), the Secretary shall submit to Congress a report on the implementation of this section.

(c) DEFINITIONS.—In this section:

(1) The term ''distributed ledger technology'' means technology using a consensus of replicated, shared, and synchronized digital data that is geographically spread across multiple digital systems.

(2) The term ''mobile application'' means a software program that runs on the operating system of a mobile device.

(3) The term ''mobile device'' means a smartphone, tablet computer, or similar portable computing device that transmits data over a wireless connection.

The Acting CHAIR. Pursuant to House Resolution 859, the gentleman from Arizona (Mr. SCHWEIKERT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. SCHWEIKERT. Mr. Chairman, to our friends on the other side, I will let you know, I am going to move to withdraw the amendment, but I do want to share a little bit of an explanation of why I am taking this approach.

I am blessed to represent much of the Phoenix area, the epicenter of where the calendar, where the scheduling system was manipulated. For those of us who are in this body who have had the opportunity to sit across from a widow who cannot stop crying because she is telling you that, in everything she believes, the VA took the life of her husband by the delays, after the delays, after functionally being lied to and the delays.

I accept in this body I may be bordering on being sort of a techno-utopian, but I have a belief that there is technology out there that is already widely adopted in the rest of the world. I mean, there are countries that the entire nation's database system is run this way, something called a distributive ledger, a blockchain.

The beauty of what we were trying to weave into this is the concept of, hey, they are already working on a scheduling software. If you enable it across the server network, no one can manipulate it. You can't sit there and slip in

and change the dates and the times without it being date-stamped. That is the beauty of a distributive ledger model, and you don't have to custom design the software to do this. Basically, you are already using the capital you have already spent on the series of servers you have, and then it distributes it across it.

This is today's technology—in a world where we step up and say we are going to custom-design a software solution for scheduling, that is brilliant if it were still the 1990s; it is not—our ability to use a type of technology where the veteran can log in through secure passwords, see their own records, see their history, see their schedules, and know that it is bulletproof, that no one can manipulate it; and if there was a change, they can see when and who did it, and they get to participate in the scheduling of their own health care. This will work on apps. It will work on a home computer. It will work on the servers at the VA.

I have to reach out and say thank you to the chairman and to his staff because I know some of this is new technology, and rolling it out in a very specific fashion is sort of disharmonious when you are moving forward with a reform bill of this nature, but I am hopeful that many of us are going to sell you the idea that there is little technological improvements that can be woven in and actually solve many of the structural problems, crises, concerns that all of us have had to face at the VA over the last few years.

Mr. Chairman, I ask unanimous consent to withdraw the amendment enumerated as No. 8.

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

There was no objection.

The Acting CHAIR. The amendment is withdrawn.

It is now in order to consider amendment No. 9 printed in House Report 114–742.

It is now in order to consider amendment No. 10 printed in House Report 114–742.

PARLIAMENTARY INQUIRY

Mr. MILLER of Florida. Mr. Chair, parliamentary inquiry.

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

Mr. MILLER of Florida. Will the Chair state the amendment number. I think you said amendment No. 10. Should it be No. 9?

The Acting CHAIR. Amendment No. 9 was not offered.

Mr. MILLER of Florida. I apologize, I was not informed.

AMENDMENT NO. 10 OFFERED BY MR. TAKANO

Mr. TAKANO. Mr. Chair, as the designee of the gentlewoman from Florida (Ms. FRANKEL), 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 54, after line 2, insert the following:

SEC. 11. SENSE OF CONGRESS REGARDING AMERICAN VETERANS DISABLED FOR LIFE.

(a) FINDINGS.—Congress finds the following:

(1) There are at least 3,600,000 veterans currently living with service-connected disabilities.

(2) As a result of their service, many veterans are permanently disabled throughout their lives and in many cases must rely on the support of their families and friends when these visible and invisible burdens become too much to bear alone.

(3) October 5, which is the anniversary of the dedication of the American Veterans Disabled for Life Memorial, has been recognized as an appropriate day on which to honor American veterans disabled for life each year.

(b) SENSE OF CONGRESS.—Congress—

(1) expresses its appreciation to the men and women left permanently wounded, ill, or injured as a result of their service in the Armed Forces;

(2) supports the annual recognition of American veterans disabled for life; and

(3) encourages the American people to honor American veterans disabled for life each year with appropriate programs and activities.

The Acting CHAIR. Pursuant to House Resolution 859, the gentleman from California (Mr. TAKANO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. TAKANO. Mr. Chairman, I rise to offer the amendment on behalf of the gentlewoman from Florida (Ms. FRANKEL).

Congresswoman FRANKEL's amendment would honor American veterans disabled for life and support annual recognition of our Nation's servicemen and -women left permanently wounded, ill, or injured as a result of their service. If passed, it would recognize October 5 as an appropriate day to honor disabled veterans each year. This date coincides with the anniversary of the dedication of the American Veterans Disabled for Life Memorial in Washington, D.C.

The amendment is supported by the Disabled American Veterans and the Paralyzed Veterans of America. It was included in a House concurrent resolution that I was proud to cosponsor alongside Chairman JEFF MILLER. It also passed the House as part of this Chamber's National Defense Authorization Act.

America's 3.6 million disabled veterans have honored us with their service and selfless duty. It is now our turn to honor them, and passing this amendment is one way to do so. I urge my colleagues to support this amendment.

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

Mr. MILLER of Florida. Mr. Chairman, I ask unanimous consent to claim the time in opposition, even though I do not oppose the amendment.

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

There was no objection.

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

Mr. MILLER of Florida. Mr. Chairman, this is a very worthy cause that is due our respect, as we often forget the veterans that have been wounded, disabled for life in battle.

I was proud to attend the dedication of the American Veterans Disabled for Life Memorial service just a couple of years ago right outside of this Capitol Building, and I want to thank Representative FRANKEL and urge all of my colleagues to join me in supporting this amendment.

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

Mr. TAKANO. Mr. Chairman, I have no further speakers, and again, I urge my colleagues to support Representative FRANKEL's amendment.

I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MR. TAKANO

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in House Report 114–742.

Mr. TAKANO. Mr. Chairman, as the designee of the gentleman from Arizona (Mr. GALLEGO), I offer amendment No. 11.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 54, after line 2, insert the following:

SEC. 11. ESTABLISHMENT OF POSITIONS OF DIRECTORS OF VETERANS INTEGRATED SERVICE NETWORKS IN OFFICE OF UNDER SECRETARY FOR HEALTH OF DEPARTMENT OF VETERANS AFFAIRS AND MODIFICATION OF QUALIFICATIONS FOR MEDICAL DIRECTORS.

Section 7306(a)(4) of title 38, United States Code, is amended—

(1) by inserting ''and Directors of Veterans Integrated Service Networks'' after ''Such Medical Directors''; and

(2) by striking '', who shall be either a qualified doctor of medicine or a qualified doctor of dental surgery or dental medicine''.

The Acting CHAIR. Pursuant to House Resolution 859, the gentleman from California (Mr. TAKANO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. TAKANO. Mr. Chairman, I rise to offer the amendment on behalf of my colleague from Arizona (Mr. GALLEGO).

Representative GALLEGO's amendment establishes the position of Director of Veterans Integrated Service Networks within the Office of the Under Secretary for Health in the VA.

Leadership vacancies are prevalent across the VA, particularly in terms of network and facility directors, and this amendment will provide the VA with additional flexibility to recruit medical center directors and VISN directors.

□ 1900

Within the 21 VISNs, there are 151 medical centers, 985 outpatient clinics,

135 community living centers, 103 domiciliary rehabilitation treatment programs, 300 readjustment counseling centers, and 70 mobile vet centers. Network directors have oversight of healthcare delivery for as many as 10 VA medical centers and numerous community-based outpatient clinics, nursing homes, and domiciliary centers.

Ensuring that the VA has all the tools necessary to fill and retain these leadership positions is critical to fulfilling the VHA's mission and providing quality, timely care to our veterans.

This amendment is included in H.R. 4011, the Delivering Opportunities for Care and Services for Veterans Act, otherwise known as DOCS for Vets Act, which the VA Secretary recently included amongst his top legislative priorities for the remainder of this Congress. The language also passed unanimously in the Senate Veterans Affairs' Committee as part of the bipartisan Vets First Act.

I urge my colleagues to support this amendment.

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

Mr. MILLER of Florida. Mr. Chair, I ask unanimous consent to claim the time in opposition, even though I am not opposed.

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

There was no objection.

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

Mr. MILLER of Florida. Mr. Chairman, this, in fact, would make it easier for VA to recruit and retain its VISN directors. It is a legislative proposal of the Department of Veterans Affairs included in the committee-drafted H.R. 5526, sponsored by Mr. WENSTRUP.

I am grateful to Representative GALLEGO. I urge all of my colleagues to join me in supporting this amendment.

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

Mr. TAKANO. Mr. Chairman, I urge my colleagues to support Representative GALLEGO's 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 California (Mr. TAKANO).

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MR. KEATING

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in House Report 114–742.

Mr. KEATING. 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:

Add at the end the following new section:

SEC. 11. CONTINUING EDUCATION REQUIREMENT FOR EMPLOYEES OF DEPARTMENT OF VETERANS AFFAIRS AUTHORIZED TO PRESCRIBE MEDICATION.

(a) IN GENERAL.—Subchapter I of chapter 74 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 7413. Continuing education requirement for employees authorized to prescribe medication

''(a) REQUIREMENT.—(1) Except as provided in paragraph (2), the Secretary shall require each covered employee of the Department to complete not less than one accredited course of continuing education on pain management once every two years. Such course shall include information on safe prescribing practices and disposal of controlled substances, principles of pain management, identification of potential substance use disorders and addiction treatment.

''(2) Paragraph (1) shall not apply to a covered employee if the covered employee is licensed or certified by a State licensure or specialty board that requires the completion of continuing education relative to pain management or substance use disorder management.

''(b) DEFINITIONS.—In this section:

''(1) The term 'covered employee' means any employee of the Department authorized to prescribe any controlled substance, including an employee hired under section 7405 of this title.

''(2) The term 'controlled substance' has the meaning given such term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

''(c) APPLICABILITY.—The requirement under subsection (a) shall apply with respect to a covered employee for any 24-month period during which the covered employee is employed by the Department for at least 180 days.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end of the items relating to subchapter I of such chapter the following new item:

''7413. Continuing education requirement for employees authorized to prescribe medication.''.

(c) APPLICABILITY.—Section 7413 of title 38, United States Code, as added by subsection (a) shall apply with respect to a 12-month period that begins on or after the date of the enactment of this Act.

The Acting CHAIR. Pursuant to House Resolution 859, the gentleman from Massachusetts (Mr. KEATING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. KEATING. Mr. Chairman, I would like to thank Chairman MILLER of Florida for his assistance with this amendment, as well as the gentleman from California (Mr. TAKANO).

I rise to offer an amendment to H.R. 5620 that would direct healthcare providers with VA affiliation to take continuing education courses specific to pain management, opioids, and substance abuse.

Nationally, about 30 percent of Americans have some type of chronic pain that they report. However, for veterans—and our elderly veterans—that number escalates dramatically, with 50 percent reporting chronic pain. And it is even more—almost double that—as 60 percent of veterans returning from the current conflict in the Middle East report some type of chronic pain that needs administration. In fact, this type of malady is the most common medical problem experienced by returning combat veterans in the entire last decade. So it is the number one reported problem that our veterans returning home from combat have to endure.

According to VA data, over half a million veterans are receiving prescriptions for opioids. The number of veterans with opioid use disorders has grown 55 percent over the last 5 years alone. Additionally, the American Public Health Association found that veterans are twice as likely to overdose on prescription opioids as are members of the general population.

Of course, pain management isn't just a stand-alone problem for our veterans. The injury leads to co-occurring mental health disorders like brain trauma or post-traumatic stress disorder. Approximately one out of every three veterans seeking treatment for substance use disorders also have brain trauma or PTSD.

The amendment incorporates language that I have introduced earlier in the year, the Safe Prescribing for Veterans Act. It will help those who provide healthcare services to veterans learn the latest in pain management techniques, understand safe prescription practices, and spot the signs of potential substance use disorders.

In our country, some of the States have moved ahead already with what this amendment does. There are 14 States in the country that require continuing education so that their physicians are schooled and kept up to speed with the most modern techniques in dealing with opioid abuse disorders. Even though there are 14, that number decreases in some of those States for the people administering these drugs, including nurse practitioners, physician assistants, dentists, and others. So this is a problem that some States are addressing, but we are not addressing as a country to help our veterans.

In those States that have this, they have that requirement for continuing education as part of treating those people who are seeking treatment. But in the remaining States, even if they have some kind of recommendations, there is no guarantee. And for our veterans nationwide, there is no guarantee.

So this is something, I think, that is essential and that we do the most we can do to help the veterans and the heroes that have served us so well as they come back dealing with some of the effects and aftereffects of their combat, to be able to help them and be there for them the way that they were there for us.

This Congress has already acted, in terms of the appropriations process, for the implementation of the costs attendant to this kind of support. This bill will be a corollary bill that deals with guaranteeing that that occurs.

In my own area, just to show you the conflicts of treatment and the diversity of treatment, the Commonwealth of Massachusetts is one of those 14 States that requires all medical personnel, all doctors, to able to have this continuing education requirement. That includes those doctors that serve the Veterans Administration.

However, in my district in the southeast portion of Massachusetts, most of the veterans in my area go to Providence, Rhode Island, for their treatment, which does not have that guarantee. Just to show an example, they have recommendations of what to do, but they don't have that guarantee.

So in my own State, one portion of the State and the veterans served mostly in that portion has that requirement to make sure that is the case. The other doesn't.

I want to thank Mr. ROTHFUS of Pennsylvania for joining me as a cosponsor of this amendment. I want to thank my colleagues for this.

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

Mr. MILLER of Florida. Mr. Chair, I ask unanimous consent to claim the time in opposition, even though I am not opposed to the amendment.

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

There was no objection.

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

Mr. MILLER of Florida. Mr. Chair, I do want to thank Mr. KEATING for coming up with this outstanding amendment to our bill. It does require VA employees to receive continuing education and courses on pain management, safe prescribing practices, disposal of controlled substances, and addiction treatment. It is critical for VA providers to know the best practices for pain management and substance use disorder.

I want to thank Mr. KEATING for his words tonight, and Mr. ROTHFUS, and I my colleagues in supporting this 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 Massachusetts (Mr. KEATING).

The amendment was agreed to.

AMENDMENT NO. 13 OFFERED BY MR. LOWENTHAL

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in House Report 114–742.

Mr. LOWENTHAL. 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 54, add after line 2 the following:

SECTION 11. REVIEW OF WHISTLEBLOWER COMPLAINTS.

(a) IN GENERAL.—Chapter 7 of title 38, United States Code, is amended by inserting after section 711 the following new section:

''§ 712. Review of whistleblower complaints

''(a) IN GENERAL.—During each calendar quarter, the Secretary shall review each covered whistleblower complaint that is filed during the previous calendar quarter.

''(b) DELEGATION.—The Secretary may only delegate the authority of the Secretary under subsection (a) to review a covered whistleblower complaint, without further delegation, to—

''(1) the Deputy Secretary of Veterans Affairs;

''(2) the Under Secretary for Health;

''(3) the Under Secretary for Benefits;

''(4) the Under Secretary for Memorial Affairs;

''(5) an Assistant Secretary of Veterans Affairs;

''(6) a Deputy Assistant Secretary of Veterans Affairs; or

''(7) a director of the Veterans Integrated Service Network.

''(c) COVERED WHISTLEBLOWER COMPLAINT DEFINED.—In this section, the term 'covered whistleblower complaint' means any complaint filed with the Office of the Special Counsel under subchapter II of chapter 12 of title 5 with respect to a prohibited personnel practice committed by an officer or employee of the Department of Veterans Affairs and described in section 2302(b)(8) or 2302(b)(9)(A)(i), (B), (C), or (D) of such title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 711 the following new item:

''712. Review of whistleblower complaints.''.

The Acting CHAIR. Pursuant to House Resolution 859, the gentleman from California (Mr. LOWENTHAL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

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

Mr. Chair, I am very pleased to have the opportunity to offer this simple, nonpartisan amendment today.

Like many of my colleagues here, I am determined to do whatever I can to ensure the best possible care for our veterans. And I can tell you that I see all the time just how important the services are in my hometown at the Long Beach Veterans Administration to veterans in my district.

It is absolutely essential our veterans receive the quality of care that they have earned and that we owe them. I believe everyone here agrees on that. The question is: How can we ensure that our veterans receive the best quality care?

One straightforward, but important way is to make sure that whistleblowers are adequately protected.

When problems emerge, as they certainly will in any complicated system such as health care, it is vital that the VA employees feel that they can bring forward complaints and they will be properly considered without fear of retaliation.

VA employees are key potential partners in making sure the system is responsive, honest, and efficient. And if they have any doubts or concerns about their whistleblower protections, then we lose the insights, their expertise, and the inside view that they bring to the VA's day-to-day operations. That would be bad for the veterans and bad for our VA system.

My simple amendment helps to guarantee whistleblower protections are acted upon by requiring the Secretary of Veterans Affairs or his or her designee to conduct a quarterly review of covered whistleblower complaints from the preceding quarter. This brings the necessary prompt attention and senior level VA oversight to whistleblower complaints.

I believe this is nonpartisan, noncontroversial, and I hope that the majority goes along with my colleagues in the minority and will support it. I urge its adoption.

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

Mr. MILLER of Florida. Mr. Chair, I ask unanimous consent to claim the time in opposition, even though I am not opposed to the amendment.

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

There was no objection.

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

Mr. MILLER of Florida. Mr. Chair, I want to thank Mr. LOWENTHAL for his very simple, nonpartisan amendment that has been provided tonight requiring political appointees at VA review whistleblower complaints at every level. I am grateful to him for bringing this forward. I urge all of my colleagues to support his amendment.

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

Mr. LOWENTHAL. Mr. Chair, I thank and appreciate the leader from the majority party.

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. LOWENTHAL).

The amendment was agreed to.

Mr. MILLER of Florida. 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. MILLER of Florida) having assumed the chair, Mr. MOONEY of West Virginia, 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. 5620) to amend title 38, United States Code, to provide for the removal or demotion of employees of the Department of Veterans Affairs based on performance or misconduct, and for other purposes, had come to no resolution thereon.

□ 1915

SUICIDE PREVENTION MONTH

The SPEAKER pro tempore (Mr. MOONEY of West Virginia). Under the Speaker's announced policy of January 6, 2015, the gentlewoman from Arizona (Ms. SINEMA) is recognized for 60 minutes as the designee of the minority leader.

GENERAL LEAVE

Ms. SINEMA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my Special Order.

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

There was no objection.

Ms. SINEMA. Mr. Speaker, September is Suicide Prevention Month, a time for our Nation to raise awareness about the recurring tragedy of suicide.

Last month, the VA released an updated comprehensive study on veteran suicide, finding an estimated 20 veterans lose their lives to suicide every day. Twenty veterans a day should be a call to action for our country and for this Congress. We must do more.

Typically, time in this House Chamber is split; Republicans have 1 hour and Democrats have another. But I believe this issue is too important to be overshadowed by partisan politics, and that is why tonight I have invited Members from both sides of the aisle to show our commitment to solving this problem together and find real solutions for our veterans.

This is the fourth year that I have held this event in this Chamber to raise awareness and send a clear message that the epidemic of veteran suicide must end. We have so much more work left to do.

Tonight I hope that we, as a body, will demonstrate our ongoing support for the individuals, organizations, and agencies devoted to preventing the epidemic of veteran suicide. We challenge the VA, the Department of Defense, and our fellow lawmakers to do more.

Today, Mr. Speaker, we are failing in our obligation to do right by those who have served our country so honorably.

Finally, we send a message to military families who have experienced this tragedy. Our message is simple: Your family's loss isn't forgotten. We work for the memory of your loved ones, and we will not rest until every veteran has access to the care that he or she needs.

I have often shared the story of a young veteran from my district, Sergeant Daniel Somers. Sergeant Somers was an Army veteran of two tours in Iraq. He served on Task Force Lightning, an intelligence unit. He ran over 400 combat missions as a machine gunner in the turret of a Humvee; and part of his role required him to interrogate dozens of terrorist suspects. His work was deemed classified.

Like many veterans, though, Daniel was haunted by the war when he returned home. He suffered from flashbacks, nightmares, depression, and additional symptoms of post-traumatic stress disorder, made worse by a traumatic brain injury.

Daniel needed help. He and his family asked for help, but, unfortunately, the VA enrolled Sergeant Somers in group therapy sessions, which Sergeant Somers could not attend for fear of disclosing classified information.

Despite repeated requests for individualized counseling, or some other reasonable accommodation to allow Sergeant Somers to receive appropriate care for his PTSD, the VA delayed providing Sergeant Somers with appropriate support and care.

Like many veterans, Sergeant Somers' isolation got worse when he transitioned to civilian life. He tried to provide for his family, but he was unable to work due to his disability. Sergeant Somers struggled with the VA bureaucracy. His disability appeal had been pending for over 2 years in the system without any resolution.

Sergeant Somers didn't get the help that he needed in time. On June 10 of 2013, Sergeant Somers wrote a letter to his family. In this letter he said: ''I am not getting better, I am not going to get better, and I will most certainly deteriorate further as time goes on.''

He went on in the letter to say: ''I am left with basically nothing. Too trapped in a war to be at peace; too damaged to be at war. Abandoned by those who would take the easy road, and a liability to those who stick it out and, thus, deserve better. So you see, not only am I better off dead, but the world is better without me in it. This is what brought me to my actual final mission.''

We lost Daniel Somers that day, and no one who returns home from serving our country should ever feel like he or she has nowhere to turn.

Mr. Speaker, and Members, I am committed to working on both sides of the aisle to ensure that no veteran feels trapped like Sergeant Somers did, and that all of our veterans have access to appropriate mental health care.

Sergeant Somers' story is familiar to too many military families. Sergeant Somers' parents, Howard and Jean, were devastated by the loss of their son, but they bravely shared Sergeant Somers' story and created a mission of their own. Their mission is to ensure that Sergant Somers' story brings to light America's deadliest war, the 20 veterans that we lose every day to suicide.

Many of my colleagues have met with Howard and Jean. They are working with Congress and the VA to share their experiences with the VA healthcare system and find ways to improve care for veterans and their families.

Our office worked closely with Howard and Jean to develop the Sergeant Daniel Somers Classified Veterans Access to Care Act. The Sergeant Daniel Somers Act ensures that veterans with classified experiences can access appropriate mental health services at the Department of Veterans Affairs.

Our bill directs the Secretary of the VA to establish standards and procedures to ensure that a veteran who participated in a classified mission, or who served in a sensitive unit, may access mental health care in a manner that fully accommodates his or her obligation to not improperly disclose classified information.

The bill also directs the Secretary to disseminate guidance to employees of the Veterans Health Administration, including mental health professionals, on such standards and procedures on how best to engage veterans during the course of mental health treatment with respect to classified information.

Finally, the bill directs the Secretary to allow veterans with classified experiences to self-identify so they can quickly receive care in an appropriate setting.

The Sergeant Daniel Somers Act passed the House in February, but now we are waiting for the Senate to take action. No veteran or family should go through the same tragedy that the Somers family experienced, and we owe it to our veterans to pass and sign this bill into law.

While we are waiting for Congress to act, Arizona is taking action. We are doing it ourselves. Our office took immediate action when we heard from brave whistleblowers about the tragedy at the Phoenix VA. We have now held nine veterans clinics, helping over 1,000 veterans and military members access the benefits they have earned. Our team helps veterans with everything they need, from housing to job placement, to education.

Mr. Speaker, I will speak more about the work we are doing in Arizona, but I would like to yield to my colleague from New York (Mr. GIBSON), who has bravely served our country.

Mr. GIBSON. Mr. Speaker, I thank my friend and colleague, Representative SINEMA. I thank her for her passion for the issue, for her leadership which she brings here tonight and on all days on this very important issue for veterans.

Mr. Speaker, this is a very personal issue for me. After 29 years in the United States Army, initially starting as a 17-year-old private in the New York Army National Guard and, after 5 years, making the transition to the regular Army as a Commissioned Officer and serving 24 additional years, including 4 combat tours in Iraq, time in the Balkans, also in Haiti, over that time, I have seen the human condition under very severe and acute stress, and have seen humans at their best and humans at their worst.

Now, in this role in Congress, I think it is critically important that we come together and provide all the support that we can for our servicemen and -women, for our veterans, and for their families.

Mr. Speaker, my wife is also involved in helping on this score, as she is a licensed clinical social worker, and she commits herself to helping. She is involved in therapy for our veterans. And for both of us, we have seen this from the vantage point of being on Active Duty, and then retiring from the United States military and being a civilian, in a community, and now serving in Congress.

It is clear that, as far as the status of our veterans—well, I guess, perhaps not surprisingly a lot like the rest of America—it is variegated. Some veterans are doing really well; got home, integrated, and really excelling in

every capacity in life. Yet, Mr. Speaker, there are some that are really struggling. They are struggling to find their footing, to reintegrate into society. They may be struggling financially. Others have grievous wounds that they incurred in this war, and others who still were not physically wounded are carrying emotional scars.

So really, that is, I think, the calling here tonight. Congresswoman SINEMA has pulled together this Special Order for us to put a focus on that, and I deeply appreciate that because the American people need to know: Is their government listening? Do we hear the calls from our veterans, their families, and from their loved ones, from their friends, and from all Americans who are concerned about the status of our veterans?

Mr. Speaker, our government is listening. We have taken action. There is much more to be done, but I think it is important to also give an accounting. A transparent, accountable government must provide report on what has been done.

Mr. Speaker, I was at the White House when we did the bill signing, when President Obama signed into law the Clay Hunt suicide awareness and prevention bill. Clay Hunt, a great American hero, a Marine who fought bravely for our country in both Iraq and Afghanistan, who came back and who candidly knew that he was having some mental health challenges; and the way he dealt with that was to commit himself to helping others. And he did make a difference, again.

Unfortunately, he ultimately lost his battle with the mental health challenges that he had, and his family took up the cause in that immediate aftermath. It is through the inspiration of Clay Hunt, the way he lived his life, that we came together here in this House. And I thank Sergeant Major Walz, the highest ranking enlisted man to ever serve in these Chambers, for authoring the bill. I was proud to be a part of it.

But this, we believe, will make a positive difference. It will not solve all, but it does audit our programs to take a look at what is doing well, and other programs that are still challenged, well-intentioned, but challenged; and it is going to provide a clearinghouse so that we can learn from these experiences.

It also starts a pilot program that is going to pay for the education for Americans who want to volunteer to be part of this effort to help veterans, the Clay Hunt suicide awareness and prevention, now law.

Likewise, the Female Veteran Suicide Prevention Act, we passed that in both Chambers, and the President of the United States signed that into law.

We also enacted the Wounded Warriors Federal Leave Act, which I also think will make a positive difference for our veterans.

And then, of course, about 18 months ago we enacted the VA's most sweeping reform of the VA, arguably, in our lifetime. Now, we are still in the throes of implementing that, so we haven't seen the full effect, but the intent of which is to address what Congresswoman SINEMA was addressing moments ago, and that was the backlogs at the VA.

We have enacted legislation that I believe will ultimately, when it is fully implemented, over time, help reduce those backlogs, bring better quality care and more accountability to our VA.

I want to also mention that, while these aforementioned bills are now law, we passed on this floor a bill a couple of months ago that I think will also make a significant difference and it will help the mental health of all Americans: TIM MURPHY's bill on mental health that is now over in the Senate. And I think that will have a contributing effect to our veterans.

So while there is an accounting of the actions we have taken to date, there is still much more to be done. And let me begin by saying that, after all these efforts, only a third of the veterans who are eligible to enroll in the VA are presently signed up.

□ 1930

We have to do better than that. I think we need public service, we need leadership by example, and we need a whole series of efforts to reach out to our veterans to get them into this community of care. In part, some of it is going to have to come from confidence in the VA, which we need to improve. So we recognize that while we have the Veterans Administration and we are trying to improve it, we are working hard on that, we also need to try to inspire to get more vets to use it.

I will also say that my assessment is, as I mentioned, having served on Active Duty and now on this side on retirement, I think the peer-to-peer programs are critically important because we have a number of programs to help. As I mentioned, my wife is participating in one of them with the therapy helping.

The fact of the matter is that if a veteran is in crisis in the dark of the night, and we have no way of reaching out to him, we could lose him, regardless of what programs we have.

So these peer-to-peer efforts, which there are some now, some pilot programs and some important ones that are going on—we have one in New York State. I heard Congresswoman SINEMA talking about a program they have in Arizona. In New York State, we have a peer-to-peer program actually started by one of our colleagues here now, LEE ZELDIN from Long Island. When he was serving in the State Senate, he coauthored a bill that became law in our State that has been helping with peer to peer. I think this is critically important that we have this camaraderie and that we have this capacity that reaches out so that veterans know they are never alone.

In the Army, we had a program that we called the Ranger Buddy program, or it is sometimes called the Airborne Buddy, or sometimes just the plain Soldier Buddy. But the point is that for moments of ideations, the darkest of ideations, we need to have that support that will then lend itself to a transition to the other programs we have at the VA and other places in the light of day.

I am going to close with this: while we need to do more to help with the physical condition for our veterans, to help them heal, and to also work their mental health, to support that and improve that. I firmly this: One of the things that rallies all servicemembers is a real sense of mission, the notion that what they are doing is certainly greater than themselves. They are helping to protect an exceptional way of life, and that is such a source of pride for our servicemen and -women. When they make the transition, sometimes that is not even fully cognizant for our servicemen and -women. They have appreciation for it, but sometimes it really takes the separation of years to recognize how significant that moment in their life was, that period of time in their life.

So for some veterans, when they get home, they miss this, that sense of camaraderie, that sense of cohesion, and that sense of purpose that goes with dedicating a life to a cause.

So as we work on improving the physical health and the mental health of our veterans, I would also say that it is important that we help veterans find that cause in their civilian life in any capacity, whether it is helping out with other wounded veterans, helping in schools, helping senior citizens, or helping the Scouts. In any capacity, it is getting that sense of mission back again. I think that has got to be key to all these programs.

I want to close by just thanking, again, Congresswoman SINEMA. I thank the gentlewoman for her great leadership on this. Let us all go forward dedicated to continuing to work on this issue and find ways where we can come together to make a difference.

Ms. SINEMA. Mr. Speaker, I thank Representative GIBSON for his words. I thank the gentleman for his service to our country. I thank especially the gentleman's wife. As a fellow social worker, I thank her for her work serving veterans.

I thank Representative HILL for joining us this evening.

Mr. Speaker, I yield to my colleague from Arkansas, FRENCH HILL.

Mr. HILL. I thank the Congresswoman from Arizona, my distinguished colleague on the House Financial Services Committee. I thank the gentlewoman for calling attention to all the Members in the House in this hallowed Chamber on this very, very important topic. So I thank the gentlewoman for inviting us to share.

Mr. Speaker, in 2013, a documentary about the Veterans Crisis Line aired on HBO. Winning an Academy Award for Best Short Subject Documentary in

2015, ''Crisis Hotline: Veterans Press 1'' highlighted the suicide crisis that we are talking about here tonight. It talked about the crisis that is facing our Nation's veterans and the men and women who are employed by the hotline that have devoted their time and their expertise in listening to our veterans and trying to aid them in their moment of crisis. Too many times, these calls are ones of last resort, with our veterans having nowhere else to turn and no one else to help them.

Over the years, we have continued to hear of the tragic crisis facing our veterans who continue to suffer from the invisible wounds of war that wreak havoc on their minds, destroy families, and, sadly, claim the lives of an average of some 20 veterans every day.

Arkansas' Second Congressional District is home to many of our brave veterans from the conflicts of our country. Many servicemembers currently who serve at Little Rock Air Force Base and at Camp Robinson and our veterans in central Arkansas are fortunate to have one of the top facilities in the entire country when it comes to treating mental health issues.

The Towbin Healthcare Center, more commonly known as Fort Roots, located in north Little Rock, Arkansas, provides our local veterans with mental health care facilities and services that have received national attention on ''60 Minutes.'' The doctors at Fort Roots, their innovation, their success with post-traumatic stress disorder, and their treatments have gotten that kind of national recognition. The management, the doctors, and the rank-and-file employees work tirelessly to give our veterans suffering from PTSD and traumatic brain injury a chance for rehabilitation and for getting back and getting on with their lives and their families.

The Central Arkansas Veterans Mental Health Council has also partnered with veterans, their families, and the central Arkansas community to help address this ongoing crisis and better help serve the mental health needs of our Arkansas veterans.

In Congress, we are working together on a bipartisan basis to enact policies that help our veterans and reform our mental health care system. Last year, the House passed with bipartisan support and the President signed into law the Clay Hunt SAV Act to increase access to mental health care for veterans and ensure the accountability of our Federal agencies in providing essential suicide prevention services.

The bill's namesake, a marine veteran from Houston, Texas, who served in Iraq and Afghanistan, Clay Hunt took his own life at the age of 28 in 2011, after a years-long struggle with PTSD that he had suffered as a result of his brave service to our country.

We are also working to better address the mental health needs of our entire country through the passage of the Helping Families In Mental Health Crisis Act, which was on the House floor earlier this summer. This landmark bill, introduced by our colleague, Representative MURPHY from Pennsylvania, was cosponsored by over 200 bipartisan Members of the House and addresses our seriously outdated mental health care system by refocusing and retooling our mental health programs, clarifying our privacy laws to ensure healthcare professionals can communicate with caregivers, and addressing the shortages in our mental health workforce and treatment facilities.

In the debate on that bill, it was stunning to learn that in the mid-1970s we had some half a million mental healthcare beds in this country, and now we have some 50,000. It is sad to hear the stories of parents of adult children who have lost them because of the lack of communication and the lack of service in some of our States in mental health. I commend Congressman MURPHY for helping lead and build a major bipartisan coalition on this important topic.

But all of us together—and I again thank the Congresswoman from Arizona—we all must work together and continue to move forward with thoughtful and effective legislation on the issue of mental health and mental health access and do what we can to save the lives of our veterans and reverse this deadly trend of suicides.

I am proud to join my colleagues this evening to discuss this important matter, and I am committed to ensuring that all of our veterans, our servicemembers, and their families receive the care and information they need to prevent suicide and help them heal and recover from these invisible wounds of war.

Mr. Speaker, I thank Chairwoman SINEMA for this time. I thank the gentlewoman for the opportunity to share this part of the evening with her, and I commend the gentlewoman for her leadership.

Ms. SINEMA. Mr. Speaker, I thank Congressman HILL for joining us and his leadership in the Congress on mental health and veterans issues.

Mr. Speaker, I yield to my colleague from California, SCOTT PETERS, who currently represents Howard and Jean Somers whom I was speaking about earlier. I thank the gentleman for being here.

Mr. PETERS. Mr. Speaker, I thank Congresswoman SINEMA for organizing this bipartisan gathering to raise awareness about the suicide epidemic plaguing our veterans community and for the gentlewoman's leadership on this important cause.

San Diego is home to the third largest population of veterans in the Nation. Every year, roughly half of the servicemembers stationed in San Diego are discharged and stay in the region after they leave service. With more than 236,000 residing in San Diego County, honoring our commitment to veterans—the benefits they earned through their service—is one of the most important jobs we have in Congress, and I think folks are recognizing that here tonight.

During Suicide Prevention Month, we turn our focus to ending the awful reality of veteran suicide that has hurt families and communities across the country. Every day, 20 veterans tragically take their own lives. Regardless of the number or rates, every veteran suicide is one too many. But there is much more we can do.

Mental health issues are still stigmatized in our country, but it is time we recognized the unique challenges faced by servicemembers and veterans in this regard. Post-traumatic stress is all too prevalent among our warfighters when they return home. We don't call it a disorder because it is often a perfectly natural reaction to the horrors that they have seen and the difficulties they have experienced. So we have to come together as a nation to address this issue. Our men and women in uniform deserve our dedication, just as they dedicated their lives to serving our Nation.

In San Diego, we are taking some innovative and collaborative approaches to addressing veteran suicide by combining government, private groups, and community partners. Since 2014, zero8hundred has helped local veterans transition from Active Duty to civilian life. This community-based nonprofit connects with servicemembers before they leave the military, and it makes sure that they know about the abundant services and community resources available to them as they transition themselves into new jobs and into new lives.

Courage to Call is another San Diego resource, a 24/7 helpline completely staffed by veterans ready to speak with Active Duty military, reservists, Guard members, and fellow vets to help them navigate challenges that come with life in and after the service.

In war, servicemembers depend on one another for guidance and support, and they should have that same support as civilians. This service was started in San Diego by 2–1-1, a local public-private partnership, a nexus to connect community resources with the individuals that can take advantage of them. It is a perfect example of how providing a central portal for benefits, employment, and housing help simplify the process and get veterans the benefits that they earn.

We also have medical centers that use innovative models of care to meet the needs of our servicemembers and veterans. I hope we can implement some of these same standards of care across the country. But that is not possible unless we come together—come together as leaders—and pass bipartisan reforms to veterans care.

As Congresswoman SINEMA has mentioned, she and I have had the honor of working with Dr. Howard and Jean Somers, who have been tireless advocates for reforming the broken healthcare system at the Department of Veterans Affairs after they lost their son, Daniel, to suicide in 2013.

While it is not perfect, and we have a lot of implementation steps to take, the Veterans Choice Act and the Veterans Accountability Act that we debated earlier tonight will help bring accountability to a system wrought with oversight and leadership challenges.

We also need to provide more flexible treatment options like telehealth technologies that allow veterans to receive care from the comfort of their homes.

Finally, and I think maybe most importantly, we need to break the stigma of mental health issues once and for all. We know how difficult it has been to deal with the veterans who come to the VA for care, but there is a great number who never touch the VA who suffer in loneliness at home and have never connected with the VA even with a phone call, and they take their lives before they even make the attempt.

□ 1945

We need to do a better job of outreach to those folks to make sure that they know that they have the support of the veterans community and the larger community at home.

We have to treat these unseen battle scars with the same gravity and respect as the visible ones. We owe it to our Nation's heroes to end the tragedy of veteran suicide. This is a conversation I am proud to be a part of. I am committed to constructive results.

Mr. Speaker, I want to thank Ms. SINEMA again for her leadership on this and for organizing this evening.

Ms. SINEMA. Mr. Speaker, I thank Congressman PETERS, and I thank him for his willingness to work tirelessly with me and with others on the issues that we know affect not just Howard and Jean and their son Daniel, but many other veterans around the country.

Mr. Speaker, I yield to the gentleman from Florida (Mr. YOHO), who is joining us for the fourth year in a row. I thank him so much for being here.

Mr. YOHO. Mr. Speaker, I thank Ms. SINEMA for putting this on for 4 years in a row because this is such an important topic that we all need to be engaged in as a nation. Mr. Speaker, as Ms. SINEMA and I came in together, she has hosted this Special Order, and I thank her for calling it to the attention of America.

Last year, I remember we stood here on the House floor talking about 22 suicides per day, but the current figures say 20. I would like to think that part of that reason for a decrease in that is the effort that she has inspired people to be more aware of this issue. And I hope that the veterans out there, the people in trouble, are watching C–SPAN tonight and they are watching this presentation, this talk that is coming out of the heart of so many Members of Congress talking about this very important issue and letting them know that we are here and that we are aware of this.

September is National Suicide Prevention Month. As a country, we need to use this platform to make it a national priority every hour, every day, every month of the year. With a reduction of two suicides per day, that is a great thing, but 20 is way too many.

Suicide is among the top 10 leading causes of death in the United States. I urge all Americans to take the time to learn the warning signs and where to find help for someone who may be struggling. From the brilliant comedian Robin Williams, to bullied young kids, to the brave men and women of our Nation's military returning from the battlefield, suicide does not discriminate. Emotional pain and despair can set in and take root in the mind of all ages and across all demographics.

We are focusing on our military because of the liberties and freedoms we experience in this country every day. I am shameful to admit that I take those for granted at times. But we only have those liberties and freedoms from the sacrifice, dedication, and commitment of the people that are willing to lay everything on the line for this country, along with their spouses, their children, and their family.

Too many times, the signs of suicide go undetected, which leave those left behind asking: Why did this happen? What could we have done to help prevent this tragedy?

I had a dear friend of mine who had committed suicide. I grew up with him. I saw him reach out, and in a busy world, we are all consumed. I feel guilty not putting a hand in there to do more to prevent that. I know his family has suffered, I know the people around him have suffered, and I know there is a void in my life that will never be refilled. I often wonder: Had I reached out, would things have been different?

Often, the signs, as I said, go undetected, which leave those asking: Why did this happen?

We can work beyond that. It is so important that we have an open and honest dialogue about the issue of suicide. The more we talk about it, the more we increase people's awareness that there is help and there are alternatives.

Today, a disproportionate amount of our Nation's veterans are falling victim to suicide. After all they have given to this country, it is tragic and unacceptable that our Nation's veterans often suffer alone until it is too late for those around them to help. Sometimes it is out of pride, sometimes it is out of fear, but they don't want to reach out.

As my colleague FRENCH HILL pointed out, at one point in time in this country, there were over 500,000 beds in mental health facilities, and we are down to 50,000. I applaud the work of this Congress and Dr. MURPHY, TIM MURPHY, for bringing this to the spotlight.

By shining a light on the veteran suicide issue, we as a nation start to understand the urgency with which we need to solve and prevent this epidemic that our veterans—not alone, but with their family and their friends—struggle with. Not recognizing the signs early enough all too often leads to that loss of life that if only we were aware of those conditions, those signs, and we reached out and we called, we let somebody know, we could have stopped that and saved a life, saved a family, and saved a veteran.

Our government asks our men and women to please place themselves in harm's way. We as a nation must come together to ensure a strong support system is in place to help them when they come home.

This begins with raising public awareness—like any campaign, if you don't have public awareness, if you don't bring this to the forefront, it stays in the shadows, and the condition goes on and sometimes increases—and eliminating stigmas associated with seeking help. This means connecting combat veterans with mental health providers.

We heard the last speaker talking about telemedicine. That doesn't work for everybody; but for the person that doesn't want to go to a clinic or doesn't have access, it is a great way to go, and a lot of people prefer that. We see that over and over again.

This means additional mental health resources. Again, I am proud that this Congress passed that bill and that the President signed it. And this means prioritizing a change in our Nation's approach to recognizing the needs of others who may be suffering in silence, as I talked about my friend.

Congress and the VA are working to enact changes that will help save our soldiers, but we cannot do it alone, nor can they. It is the American people that will lead the way in changing the way society views, recognizes, and treats mental health conditions.

I saw this at a seminar, and this was so important to me. The mental health issue is not a partisan issue. We need to remove the stigma from mental health. Heck, look at other diseases. Many times it is a chemical imbalance, just like a disease like diabetes or hypothyroidism. You take a medication and you treat it. We don't stigmatize those, so why is there this stigma around mental health issues? It is going to be us as a society saying it is okay, we are here. The diseases aren't stigmatized, like I said, so why are mental health issues stigmatized?

To the men and women whose pain is yet to be known, I say to you I see you and I hear you. I acknowledge I may not feel what you are feeling, I may not feel your suffering, but I and others are here in the community offering our service and assistance in finding support and comfort in one another. It is together that we will survive. It is together that we survive as a nation. We need everybody involved in this.

I urge anyone who is suffering to reach out to those around you and ask for help. This does not mean you are weak or deficient. Asking for help

often is the greatest sign of a warrior or of a leader, the enduring strength and perseverance you possess and that often so many times inspires others, so many times it inspires others often unwilling to reach out for help.

Whether it is out of fear, embarrassment, or humiliation, just know we are here and we welcome you home. My encouragement is that you call a local mental health clinic or your local VA or your Congress Member if you need to. We are here to help you. You are never alone. Your country depends on you, your spouse depends on you, your children depend on you, and we as a nation depend on you.

I thank my colleague again, for the fourth year. I look forward to doing this with her next year so that when we report back, we are not at 22, we are not at 20, we are at 10. Ms. SINEMA and I, this Congress, and our Nation can do that. God bless you.

Ms. SINEMA. Mr. Speaker, I thank Congressman YOHO. It has been an honor to continue working on this issue with him.

Mr. Speaker, I yield to the gentleman from Iowa (Mr. YOUNG). We co-chair a task force together to combat identity theft and fraud, and it has been wonderful to work together on that issue. I am so grateful to continue working together with him on the issue of mental health and preventing suicide for the brave veterans who serve our country.

Mr. YOUNG of Iowa. Mr. Speaker, I thank the gentlewoman from Arizona (Ms. SINEMA). I appreciate our working relationship on this issue and so many others.

According to the Department of Veterans Affairs, every day, as we know, and we hear it too often, 20 veterans take their lives. Mr. Speaker, this is simply unacceptable.

In April, an Iowa veteran called the VA Veterans Crisis Line, the confidential, toll-free hotline providing 24-hour support for our veterans seeking crisis assistance. This veteran was having a rough day. This veteran needed help.

As the veteran sought the help he desperately needed, the phone kept ringing and ringing and ringing. He tried again. But the only answer was: ''All circuits are busy. Try your call later.''

This hotline designed to provide essential support for veterans and their families and friends let him down. This heartbreaking story is tragically true. It is not unique, though. Thankfully, this veteran was able to contact a friend who got him the help he was seeking.

In 2014, a number of complaints about missed or unanswered calls, unresponsive staff, as well as inappropriate and delayed responses to veterans in crisis, prompted the VA Office of the Inspector General and the Government Accountability Office to conduct an investigation into the Veterans Crisis Line.

Both investigations found gaps in the quality assurance process and provided a number of recommendations to address the quality, responsiveness, and performance of the Veterans Crisis Line and the mental health care provided to our veterans.

Despite promises by the VA to implement changes to address problems facing veterans who use this crisis line, these problems are still happening. They happened to constituents in the district I am privileged to represent, and they are, without a doubt, happening in the districts of my colleagues.

Veterans deserve more. They deserve quality, effective mental health care. A veteran in need cannot wait for help. Any incident where a veteran has trouble with the Veterans Crisis Line is simply unacceptable. How did we let this go on?

The Iowa veteran's experience that Saturday evening in April has troubled me. His experience is why I have been working on a bill in a bipartisan manner which upholds the promises our country has made to our veterans.

My bill, the bipartisan bill, the No Veterans Crisis Line Call Should Go Unanswered Act, H.R. 5392, requires the VA to create and implement documented plans to improve responsiveness and performance of the crisis line. It is an important step to ensure our veterans have access to the mental health resources they need and they deserve. The unacceptable fact is, while these quality standards should already be in place, they are not. They are not in place, and they should be.

My bill does not duplicate existing standards or slow care for veterans. Instead, my bipartisan bill puts in place requirements aligning with recommendations made by government accountability organizations to improve the Veterans Crisis Line.

My bill requires the VA to develop and implement a quality assurance process to address responsiveness and performance of the Veterans Crisis Line and backup call centers, and a timeline of when objectives will be reached.

It also directs the VA to create a plan to ensure any communication to the Veterans Crisis Line or backup call center is answered in a timely manner, by a live person, and to document the improvements they make, providing those plans to Congress within 180 days of the enactment of this bill. We cannot wait any longer. We cannot wait any longer.

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Our bipartisan bill would help the VA deliver quality mental health care to veterans in need.

Iowa veterans and all veterans have faced enormous pressures, mental and emotional war wounds, sacrificed personal and professional gains, and experienced dangerous conditions in service to our Nation. Many are returning home with post-traumatic stress disorder and other unique needs which require counseling and mental health support. We should thank them for their service, but thanking them is not enough. They deserve better. That is why I have introduced, with bipartisan support, this bill to honor and thank our veterans and let them know America supports them. Our veterans answered our Nation's call, and we shouldn't leave them waiting on the line.

I thank the leadership of my colleague, Ms. SINEMA of Arizona, for taking the time to bring attention to this important issue, and all our other colleagues here on both sides of the aisle.

Ms. SINEMA. I thank Congressman YOUNG for joining us this evening.

Mr. Speaker, I would like to take the time to yield to another speaker in this bipartisan Special Order hour, a colleague of mine who has served our country ably.

Congressman DOUG COLLINS of Georgia served a combat tour in Iraq in 2008, and he currently serves as an Air Force Reserve chaplain. I am very grateful that he has taken the time to join us this evening to talk about the unfortunate continuing problem of veteran suicide and our work to provide mental health care for them in this country.

Mr. Speaker, I thank Congressman COLLINS for being here.

Mr. COLLINS of Georgia. Mr. Speaker, I appreciate my colleague from Arizona (Ms. SINEMA) for doing this. It is really something that we need to highlight more.

I am glad to be here tonight. I had forgotten that this was the night you were going to be here. I have something that we are going to be talking about here in a little bit, but this is perfect timing for it because it is so important.

The issues that we deal with and the seriousness of this topic is the stigma. And still being in the Air Force and looking at how the military has dealt with this issue is something that is frustrating for those of us who do it all the time.

I was in the Navy for a short time. I got out for a little bit. I went back in the Air Force. And in my 15, 16 years in the military, we have been through, like, four different programs on how to help servicemembers with suicide.

The bottom line is that we don't need more courses. We need just more care for our airmen and our soldiers and our sailors, and looking at it from a perspective of caring about the other person. It is not a course; it is caring. It is looking at signs and knowing that there are people who are out there hurting, but also taking an account of what I have heard many of the speakers tonight talk about, and that is the issue of mental health.

My daughter, who I love dearly, has spina bifida. She cannot walk. She has not walked at all since birth. She is paralyzed from the waist down. If she was to roll in here tonight or to roll anywhere, one of the first things that we see so many times is that people

react with sympathy a little bit toward Jordan. She is in a wheelchair, and it is sort of natural. When you see somebody with a handicap or something that is not normal, Mr. Speaker, they react with sympathy.

But my question is: What is the difference in someone who has a visible need, if you would, and the reaction that we get when someone says, My mind is hurting?

Sympathy doesn't come many times then. We believe you can just shake it off and move on.

Mental health is an issue that is not just shake off and move on. It is something that, if someone comes to us and says, I am struggling, I am depressed, or I have these problems, that we reach out in loving kindness, just as we would to a sweet young lady who happens to roll in life and not walk, my daughter.

When we reach out in love, when we reach out in compassion, we begin to break the darkness of those who are contemplating suicide.

In studies of those who have thought about suicide or attempted suicide, their question to them was: What was it like the moment that you were thinking about this or when you were struggling with it?

I have heard so many people share their own personal feelings, but one person stuck out to me. They said that they felt like they were sort of in blinders on all sides and all they saw was, like, a billboard that said: You have no hope.

That is all they saw.

It is our job as human beings—not partisan, not Republican, Democrat, politician, nonpolitician—it is our job as human beings to look at each other as we say and believe that every life is a gift from God. And if every life, I believe, is a gift from God, then every life has value. And no matter what the situation may be, we are to respond in love.

So tonight I thank the gentlewoman for taking this time, just a moment, as we share. There are a lot of bills, a lot of solutions, a lot of things that we could come to. But I think the greatest thing that we can have in a time when we think about suicide, we think about our veterans, we think about those in our lives who may be struggling with mental health and other problems, is to simply look for those what I call the unexpected times when you are ready to go do something and something interrupts you, what I call sometimes maybe the divine interruption. Those times when somebody that you haven't thought about in a while comes to your mind, that time when a coworker or a friend comes to you and says: You know, I am not feeling right. Instead of rushing through our day and going to the next meeting and going to the next place, Mr. Speaker, maybe we just need to stop and say: How about a cup of coffee? How about a glass of water? How about I just sit here and let's talk about it? Because when we can break the tunnel vision that there is no hope, if you can begin to chip at that tunnel, then the light will come in, and they will see that others care. To me, that is the greatest call of our humanity, is to show love for others.

For one to take their own life because they believe they are unloved is a situation that we all need to fight against, and I am thankful to have the opportunity to highlight that tonight.

Ms. SINEMA. I thank Congressman COLLINS so much.

Mr. Speaker, how much time do I have left remaining?

The SPEAKER pro tempore (Mr. CARTER of Georgia). The gentlewoman from Arizona has 10 minutes remaining.

Ms. SINEMA. Mr. Speaker, I need to tell a story about another young man in my district, Carl McLaughlin, a 38-year-old Army veteran who died from suicide on December 19, 2013. Carl had been stationed in Bosnia, and he was released from the Army on a medical discharge in 2004.

Starting in 2006, Carl went to the Phoenix VA for treatment. But as time went on, it became increasingly difficult for Carl to see his doctor. And according to his mom, Terry, at the time of his death, Carl was waiting to hear back from the Phoenix VA to have his medications adjusted and to see his doctor. He suffered from recurring pain caused by a shoulder injury, severe hearing loss, depression, and PTSD; and his depression worsened over time.

Terry, Carl's mom, told us, and I quote:

The last time I saw Carl was a few days before his death. He looked really depressed, and I asked him if he had a doctor's appointment scheduled because I knew he had been waiting over 4 weeks for a call back from the doctor's office.

He said, No, he was still waiting.

He called them the next day six times and left three messages and was put on hold, and then hung up on three times.

This problem had been going on for at least 1 to 2 years, that I was aware of.

Mr. Speaker, no veteran should be turned away when he or she reaches out for help.

Terry asked us to share her son's story in the hope that this tragedy doesn't happen to another family. And I pledge to Terry and to Howard and Jean that we will continue working to hold the VA accountable and ensure that all veterans have access to the highest quality care.

I yield to the gentleman from Iowa (Mr. LOEBSACK).

I thank the Congressman for being here.

Mr. LOEBSACK. I thank my friend from Arizona.

Mr. Speaker, I wasn't going to speak tonight; but after listening to so many folks, I decided to say just a few words. I do want to leave most of the time left for my friend, Mr. MURPHY of Pennsylvania, who has been a leader on the mental health front. But I do want to say a couple of things on this issue.

Mental health is a really, really important issue to me as it is to so many folks in this body and around the country.

I often talk about my mom. She was a single parent with an 11th grade education who struggled with mental illness. Her whole adult life, she was in and out of institutions. This is personal for me.

My wife Terry and I, we have two Marine children. My stepson, Terry's son, and his wife are Active Duty at Camp Pendleton. They have a couple of little kids. We do what we can to help them on that front.

We had a recent suicide in Iowa City at the VA Medical Center, and we are struggling with how to deal with that as a community and I think as a country overall. The Office of the Inspector General is now looking into the circumstances of that suicide.

On Sunday, on 9/11, we had an event that I was honored to attend in honor of Sergeant Ketchum and his family in an attempt to raise money so that we can deal with the issue of PTSD in the military. But it is a much broader issue, obviously—the issue of mental health—that affects all of our society in many, many ways; and Congressman MURPHY can speak to that probably as well as anybody in this body.

But the bottom line for me, folks—and I have often said this—is that if I accomplish little else while I am in this body other than doing what I can to remove the stigma of mental health, that is going to be one of my accomplishments. I am going to do that by talking about my personal story. I am going to do that by talking about veterans who have taken their own lives, folks who signed on the bottom line and were willing to make that ultimate sacrifice. There is no excuse for this. This should not happen in America.

We have to find the resources on a bipartisan basis to make sure that this never happens again to any of our veterans under any circumstances.

Mr. Speaker, I thank the gentlewoman for yielding. I really appreciate the opportunity to say a few words.

Ms. SINEMA. Mr. Speaker, I thank the Congressman so much.

I yield to the gentleman from Pennsylvania (Mr. MURPHY) who is a psychologist, serves the Navy, and helps veterans at Walter Reed and other locations.

Congressman MURPHY, we have been talking about your bill this evening, the Helping Families in Mental Health Crisis Act, of which we are all strongly supportive. As a cosponsor, I thank you for that work, and thank you for joining us this evening.

Mr. MURPHY of Pennsylvania. Mr. Speaker, how much time is left?

The SPEAKER pro tempore. The gentlewoman from Arizona has 5 minutes remaining.

Mr. MURPHY of Pennsylvania. Mr. Speaker, I thank the gentlewoman for her Special Order tonight.

The Helping Families in Mental Health Crisis bill is something the House passed 422–2, and I sure hope the Senate takes it up. I keep hearing they may think they don't have time. But I don't know how we tell a family that has lost someone to suicide—whether it be a civilian or a soldier—that the Senate didn't have time and they went home.

Since September 1, the first day of National Suicide Prevention Month, so far this month, 1,416 Americans have died by suicide, including 240 veterans. That is 118 people a day, 22 veterans a day. That also means that every 12 minutes, a person dies by suicide; one veteran every hour. That also means that every hour, a new family is grieving, or every 13 minutes, a new family is grieving on something we hope we could have prevented. And certainly H.R. 2646 will have many things in there to prevent many deaths.

I want to read a story about one veteran to convey the struggle he had. This is Sergeant Daniel Somers who bravely served under Operation Iraqi Freedom. When he returned home, he had PTSD pretty significantly and depression and traumatic brain injury. He was 30 years old.

His parents gave me permission to share his letter where he said:

''I am sorry that it has come to this.

''The fact is, for as long as I can remember, my motivation for getting up every day has been so that you would not have to bury me. As things have continued to get worse, it has become clear that this alone is not a sufficient reason to carry on. The fact is, I am not getting better, I am not going to get better, and I will most certainly deteriorate further as time goes on. From a logical standpoint, it is better to simply end things quickly and let any repercussions from that play out in the short term than to drag things out into the long term. . . . My body has become nothing but a cage, a source of pain and constant problems. . . . It is nothing short of torture. My mind is a wasteland, filled with visions of incredible horror, unceasing depression, and crippling anxiety.''

Daniel couldn't get help, so he lost hope. It doesn't have to be that way. Whether you are a citizen or a family member or a soldier listening tonight, Mr. Speaker, I want them to know there is hope that depression is something we can treat, that anxiety is something we can treat, that people can and do get better.

Now, I, myself, have never seen the horrors of war through the scope of a combat rifle. I have had the opportunity to treat heroes at Walter Reed at the PTSD/TBI unit. They are a source of inspiration to me, particularly when I see them get better, when they come to grips with the horrors they have faced and somehow their heart turns to understand it is not their fault. They are not to blame. Life is sometimes torturous, but there are tremendous positives that can come out of this when they come to grips with that, whether it is a sense of faith in God that has brought them to that level or just finally realizing that they have a choice between being a victim forever and always lying under the giant boulder of remorse and depression or becoming a survivor and moving forward and being strong despite what happened to them. Or a third choice is to become a thriver, saying, I will take my adversity and turn it into a source of strength instead of turning away from it and letting it be a source of depression.

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Mr. Speaker, my colleagues have spoken eloquently tonight about what we can do. It doesn't have to be that bad. So where there is a family member dealing with someone's depression and worry and anxiety or whatever the issue is, I would like to convey to them there are places they can get help.

Our job as Congressmen—and our levels of State government, too—is to make sure those sources are well funded, to make sure we have more psychiatrists, more psychologists, more psychiatric social workers, more hospital beds, and more veterans affairs departments that can treat them.

Perhaps the best message we can give people tonight is: where there is help, there is hope.

I hope the Senate passes this bill before this week is out.

Ms. SINEMA. Mr. Speaker, I thank my colleagues who joined us this evening. Our thoughts are with all the families who have lost a loved one to suicide.

Our efforts to end veterans suicide will not end this month. We are committed to continuing this fight to ensure that our veterans always know they have a place to turn.

We, who enjoy freedom every day thanks to the sacrifices of our military servicemen and servicewomen, must all step up to end the epidemic of veterans suicide.

I yield back the balance of my time.

Mrs. TORRES. Mr. Speaker, our Armed Forces sacrifice everything for us: their bodies, their minds and sometimes, their lives.

To those who return, they far too often suffer in silence from the mental and physical wounds they endure in battle. Many times, that isolation leads to tragic outcomes.

As we commemorate Suicide Prevention Month, it is important that we focus on solving the challenges that lead many of our veterans to make the choice to take their own lives.

The numbers are staggering: 7400 veterans took their own lives in 2014, roughly 20 individuals a day.

The suicide rate among veterans has surged 35 percent since the beginning of the War on Terror, and 85 percent among our women veterans.

A veteran is 21 percent more likely to commit suicide than a civilian.

Mr. Speaker, we know the effects of PTSD on our servicemen and women; how almost one-fifth of veterans suffer from PTSD and how the illness is linked to increased suicidal behavior.

What is most troubling is that almost half of the veterans with PTSD do not seek treatment from the VA.

It is no surprise that 70 percent of veterans who commit suicide are not regular users of VA services. It is our obligation to ensure that we engage our veterans and let them know there is help available.

It is also incumbent on us to ensure this care is responsive to their individual needs.

Last year, we passed the Clay Hunt Suicide Prevention Act in honor of Marine Clay Hunt, a sufferer of PTSD who had trouble seeing a VA psychiatrist and tragically, took his own life.

This law is designed to save the lives of those like Clay by improving access to quality mental health care and coordinating VA suicide prevention efforts with private mental health organizations.

In the spirit of that law, I was happy to learn of the efforts of the VA Medical Center in Loma Linda, California, which serves thousands of veterans from my congressional district.

They are rolling out a pilot program that will integrate with community mental health providers in an attempt to reach the more than 170,000 veterans not registered with the Loma Linda VA.

Their example is encouraging, but funding is needed to make certain that no veteran is left behind.

In that same vein, Congress must fulfill our obligation to VA services such as the Veterans Crisis Line.

The Crisis Line has serviced some 2.3 million people and is credited with saving more than 50,000 lives. However, it has struggled to keep pace with increasing demand.

It was disheartening to hear that there are individuals who have called the Crisis Line only to be placed on hold, or have their calls transferred to voicemail, or simply unanswered.

We must provide the VA with the tools to adequately staff the call center and train their employees. Too much is at stake for Congress to shortchange this commitment.

Mr. Speaker, everyone in this chamber honors and respects the sacrifices of the world's greatest fighting force. Our servicemen and women defend our freedoms and protect our homeland at great personal cost.

When they return home, they deserve a nation that will look after them the way they look after us. I ask that my colleagues hold steadfast in reaffirming our commitment to our veterans.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today to commemorate Suicide Prevention Month and to honor those of our veterans who tragically took their own lives after bravely fighting to protect ours.

These courageous men and women fought valiantly so the rest of us could enjoy the freedoms and liberties secured by our forefathers. We must honor their dedication and sacrifice by supporting them through the physical, emotional, and psychological challenges they face upon returning home.

One veteran committing suicide is one too many, and with an estimated twenty veterans committing suicide each day, we must do better and ensure that our actions mirror the unwavering gratitude we feel in our hearts. We must ensure they are welcomed home with the respect, dignity and support they deserve,

and that we address the mental health issues of each veterans population with careful consideration to their unique needs.

It is with a heavy heart that I recognize Suicide Prevention Month and urge every Member of Congress to honor our veterans with actions that reflect our nation's eternal gratitude for their service.

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to mark Suicide Prevention Month and to join with my colleagues in helping to raise awareness of—and combat—the staggering rate of suicide among our veteran population.

The men and women of our military make tremendous, selfless sacrifices on behalf of each and every American. As a result, many veterans return from service with physical and/or invisible wounds and a disturbingly high number are taking their own lives.

In July, the VA released the most comprehensive study analyzing suicide among our veteran population to date, reviewing 55 million veterans' records since 1979. It showed that every day an estimated 20 veterans commit suicide. This number is tragic beyond words, unacceptable and numbing.

Mr. Speaker, we are in the midst of what can only be described as a staggering mental health crisis costing the lives of 20 of our nation's heroes every day. Too many veterans are being left behind and too many families are left with the pain and anguish of losing a loved one. Often times, family members witness the veteran struggling but the VA refuses to take their observations into account.

As the son of a WW2 combat veteran, I have witnessed the residual wounds of war, the struggle to cope with the post-traumatic stress that can continue for decades and the pain that a lack of access to services can cause for veterans and their families.

This Congress, we have passed legislation to give the VA additional tools and give veterans key support, including the Clay Hunt Suicide Prevention for American Veterans Act (P.L. 114–2), which targeted the gaps in the VA's mental health and suicide prevention efforts; and the Female Veteran Suicide Prevention Act (P.L. 114–188), which is intended to prod the VA to take into account the complex causes and factors that are driving the disproportionately high suicide rate among women veterans and use that information when designing suicide prevention programs.

The Comprehensive Addiction and Recovery Act (P.L. 114–198) included provisions to direct the VA to take several actions to expand opioid safety initiatives that help prevent veterans from becoming opioid abusers. As a recent Frontline investigation entitled ''Chasing Heroin'' summarized: ''Veterans face a double-edged threat: Untreated chronic pain can increase the risk of suicide, but poorly managed opioid regimens can also be fatal.''

The VA must do better: they cannot simply dole out drugs, as we saw in Tomah. It is a dereliction of duty for VA medical staff charged with the sacred task of caring for our nation's veterans and this law will help ensure proper management and controls are in place when the VA treats a veteran's chronic pain.

The VA does have a number of suicide prevention programs that can be a resource for veterans, servicemembers, their families and loved ones, including and especially the Veterans Crisis Hotline. Any veteran in danger of self-harm or suicide can call, 24 hours a day. It is anonymous and confidential. It is staffed by trained professionals who will ''work with you to reduce the immediate risk, help you get through the crisis, make sure you are safe, and help you to connect with the right services.''

We have an obligation to repay the debt we owe to those who have fought in defense of our nation and a sacred duty to ensure that we do everything in our power to get our vets the physical and psychological support they need.

This year's Suicide Prevention Month theme is 'Be There.' During the darkest hours in our history, the men and women who serve in uniform have always been there to answer the call. We can and must do better to be there for them.

COMMUNITY PHARMACISTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2015, the gentleman from Georgia (Mr. COLLINS) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Mr. COLLINS of Georgia. Mr. Speaker, before I begin, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include any extraneous material on the topic of this Special Order.

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

There was no objection.

Mr. COLLINS of Georgia. Mr. Speaker, well, we are back at it tonight. We are going to be going at a subject that I have been down here before on and will continue to come down here on until, frankly, I believe that we are moving forward with this issue that affects pretty much every hometown of every Congressman here. It is amazing, though, how much we don't know about it. It is amazing how much it goes unreported and how much it gets looked over.

In the sake of the shiny object of savings, our community pharmacists, our independent pharmacists, are being basically run out of business. Mr. Speaker, I don't tell you anything new.

For my friends who will join me here tonight, this is about hometown America. This is about the healthcare chain that we all talk about. And a forgotten element of that healthcare chain is something that we need to focus on.

Community pharmacists fill an important niche in our healthcare system, serving as the primary healthcare provider for over 62 million Americans. They dispense roughly 40 percent of the prescriptions nationwide and a higher percentage in rural areas, especially mine in northeast Georgia.

Community pharmacists play such an important role in our healthcare system by being that accessible voice at the other end of the phone or at the counter, just being there sometimes to answer those simple questions that are very important to somebody, or to answer the difficult questions that could, frankly, mean the life or death for that patient, knowing how to take their medication, knowing what to get and how to be there and be a part of the community, not just at the pharmacy, but at the ball fields and the community. Some of the best small business employees that we have in our communities are found in our community pharmacies.

When we look at the relationship that communities have with their pharmacies, and especially our community pharmacists, the face-to-face counseling and the work that goes into our community pharmacies, and pharmacists mainly in general, is something that we need to continue to focus on.

Patients' failure to properly take their medication regimen costs the healthcare system nearly $300 billion and contributes to 125,000 deaths each year. The face-to-face counseling that our community pharmacists give is the most important and the most effective way for ensuring that our patients take the right medicine, know what they are taking, and why they take it.

Yet, as I stated before and state here again on the floor tonight, there is a group that believes that our community pharmacists—really frankly if you just look at it—shouldn't exist. Because everything they are doing, the pharmacy benefit manager, the PBM, that middle person—I want to show you this. We are going to talk about this chart more here as we go—but the PBMs control the pharmacy system right now. In fact, if you just take the PPM here in the middle and you look at employers and you look at patients and you look at the pharmaceutical companies and you look at the pharmacies, they sort of circle around here.

We are going to talk about this ''savings issue'' and look at it and ask: Is it actually saving employers? Is it actually helping pharmaceutical companies get out products? More importantly, is it actually helping the patient?

I think tonight you are going to find out that there are a lot of questions to be had here. We will talk about that as we go forward.

As we look at this, we have a lot of things that my friends tonight are here to talk about. We are going to talk about MAC transparency. We are going to talk about generics. We are going to talk about the way this goes, but we are also going to talk about really what I believe is the unfair tactics used by PBMs that are constantly forcing our pharmacies and our community pharmacists out of business.

I think, at some point in time, many of the PBMs ought to change their mission in life into ''saving'' or being a part of the pharmaceutical system and say: our job is to run community pharmacists out of a job. They are the best I have ever seen at doing that.

In one of my small towns just 20 minutes from my house, in the past year, three community pharmacies have

closed. Three. They are now in a smaller town being forced into choices they didn't want to have to make, into PBM-controlled pharmacies.

You see, PBMs, when they first started, had a good idea: How do we make sure that we get drugs and medications to pharmacies at a cheaper price so that the patients at the end save money and employers can save money?

Then PBMs decided that they wanted to be a part of all the system. They wanted to start owning pharmacies. They wanted to start owning the supply chain. They wanted to start being a part of it all. And when they did that then everybody else was competition.

I have said it before from here: The problems that we have—and Georgia pharmacists have talked about it, and we have talked about it as well—is when you have your competitors who are able to come in and audit you and they are able to fine you for clerical errors and keep you out of systems and out of payments and things that they give their own pharmacies, that is just wrong. It is wrong when they only come in and audit the name brands and leave the generics behind.

For some of you, if you are watching, if you are thinking about it and hearing my voice for the first time, you are maybe saying: Well, that is okay. They are making sure systems are safe.

PBMs are not auditing pharmacies to make sure they are safe. They are auditing pharmacies to make money because they are going to withhold the cost of the drug from the pharmacist. In other words, if they make a clerical error and the drug costs $100, let's just say, they don't take their profit. They don't take the margin. They take the entire $100 back. I wish I had a racket set up that good.

The sad part about that whole statement there is, at the end of the day, Joe or Suzy or Bob or Bill or whoever came and got their prescription knew nothing about this ''error.'' All they knew is the pharmacist filled the prescription that the doctor had ordered, and they went home and took their medicine and got better.

Yet, on this other end, PBMs are trying to destroy an industry and a group of people who mean so much to our communities. So tonight we are going to talk about it. We are going to talk about it some more, and we are going to keep bringing attention to this until the light is fully shined on this.

Tonight, as we get ready to talk about it, a gentleman who has been such a friend to us as we have been doing these, Representative LOEBSACK, is here tonight. It is good to share the stage again with him because this is something that needs to be discussed. It needs to be hammered home until every Member of the House and Senate understand this and we find a workable solution.

I yield to the gentleman from Iowa (Mr. LOEBSACK).

Mr. LOEBSACK. Mr. Speaker, I thank the gentleman from Georgia (Mr. COLLINS) for inviting me to join him in leading this Special Order. I have been in this job long enough to know there are people you don't want to follow when you speak, and DOUG COLLINS is one of those. The guy is absolutely inspired, but he is inspired for a lot of reasons.

He has been a strong leader on pharmacy issues. He has been a great partner on the bills that we will discuss this evening. I am proud to say this is a bipartisan issue. Although, at the moment, I am the only Democrat over here, I can assure you there are others who are with us on this issue.

Mr. COLLINS of Georgia. Well, bring them on.

I yield to the gentleman from Iowa.

Mr. LOEBSACK. Mr. Speaker, we have been able to find a consensus on this, too, among this bipartisan group of folks.

As my good friend said: Pharmacists across the country serve as the first line, really, of healthcare services for many patients, especially in small towns in Iowa and around the country. People count on pharmacists' training and expertise to stay healthy and informed and maybe, most importantly, to stay out of urgent care centers and hospitals, something we all want to see happen.

I am proud to stand here today with my colleagues to recognize the quality, affordable, and personal care that pharmacists provide every day.

Community pharmacists and their pharmacies are also a great source of economic growth in rural communities, like those in my district in Iowa. I have 24 counties. It is a big area. And when a pharmacy is under pressure economically, the community knows it and hears about it. And if they have to close, the community suffers as a result.

As a member of the Small Business Caucus, I recognize how challenging it can be for some small pharmacists to compete with bigger companies. I appreciate their hard work to serve our communities every day.

Like most small-business owners, community pharmacists face many challenges to compete and negotiate on a day-to-day basis with large entities in their business transactions. I frequently visit with community pharmacists in my district, and I have heard directly from them how hard they have to fight to compete on a level playing field that isn't always level for smaller pharmacies. So it is not really a level playing field.

One pressing challenge facing many community pharmacists, as was already mentioned, is the ambiguity and the uncertainty surrounding the reimbursement of generic drugs. Of all things, it is the reimbursement of generic drugs.

Generic prescription drugs account for the vast majority of drugs dispensed by pharmacists, making transparency in reimbursement absolutely critical to the financial health of small pharmacies. However, pharmacists are reimbursed for generic drugs through maximum allowable cost, or MAC, a price list that outlines the upper limit or the maximum amount that an insurance plan will pay for a generic drug. And these lists are created, as was mentioned, by none other than the pharmacy benefit managers, or PBMs, the drug middlemen, if you will.

The methodology used to create these lists is not disclosed. Further, these lists are not updated on a regular basis, resulting in pharmacists being reimbursed below what it costs them actually to acquire the drugs. This is a major problem because, when PBMs aren't keeping the cost of generic drugs consistent, those price differentials can be a serious financial burden for pharmacies.

Small pharmacy owners face even greater disadvantages than their larger counterparts because of the clear lack of leverage they have when negotiating the amount they will be reimbursed for filling prescriptions when dealing with the PBMs.

When we talk about pharmacies closing because they can't keep up with the financial challenge, we are talking about the creation of an access problem also that directly affects patients. It is not just the pharmacies themselves closing down and those folks losing their jobs. It is the patients they serve.

When we talk about reimbursement uncertainty for pharmacies, we are talking about uncertainty about patients' ability to get the medications they need at an affordable price.

When we talked about a community pharmacist being put out of work, we are talking about taking away a familiar face that local folks trust with their healthcare concerns.

To address this problem—and Representative COLLINS is going to talk about this, and others are—I partnered with him to introduce H.R. 244, the MAC Transparency Act. We have had actions along this line in the State of Iowa as well. We can do it at the Federal level if we can do it at the State level.

This bipartisan bill would ensure Federal health plan reimbursements to pharmacies to keep pace with generic drug prices, which can skyrocket overnight.

So specifically—and I know Mr. COLLINS is going to talk about this—it will do three things. It will provide pricing updates at least once every 7 days. It will force disclosure of the sources used to update the maximum allowable cost, or MAC, prices. Again, it is about transparency. It will require PBMs to notify pharmacies of any changes in individual drug prices before these prices can be used as the basis for reimbursement.

This is a commonsense bill, folks. It is about access. It is about making sure folks have access to their pharmaceuticals, to their drugs, and generic drugs in particular.

Another issue I would like to highlight is the problem of direct and indirect remuneration, or DIR fees. The Centers for Medicare and Medicaid Services, CMS, originally coined DIR fees as a means of assessing the impact on Medicare part D medication costs of drug rebates and other price adjustments applied to prescription drug plans.

However, DIR fees have increased greatly over the last year on pharmacies, and, if the pharmacy agrees to enter into a contract with a PBM or part D plan sponsor, it does not seem fair that these mediators can reduce the reimbursement rate since the contract has already been agreed to.

□ 2030

This gets a little bit complicated. I know other Members are going to be talking about this later on as well. There is just basically no transparency regarding how the fees are calculated.

There is another bill that I have signed on to. I applaud my colleagues, Representative MORGAN GRIFFITH, a Republican, and PETER WELCH, a Democrat, for introducing the Improving Transparency and Accuracy in Medicare Part D Spending Act. It would prohibit PBMs and plan sponsors who own PBMs from retroactively reducing reimbursement on clean claims submitted by pharmacies after the contract has been submitted. This is a scam, and it shouldn't be happening. I urge everyone, leadership, to bring this to us and everyone to vote for this bill and for our other bill.

I want to thank, again, Mr. COLLINS and the other Members who have been here tonight. It is a great opportunity for me to participate and highlight some problems that our community pharmacists are facing and then, ultimately, their patients, the folks they serve as well. Those are the folks we are trying to look out for as best we can and trying to serve while we are here in this Congress. I thank Mr. COLLINS very much.

Mr. COLLINS of Georgia. Madam Speaker, Mr. LOEBSACK hit it. That last little part right there was dead-on. This is about the patient. This is about serving that patient who is used to that trust and faith, who understands it, and also really a part of that healthcare system that has been provided a long time that is now at risk of going away.

It is not too strong to say that if we do not look at this—and some say, well, this is a free market, let them go contract. Government is one of the biggest payers of this, and this is something we have got to get at.

In fact, something Mr. LOEBSACK brought up as I was listening to him talk, there was a study, TRICARE, in fact. In just a moment, I am going to introduce Mr. SCOTT here. He is from Georgia. He is on the Committee on Armed Services. He is a friend. But TRICARE did a study where it found that, if it eliminated PBMs from the TRICARE program, it would save roughly $1.3 billion per year. We are up here arguing about problems in our budget, and we could save this much money?

No, this is about profits. This is about consolidation. This is about vertical integration. This is about taking control of a market in which three to four companies control 83 percent of the market. We are not talking about a small little startup. Mr. LOEBSACK is right on, dead-on. I thank him so much for the work that he is doing, and I appreciate it.

In light of that, especially dealing with TRICARE, again, the bottom-line issue here is how we cost-effectively provide services to those members in our communities who need it the most. And this issue of savings, I know there is a Texas study that also showed if they went away, they would save money as well, in the millions of dollars. It is building, but we have just got to keep pointing it out.

I yield to the gentleman from Georgia (Mr. AUSTIN SCOTT), my friend, my longtime colleague not only in the House in Georgia, but the House up here, and fighting for the very values we find in Georgia and all across the country.

Mr. AUSTIN SCOTT of Georgia. Madam Speaker, I want to thank Mr. COLLINS and I want to thank my colleague from Iowa. This is a bipartisan issue.

Before I speak on behalf of the community pharmacists, I want to just take a second and speak on behalf of the taxpayers, the hardworking men and women in this country.

Free markets are transparent markets, and if we had transparency in the system, we probably wouldn't be here today because the American public wouldn't stand for what is going on. Unfortunately, we haven't seen any news reports or any reporting to inform the public of all of the things that have happened over the last couple of years, but we saw it on the EpiPen just a couple of weeks ago. You saw what happens when the press reports, the public finds out what is going on: pressure is put on, and then a response comes—maybe not the response that would have been what we would call equitable for the patients that need the treatment, but at least a response came.

It is not just EpiPens, though. It is not just multihundred-dollar drugs and multithousand-dollar drugs. When we talk about drugs as simple as nitroglycerin tablets, again, you, as the taxpayer, are the largest purchaser of this through the government. Nitroglycerin tablets have gone from 5 cents apiece to $5 apiece. Doxycycline tablets, an antibiotic that has been on the market for many, many years—again, another generic drug. It has gone from pennies apiece to dollars apiece.

I know my colleague, BUDDY CARTER, could probably name more drugs for you than I can where we have seen those same type of hundredfold increases in the price of drugs. I can tell you that the hardworking taxpayers of this country, in the end, pay that bill.

One of the best things that we can do for you is make sure that we are trying to shed light on and bring transparency to this system and to make sure that we are keeping that small-business owner in business so that we are able to get the information that we need to do a better job for you from them. That is where our Nation's community pharmacists come in.

I know for me, I walk into my local pharmacist, and they can tell me right offhand what the most egregious price increases were of the past week, and they are happening every single week, ladies and gentlemen. These independent businesses operate in underserved rural areas, like many of the counties that I represent in Georgia's Eighth District.

Access to care is already an issue in these areas, and it would certainly be much worse if our community pharmacies didn't exist. In these areas, doctors are many miles away. Local pharmacists deliver the flu shots. They give advice on everything from over-the-counter drugs to drug interdictions, and if you have got a sick child, most of them will meet you at the store after hours to help your child get the medication that they need. Try that with somebody who is not a small-business owner.

It is crucial that these pharmacies have a level playing field to stay in business against large-scale competitors and the middlemen, if you will, the pharmacy benefit managers, when trying to run a successful business in such a challenging and complex environment as the U.S. healthcare system.

Where I am from, these local pharmacists are fixtures in their communities. They have known their customers most of their lives, and it instills a level of trust in those patients that is rarely seen in today's day and time.

I have made some stops at these local community pharmacies: some to get my own prescriptions filled, some to see how things are going with the small-business owners, some to see how other things are going in the community. I never fail to appreciate the unique value that the men and women that work in these local pharmacies add to their customers' lives and to our communities.

Unfortunately, on these visits, I am also troubled because I continue to learn, as I have mentioned before, just how much more difficult it is becoming for those men and women to serve the people who have depended on them for years and to compete with some of the larger entities in the healthcare marketplace.

Imagine a situation where your competitor's company gets to come in and audit your books. That is exactly what happens. That is exactly what happens when one of the big-box retailers who

owns a PBM goes in and audits the local community pharmacy.

Take, for example, one of the other problems that we have: the increased prevalence of preferred networks in Medicare part D plans. Currently, many Medicare beneficiaries are effectively told by pharmacy benefit managers, or PBMs, which pharmacy to use based on exclusionary agreements between those PBMs and, for the most part, big-box pharmacies.

Most people don't recognize that the big-box owns the PBM. Patients pay for this. They pay for this in lower customer service and higher copays. When their pharmacy of choice is excluded from the preferred network, it creates undue stress on the patients and forces them to do business where they may not want to do business. The majority of the time, your local pharmacy is never given the opportunity to participate in the network. That is an unfair business practice.

Another issue I often hear about from community pharmacies is the burdensome DIR fees. We as Americans, we pretty much assume that when you go in and you buy something and you leave with what you pay for that the transaction is over. But with medicine at your local pharmacy, it is a lot different. That transaction is anything but clear and simple for the pharmacist.

Pharmacy benefit managers use so-called DIR fees to claw back money from pharmacies on individual claims long after the claim has been resolved. It can be a typographical error and the pharmacy benefit manager will call back 100 percent of what was paid to the pharmacist. That means the pharmacy doesn't know the final reimbursement amount they will receive for a claim for weeks or even months; and even more so, they are not even reimbursed for the wholesale cost of the drugs that they dispense. In 2014, CMS issued proposed guidance that would provide some relief to our pharmacies struggling to deal with the increasing and opaque DIR fees imposed on them.

As I said, anyone who runs a business knows you can't operate when you don't know what your costs are or what your reimbursements are. That is why I have led over 30 of my colleagues in sending two separate letters to the Centers for Medicare and Medicaid Services urging them to move forward and finalize proposed guidance on this issue. Unfortunately, they have yet to move on that guidance.

I and, I know, many of my colleagues, in a bipartisan manner, are going to continue to advocate for CMS to use their authority to ensure a level playing field for all Medicare part D participants. When competition is stifled and our small businesses suffer, so do the customers of our local community pharmacies. I hope the committees of jurisdiction will consider these bipartisan bills.

Madam Speaker, I want to thank you for your time. I want to thank Mr. COLLINS for hosting this Special Order today.

Mr. COLLINS of Georgia. Madam Speaker, I thank Congressman SCOTT. He has highlighted a lot of things, and I think it is something that just matters. Sometimes we go through a lot of the big pictures up here, and we see a lot of issues, but this is one that matters to hometown. This is Main Street USA. This is something that goes on. Especially for districts like mine and for many others in rural communities, the pharmacy, especially the independent community pharmacies, are the lifeblood in these communities

I have said this before, and I have had this asked of me because we have been doing this a while. Let's make it very clear. Pharmacists, I love. I don't care who they work for. Pharmacists are great folks, whether they work in a big-box store or they work for a major chain or they are independent and own their own business. Pharmacists want to help people. That is why they went into it to start with.

I think what we are fighting here is a system. I have talked to many pharmacy students who are now saying they are not sure they want to go into this or they are very concerned about their futures because they are looking at the abusive policies of PBMs, and they are saying: I don't want to follow in my mom or dad's footsteps; I don't want to follow and open up a storefront and hire people because I can't make it this way. And they end up being forced in.

I want to talk a little bit—we have been vague about this, but I am not going to be vague here for the next little bit. I am going to talk about PBMs and this regular auditing of community pharmacists to recruit large reimbursements. Let me go back over this.

There is nothing wrong with audits performed with the intention of uncovering abuse; however, PBMs' auditing has another motivation. Pharmacists have told me that the most expensive prescriptions are always the target during the audit—always.

PBMs used to audit only the most expensive medications looking for clerical errors like typos, misspelled names or addresses, or, better yet, as I just heard recently from one of my pharmacists, in which they dinged one of my pharmacists because the doctor wrote a specific amount for an eye medication—the doctor. Let's make this very clear now. I know Representative CARTER is probably going to get into this a little bit more, but the doctor himself wrote the prescription. The prescription goes to the pharmacist. The pharmacist filled the prescription as the doctor said. But when the PBM auditor got there, they said: No, you are not supposed to use that amount. Use this amount.

I want to know what medical school this auditor went to. I want to know when they decided to start practicing medicine without a license where they can come in and say amounts. I can understand swerving to a generic over a name brand or a name brand over a generic. That is within sort of what we have become used to. But when they can actually go in and ding one of our pharmacists for amounts that the doctor said, we have got a system that is a little bit abusive. Well, let me rephrase that. It is downright corrupt.

They go in and they do these audits. They find these clerical errors. And when they do this, they take back, they recoup, all the funding paid for that prescription. Like I said earlier, they don't take back just the profit. They don't take back the cost. They take back everything.

These audits are not intended to end Medicare fraud. The PBMs use them to take taxpayer funds and claim them as profits. If a pharmacist checked the box that said send by fax instead of send by email, the PBM is able to reclaim the entire cost of the drug. They don't just take back the copay or the pharmacist's profit.

Again, I just want you to understand how crazy this is. But, you see, instead of looking and having their time and effort of audits that could be better spent helping local pharmacists do what they do best, they are having to look over this all the time, focusing on improved quality for their patients.

□ 2045

The PBMs, frankly, have shown over the last little bit that they are not interested in the well-being of the patient. They are interested in that other P word, profit, not patient.

It is really concerning, and this is what has happened. In the interest of that profit, the PBMs have engaged in anticompetitive business practices. Certain PBMs own or have ownership stakes in the very pharmacies they are negotiating to lower drug prices with. When a PBM is owned by the entity it is supposed to be bargaining with, there is an inherent conflict of interest. This can lead to fraud, deception, anticompetitive conduct, and higher prices.

Here is a great one. I love this. Many large PBMs own their own mail order pharmacy and financially penalize patients that use their community pharmacist instead of the PBM-owned one. PBMs try to drive customers from community pharmacies into the mail order firms, arguing it saves consumers and drug plans money.

However, a study by the Taxpayers Protection Alliance highlighted waste, fraud, and abuse within the mail order system run by the PBMs. The TPA study noted that 90 percent of patients were moved to mail order due to encouragement or mandate from a PBM.

According to Medicare data, PBM-owned pharmacies may charge as much as 83 percent more to fill prescriptions than community pharmacists. PBM's practices limit consumer choice, increase drug prices by engaging in vertical integration in their ownership of mail order pharmacies, killing competition.

And here was one that was classic. I walked into one of my smaller towns. It had a pharmacist. And the pharmacist said: I got in trouble. I got a letter.

They showed me the letter. They delivered some medicine to some of their customers. They get a letter from the PBM saying, You are not in the mail order business. And they actually were going to have their contract threatened if they sent these people their drugs.

Representative CARTER is going to talk in a minute. I just want to break for a second. But that is unbelievable that they actually will get on the pharmacies and say: You can't reach out, you can't contact your customer to tell them that they can be a part of the plan.

One of my pharmacists actually was left off of a plan that they were actually on. The PBM sent a letter to all his customers saying that they are not a part of the plan, when, in actuality, he was. And then, when confronted, they refused to send a letter out to the customers saying: We are wrong.

Just briefly, am I highlighting something that is uncommon? Or is that a common practice?

Mr. CARTER of Georgia. No. It is. As the gentleman states, it is a very common practice. And you know, it is downright unAmerican.

Small businesses are the backbone of our economy here in America. When you do not allow a small business to participate, even if they are willing to take the reimbursement that an insurance company is offering, but that insurance company, nevertheless, will not let them participate, that, in my opinion, is unAmerican.

Mr. COLLINS of Georgia. You have hit something. You have led into a great example. This is highlight. And if there are problems, let's fix them. You hit on that issue.

We have heard of DIR fees tonight. We have heard about reimbursements. Let me leave you an example from a little company called Humana.

I had a pharmacist call me about proposed amendments to their Pharmacy Provider Agreement. Humana decided to withhold $5 per prescription from initial reimbursements to the pharmacy. Now, you understand what is happening. They are withholding $5 of what they should be sending to the pharmacy. The return of the reimbursements was conditional on the pharmacy meeting certain patient adherence metrics. This is essentially a fee conditional on meeting certain performance standards, and Humana would withhold reimbursements from poorly performing pharmacies.

That sounds good, doesn't it?

It has got a great twang to it. Somebody in the marketing office there thought, This is going to be pretty cool. It sounds so good, but let's talk about it.

Humana's criteria, however, had little to do with patient care and more with driving community pharmacists out of the market. Many of the metrics used, including patient adherence, are beyond the control of the pharmacist.

Humana's amendment unduly burdens small pharmacists and protects large chain pharmacies, many of which they own. Humana enlisted their actuaries to ensure this formula guarantees they will retain 60 percent of the withheld reimbursement moneys, most of it coming from community pharmacists.

Pharmacists in the 80th percentile and up in each category would receive $2 per category. If a pharmacy meets expectations in all three categories, they will earn $6—a $1 profit per prescription. Now, remember, this is what was already withheld from them. Pharmacists below the 80th percentile would receive .67, or 67 cents; and below the 50 percent percentile would receive none of the reimbursement that they withheld. This is a reimbursement that is supposed to go back to the pharmacy. They are not getting any of it. Many of the community pharmacists often can't afford to lose this additional 33 cents to $5 for every prescription they fill. Only big box pharmacies really have that ability.

Humana also favors big box pharmacies by allowing the number of patients to serve as a function of a tiebreaker. This amazed me. For example, a community pharmacist and a big box pharmacist might both have 100 percent adherence to certain performance measures. However, if the big box pharmacy served more patients than the community pharmacist, it will achieve a higher percentile score than the community pharmacy.

Humana disproportionately favors large chain pharmacies at the small pharmacies' expense. Certain pharmacies have enough patients to minimize the effects of patient nonadherence to their ratings. At independent community pharmacies, one patient's nonadherence could cost pharmacies thousands of dollars by moving a pharmacy from the top bracket to one below.

If somebody were listening to us, Representative CARTER, they would say we were making this up. We are not. I have been doing this now for well over a year—almost 2 years now. I have never been challenged on these facts. They don't like it. And they are listening probably right now, saying: What can we do to go settle this down?

But it is just not right when they look at these things and they see savings in the State governments. It is like they are saying: Look at the shiny object over here. Don't face reality.

This one is just amazing to me. When you are taking money that should go back to the pharmacist and putting them on this metric scale that they can't compete on; or you are taking their customers, but won't allow the pharmacist to reach out, these are the kinds of things that just really, really are amazing to me.

I wrote a letter with the gentleman urging CMS Acting Administrator Slavitt to review Humana's proposed amendments for their part D Pharmacy Provider Agreement. This is just something that has got to change as we go forward.

There is nobody that knows that any better than Representative CARTER, knowing the situation. I have said this all along. I do this because I have been helped so much by community pharmacists and believe when wrong is wrong, you call it. When you can, try and make it right.

You have lived this. And you continue, by your service on the Georgia legislature and up here, to help us continue to be on the front lines, continuing this fight. You are there working it out as well.

Tonight, I think we just need to continue the practice of saying, Here are the facts, and encouraging our committees of jurisdiction to take action on this and just evaluate it.

We have the MAC transparency, the clawback bill. These bills have a chance just to be heard, because I found that every time I share this with Members, they can't believe it. They want to know more. And when we show them the facts, they say: This needs to be discussed.

We have some time tonight. I want to share what you are seeing as we continue this fight for what is right.

Mr. CARTER of Georgia. Well, I want to thank the gentleman for organizing this and for bringing this to light.

This is something that I know you are obviously very passionate about and that you have worked on for a long time; many years.

You know, it is not just you. You are obviously a leader here. But also, Representative SCOTT, who spoke earlier. Representative LOEBSACK. I may be the only pharmacist in Congress, but we have many friends of pharmacy in Congress, and we appreciate this very much.

But even more so—if I may, even more so, what you are concerned about, what Representative SCOTT, what Representative LOEBSACK, what everyone up here is concerned about is patient care. That is what we are talking about.

Mr. COLLINS of Georgia. Exactly. What you are saying, every time we do this, we gain Members who begin to look at the issue. They just don't believe what the PBMs bring to them.

All I am asking for me and I know for you is for every Member here to go talk to a community pharmacist. All they have to do is go talk to them. We are not sharing anything that is not real.

Mr. CARTER of Georgia. That is the whole key. The whole key is that what we are talking about is patient care. We are not talking about community pharmacies trying to pad their pockets. But what we are trying to point out and what you have done so efficiently, particularly with your chart, is to point out what is happening here.

Everyone is concerned about high drug prices right now. It is one of the

biggest subjects that we hear about in the newscasts and everywhere. Granted, this is not the only part of that, but it is a big part of it.

What is happening is we are taking competition out of health care. If we talk about ObamaCare, if we talk about the Affordable Care Act, ObamaCare, whatever you want to call it, my number one concern with is that it has taken competition, it has taken the free market out of health care.

I mean, think about it. Am I talking just about independent retail pharmacies?

No. I am talking about independent health care.

How many independent doctors do you know anymore?

Most of them are members of healthcare systems, most of them are members of hospital systems, which are fine systems, but, again, we are taking away competition. And that is what is happening here.

I thank Representative COLLINS. I want to thank him for, again, organizing and bringing this to light.

As you have mentioned, I have been a community pharmacist for over 30 years. I graduated from the University of Georgia in 1980. Go Dogs. I am just as proud as I can be of my alma mater.

You know, pharmacy has changed tremendously since I graduated. I serve on the advisory board at the University of Georgia at the College of Pharmacy, and I can tell you the quality of students that are graduating now from pharmacy school is just tremendous. The clinical expertise that they are graduating with makes us all in health care very, very proud. I still maintain that pharmacists are some of the most overtrained and underutilized professionals out there.

But, again, I want to get back in full disclosure here. I am a free market person. I am someone who believes in the free market. I believe in competition. And that is all community pharmacists are saying: Let us compete.

But as Representative COLLINS has pointed out so succinctly here, we don't even have the opportunity to compete.

When you have the insurance company owning the pharmacy and making decisions that impact patients and where they can go and tell patients, No, you cannot buy your prescription over here, you have to buy it over here, that takes the free market out of the system. That takes competition out of the system.

Who cannot see that?

There are chains there who will tell you that their operation is a three-legged stool. They have the PBMs, they have the pharmacy, and now they have their health clinics.

Well, what does that do?

It is a great business model, sure, but once they get you, they got you. If you go to a pharmacy and they write that prescription, and then that prescription is filled right there, well, obviously, that is a conflict of interest. But that is what is happening now. If the insurance company owns the pharmacy and tells you that you have to go to this pharmacy, that is a problem.

True story. I owned three community pharmacies before I became a Member of Congress. My wife owns them now. While I still owned those pharmacies, I filled a prescription for my wife at the pharmacy that I own. This was about 3 or 4 years ago. Later on that night, she got a call from the insurance company encouraging her to get that prescription filled at another pharmacy. I am telling you, this is true. Honest. That is just crazy.

Mr. COLLINS of Georgia. Yet, if you had done that, they would have cut your contract off.

Mr. CARTER of Georgia. Well, exactly.

Mr. COLLINS of Georgia. You can't engage in that kind of practice. It is just amazing.

Mr. CARTER of Georgia. Well, it begs the question: How did they know about it?

Here is how they know about it. What happens when you bring a prescription into a pharmacy is we fill that prescription and we adjudicate the claim. What that means is that the community pharmacy's computer calls the insurance company's computer and it tells you automatically whether they are going to pay it and how much they are going to pay.

Well, guess what?

That pharmacy that owns that insurance company that I just called, they have that information. Yes, there are laws against it. There is supposed to be a wall there in between them, but you tell me how that pharmacy knew that my wife had a prescription filled that day at the community pharmacy that I owned at that time.

□ 2100

Obviously, that is what is happening. Representative COLLINS, you have introduced your bill, a great bill. It has to do with MAC transparency, MAC, maximum allowable costs. Let me tell you very quickly what maximum allowable cost is.

We talk about acronyms. Well, nobody uses as many acronyms as the Federal Government uses. I tell people all the time that one of my goals in Congress is to learn at least 10 percent of all the acronyms that we use up here.

But the acronym, MAC, M-A-C, maximum allowable cost, what that is is that insurance companies come up with a list and they say this is what we are going to pay you. This is the maximum we are going to pay you. If you can't buy it any cheaper than that then, I am sorry; you are just going to lose money.

Well, that is okay to a certain extent. We understand that. We can work within that. But what happens is they don't update it, so all of a sudden—and you have seen it. We have all experienced what has happened with the spikes in drug costs here recently, particularly in generic drugs. What happens is that drug goes up. Well, the insurance company drags their feet and they don't increase that maximum allowable cost and, all of a sudden, the pharmacy is dispensing something at a loss.

Well, that is obviously a business model that is not going to sustain. You are not going to be able to stay in business if you are dispensing something and losing money on it.

Then, how do they come up with this MAC list?

What we are talking about here, and what Representative COLLINS' bill addresses is what is called MAC transparency. All we are asking here is to shine light on this, is to have some transparency, so we can see exactly what is going on. And that is what his bill does, and we appreciate his work on that very much.

His bill is a step forward, not only for the industry, but again, for the beneficiary, for the patient. That is ultimately who is going to save money, and that is ultimately what we are trying to do here.

It is no surprise that the costs are going up because of a lack of transparency in the system, no surprise at all. We have got to have more transparency, particularly in the pricing of generics if we are going to be able to create a stable and an affordable healthcare system.

Now, you heard mentioned here earlier, DIR fees. DIR, direct and indirect remuneration, and you heard mentioned clawbacks. Now, let me try to articulate this the best I can and what happens here with these DIR fees, which is something that has come up in the past probably year, maybe year and half or 2 years.

But what this is is, I mentioned earlier that, when the community pharmacy fills the preparation, we adjudicate the claim, that our computer calls their computer, the insurance computer, and it tells us how much they are going to pay. Okay. We are okay with that. We understand what we are going to get paid.

But yet, with DIR fees, months later, the insurance company comes back and says, oh, we told you we were going to pay you $2.50. No, we have got to take back that $2.50. We are not going to be able to pay you that.

Folks, obviously, that is not a sustainable business model. Nobody can stay in business that way. Yet that is the way DIR fees are being imposed now.

Thank goodness, just last week, Congressman MORGAN GRIFFITH from Virginia, our colleague, introduced a bill that addresses Medicare part D prescription drug transparency and DIR fees. I thank Congressman GRIFFITH for that.

Again, keep in mind, folks, we are not talking about, oh, we have got to make community pharmacies profitable. All community pharmacies want

to do is to compete. We just want to have the opportunity to compete on a fair, level playing field. That is all we are asking. We are not asking for any favoritism at all. Yet, when you have got an insurance company that owns the pharmacy, that is obviously a conflict of interest. Who cannot see that?

Again, Congressman GRIFFITH has introduced this bill, and it is a great bill. These DIR fees, a big unknown for pharmacists, as I mentioned. They can sometimes total up to thousands of dollars per month, and they can significantly complicate what your net reimbursement is going to be to cover your cost.

In fact, in a recent survey, nearly 67 percent, almost two-thirds of community pharmacists, have indicated they don't receive any information about when those fees will be collected or how large they will be—two-thirds, two-thirds of the pharmacies here.

And folks, I was so happy to see Representative LOEBSACK. He pointed out that he was the only Democrat here tonight, but I can assure you that there are other Democrats, because this is a bipartisan issue.

Listen, when you go to get a prescription filled in a community pharmacy, they don't ask you if you are a Republican or a Democrat. They could care less. All they know is you are a patient, and we need to take care of that patient, and that is what we are trying to do.

There is another bill that I want to touch on here. It is a very important bill. It is one that has been introduced by another good friend of pharmacy, Representative BRETT GUTHRIE from Kentucky. It is called the Pharmacy and Medically Underserved Areas Enhancement Act, and this is really the pharmacy provider act.

As I mentioned earlier, the pharmacists who are graduating today are so clinically superior to when I graduated. And Congressman SCOTT, I believe, mentioned earlier about the things that pharmacists are doing now: flu shots, immunizations, all of those things that pharmacists are able to do.

Pharmacists are the most accessible healthcare professionals out there. We in America, if we are ever going to get our healthcare costs under control, we have to take advantage of that. We have to take advantage of having that expertise right there before us and having it so accessible.

Representative GUTHRIE's bill, the pharmacy provider status bill, will give us the opportunity to reimburse pharmacists for those clinical services that they are capable of and that they are currently providing. This is something that needs to be done under Medicare part D.

I mentioned Congressman GRIFFITH and what he has done, and it really has been a blessing, then Congressman BRETT GUTHRIE and what he has done, and Congressman COLLINS and what he has done. All of these things are very, very important.

I want to mention one other thing, and that is something that has come out of the Energy and Commerce Committee this year, and that is the 21st Century Cures. 21st Century Cures is a great piece of legislation. That and the opioid bill that we passed earlier this year, I think, are two of the bills that I am most proud of since I have been a Member of this body; and part of that has to do with the fact that they are healthcare bills and I am a healthcare professional.

But 21st Century Cures is a great piece of legislation. It has been passed under the leadership of, as I say, Chairman FRED UPTON and the Energy and Commerce Committee. It has been critical in advancing research. It addresses so many different things.

It increases funding for the National Institutes of Health. It streamlines the process of the FDA and how they approve medications. It offers incentives to companies to come up with new innovations with new medications.

Right now we know of over 10,000 diseases that affect humankind, yet only 500 of them can be treated. 21st Century Cures addresses this. It is a great piece of legislation, and I would be remiss if I did not mention that.

Again, I want to thank Congressman COLLINS, and I want to thank all my colleagues who have spoken here tonight on a very, very important subject.

Again, folks, all we are saying is let us compete. I have had so many patients who have been, their parents, their grandparents, treated at our pharmacy; yet, because their insurance plan changed, they literally left our pharmacy in tears and had to go down the street and have a prescription filled somewhere else. That is not American. It is not right.

Again, I want to thank Congressman COLLINS for giving me this opportunity to speak on this, obviously something that I have dealt with all my life, my professional life. I am very proud of our profession. I am very proud of community pharmacy. I am very proud of the patient care that the community pharmacist and all pharmacists provide to the patients.

So I thank the gentleman for doing this and thank him for giving me the opportunity.

Mr. COLLINS of Georgia. I want to thank the gentleman for being a part and providing an insight that is—as I have said, for those of us who see this and call unfair unfair, and we are learning about it every day, you have lived it, and I think providing those insights is valuable.

The more we continue down this path, it just—and again, I spoke about it. I am on the Rules Committee as well. I talked about it in the Rules Committee, and it was amazing when I heard the other members. Some were on Energy and Commerce, some were on others, and they finally said, that deserves a hearing. MAC transparency deserves a hearing. Griffith's bill deserves a hearing. Guthrie's bill deserves a hearing.

These are things that actually save money, except for the coercive, twist-arm tactics of PBMs who just think that 83 percent of the market is not enough, 83 percent, roughly, of the market is not enough, that they get on people about mail order. They want you to turn—and your insight on how they actually know. That wall, that is the flimsiest wall I have ever seen. Maybe they will start building it better. I don't know. In north Georgia, we built them a little harder than that. But I appreciate that.

I want to go into something tonight, and it is something that we have talked about. It just explains how this works, because maybe some aren't as familiar; they haven't studied this and had a great staff. I have actually had a great staff that have put together—you know, Bob's here tonight. I have got a staff member who is still with me in spirit, but she is not with us. Jennifer has been working on this for a long time.

But I also had Daniel Ashworth. Daniel is an intern, a pharmacist intern who helped us out a lot and helped prepare this. I want to show you this. I showed you this at the beginning, and it is sort of—the PBMs are at the middle of the world here, if you will.

So let's just talk about this. Let's just start off with where it should start, and that is with the patient. The patient makes medication decisions, or he gets it from the doctor. And they are typically okay if you go this way, their employer. A lot of times the employee, their health benefit plan, that is where they get that.

So as we start here with the employers, the employers turn to PBMs or the insurance companies for plan decisions. So they turn to them and say here is how the plan is going to work. Here is how the plan operates. They expect the PBM to look after their best interest and to help save them money. That was the whole setup in the beginning, until they began to vertically integrate, to take on and become the main player in the market.

So what happens here is they make a plan decision to entrust the PBM to do that, and the PBMs, in turn, are supposed to give back the savings in this. We have already seen tonight how TRICARE has already saved $1.3 billion. This was their own internal study. We have also seen others where the fraud and abuse are not finding these savings.

So again, let's just continue on.

Pharmaceutical companies have an interesting relationship as well because, through rebates that they give to the PBMs or to incentivize, if you will, the use of drugs, their brand names, their ones under patent—which is very valuable. You are not going to find a stronger proponent of patent and copyright content in this Congress than me. What they are doing here is they are saying, okay, we are going to

give rebates back so you can purchase, and we are going to have brand preference so that you will encourage this brand over this generic or, frankly, this generic over this brand. And that is okay. We understand that.

This rebate is supposed to actually go into the savings part, but there is no transparency here. We don't know where it is going. And you are not getting the savings back over here where the rebates could.

And then we get to, really, the one that is interesting, and the pharmaceutical companies, through the pharmacy, and then back to patient care. This is where it gets interesting with the PBMs and their interesting relationships with the independent community pharmacies.

Predatory pricing, such as we are addressing in the MAC transparency list, where the numbers change, they are not sure. We get into the DIR fees. We get into all this stuff that has now become, instead of, for the PBM, the P in patient, the P actually should be—and I am not going to write on this beautiful chart, but I might as well just put ''profit'' because, as I have already discussed earlier tonight, the audits aren't about patient safety.

As Representative CARTER said, this is not about giving independent pharmacies or community pharmacies a leg up.

□ 2115

They don't want to be guaranteed a profit. They just want to be guaranteed to be able to open their doors and not be intimidated, coerced, or backed down by threats from PBMs that are much larger than them that basically say: we will put you out of business.

Madam Speaker, that is what they do.

They are supposed to have random audits. One of my pharmacists started laughing when we talked about random audits. They had the same audit about a year earlier. In other words, they are on a cycle. They just come back around the same time. These aren't random. They are not there for safety. They are there for profit.

It is frustrating. I have never seen anything else like this. It is the most amazing thing I have ever seen in which a business model that we have actually condoned—especially with the taxpayer money side—says that you can extort from pharmacies whatever you want. We will take back fees. We will put you on a metrics like Humana did. We will put you on a metrics that will give you the possibility of making more, but then inherently rig it against the small pharmacies. That is a problem.

They can't answer the question. If they had, they would have said it a long time ago. They just hope I go away and quit talking about this. But there are Members every time we talk, some couldn't come tonight, and every time we come down here and we shine light on this very dark subject, more Members come along and say: that doesn't sound right.

I know you have had those conversations, Representative CARTER. I have had those conversations. There are Members all over this Chamber that have experienced this in their own lives.

So I come to you tonight just saying, look, we put this here, and we look at the interaction. I am going to say, this is the most important part right here. It is about the patient. It is about the patient. We want to fix this. Let's look at how our money is spent. We want to fix this. Let's look at being able to come back weeks, months later. Let's talk about what the problems are here, but never forget the patient. It shouldn't be hard for them. Pharmacy benefit manager, the first letter is P. Let's just change it from profit to patient. Let's change it from being a facilitator to help pharmacies and help employers to market drugs to help the patient. Studies after studies show that it doesn't work.

Madam Speaker, we could talk for hours, but this is something we are going to continue to fight on. I appreciate the time we have had tonight, and this is not the end of this fight.

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

ZIKA FUNDING

The SPEAKER pro tempore (Mrs. MIMI WALTERS of California). Under the Speaker's announced policy of January 6, 2015, the Chair recognizes the gentleman from California (Mr. GARAMENDI) for 30 minutes.

Mr. GARAMENDI. Madam Speaker, I thank the gentlewoman from California for the opportunity to speak this evening. We have just been listening to a very lengthy discussion on the part of the healthcare issues in the United States, and, undoubtedly, the family or the small community pharmacist is a piece of the solution to the problems. But I want to spend the next 10 minutes or so, maybe a little longer, talking about a problem that currently affects some 19,000 Americans and a problem that is growing every day.

This is the new four-letter word that we fear. We are accustomed to a lot of four-letter words, but this one begins with a Z. This is the Zika crisis. This is a very, very real problem for some 1,600 pregnant women in the United States. This is a problem that men and women that intend to have a family, women that intend to bear children, get pregnant in the days and months ahead have a gut feeling of fear—a deep, deep fear—and husbands, spouses, and lovers similarly.

This is the Zika crisis. We have heard a lot about it during the Olympics. It hasn't passed off the radar screen except here in Congress. I know it is on the minds of Californians, over 500 in California, and nearly 15,500 Americans in Puerto Rico. They have that fear. They have Zika.

So all across this Nation, this new four-letter word is not used as a cuss word. It is a word of fear, and it is a word of trouble. Apparently, in the Halls of your Capitol, in the Halls of the United States Congress, it is ignored. Several months ago, we did pass a piece of legislation that was supposed to deal with this. But understand this: The Centers for Disease Control is about to run out of money at the end of this month and will have to stop research on Zika, on the virus, on vaccines, and on how it is spread.

We know that the mosquito is a piece of this, and we know it is prime mosquito time across much of the United States. Let me show you a map—a lot of blue on that map. That doesn't mean Democrat. That means Zika. Where you see the bright blue, that is where the Zika mosquito—the aedes—is found, and this is where we presently have cases.

South Florida, the only time in American history that there has been a travel alert for health reasons within the Continental United States is now found in south Florida. Why? Because now we have mosquitos that are spreading the virus.

In other parts of the Nation, we know that this mosquito is present, and we know it is going to happen, if not this year then next year. This is not something that is going to go away in the next few months as winter approaches. It will come back next year, and it will come back with a greater vengeance, just as the West Nile virus that spread across the United States is now found in most every State. But that is not an illness that leads to the tragedy of children being born with severe injuries that will affect them the rest of their lives, which may be a very short life.

This is a problem. This is a problem that your United States Congress is ignoring. There is a bill bouncing around, and it is loaded with a bunch of riders that are: What are you talking about? Riders that prevent women's health clinics from providing assistance to women. It is the women, after all, that bear the great burden of this. They are the ones that are going to be pregnant. They are the ones that will be carrying the children. But those women's health clinics cannot allow access to the money. What in the world is that all about? What foolishness. What meanness.

By the way, none of the money can be used for contraception. Give me a break. What do you mean? That is the legislation that is being proposed here in the United States Congress. Even the Pope has suggested that because of this crisis in Brazil that the steadfast opposition of the Vatican to contraception may need to be pushed aside. But not here in the House of Representatives. Come on. Let's get real. Let's understand the nature of this crisis.

The Zika virus is not transmitted only by mosquitos. We are discovering that the transmission can come in

many, many different ways—many different ways. So what are we doing about it? Nothing. We are spending time talking about impeaching the IRS Commissioner. Come on. In the history of this Nation, only one person other than a President has been impeached, and that was back in the 1870s, a Secretary of War. An IRS Commissioner is not even a Cabinet member. We are spending our time on that.

We are where, 20 days, a little less, from the end of the fiscal year when we have to fund government? We are less than what, 17 days away from the ability of the Centers for Disease Control to continue to research and to address this issue? Look at the map, Americans. Every State. And Puerto Rico is not on this map, and they are Americans. There are over 15,000 cases there and more than 1,000 women who are pregnant and many, many more who will become pregnant. So what is your United States Congress doing? Dithering would be an insufficient word to address this crisis.

This is a public health crisis. This is a crisis that the solution presented to us a few months ago was to take money out of the Ebola program. Did we forget about Ebola? Did it go away? No, it did not. That money was being spent on monitoring the travelers from those areas of Africa where Ebola still exists. So that money is gone. So I suppose, in the next months or year ahead, we will go back into the Ebola problem once again.

Money was taken from the public health programs in counties throughout the United States. The proposal that moved out of this House of Representatives swept from the counties and the States money that the public health departments in those areas needed to deal with public health emergencies, one of which was Zika. And there are other public health emergencies that are always before us. I mentioned the West Nile virus. California has a whooping cough problem that is ongoing, and that is a public health crisis. Children die of that.

So what is the solution? Not what we normally do when we have a crisis, which is to go to the Federal Treasury and say: America has a problem. Americans will solve that problem or address that problem and try to deal with the effect of it by appropriating money so that we can address it.

When the terrible floods occurred recently in Louisiana, did we raid other agencies to deal with it? No. We go to FEMA, and we go to the emergency funding, as we did with Katrina, as we did with Sandy, and as we do with the fires, hurricanes, and tornadoes. But not with Zika. Somehow Zika is different.

If you are a grandmother or a grandfather and your granddaughter is about to get married, what is on your mind? The wedding to be sure. But you are also thinking about that pregnancy that might be following, and you are thinking: will my daughter or my granddaughter acquire the Zika virus? What will it mean?

Apparently, that thought is not found in my fellow colleagues here on the floor of the House of Representatives, even though they have children, even though they have daughters and granddaughters, even though within their families there will be pregnancies. We have got to think about this. Maybe there are 16,000 affected in the United States today. But this virus is not going away. This virus is going to be with us years ahead, and the effects of it are going to be felt in the next generations. It is already here in the United States.

□ 2130

We have had babies born with serious defects as a result of Zika. It is already with us. And there will be more. There will be many, many more.

This public health crisis must be met by the full power of the Federal Government, just as we meet other crises. It is our responsibility. 535 of us and the President.

The President has asked for $1.9 billion to deal with this health crisis. The response by my colleagues on the Republican side of the House of Representatives, a little over $6 million, most of which is stolen from other public health programs. Disgraceful. Dereliction of responsibility.

The Senate is talking about a $1.1 billion program. Good. Without riders, without the kind of foolish riders that are being presented here. Good. Let's get on with it. We will take the Senate bill. Give us a clean Senate bill so that there is money available for the Centers for Disease Control to continue its research, so that there is money available for the public health programs in south Florida, in Texas, in Puerto Rico, California, and in other States to carry on the fight against the mosquitoes and to deal with the other methods of transmission, to warn the public, to prepare the public. We can do it.

Anybody that knows how much money the Federal Government spends every year knows that $1 billion to address a fundamental public health crisis is available. It is readily available. We ought to get on with it. And shame on us if we don't.

I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DESJARLAIS (at the request of Mr. MCCARTHY) for September 12 and today on account of doctor ordered travel limitations for arthroscopic surgery.

Mr. PAYNE (at the request of Ms. PELOSI) for today on account of medical appointment.

ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3969. An act to designate the Department of Veterans Affairs community-based outpatient clinic in Laughlin, Nevada, as the ''Master Chief Petty Officer Jesse Dean VA Clinic''.

SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 1579. An act to enhance and integrate Native American tourism, empower Native American communities, increase coordination and collaboration between Federal tourism assets, and expand heritage and cultural tourism opportunities in the United States.

ADJOURNMENT

Mr. GARAMENDI. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 32 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, September 14, 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:

6796. A letter from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting a report on the Developmental Disabilities Programs for Fiscal Years 2011-2012, pursuant to 42 U.S.C. 15005; Public Law 106-402, Sec. 105; (114 Stat. 1690); to the Committee on Energy and Commerce.

6797. A letter from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting a report entitled ''National Plan to Address Alzheimer's Disease: 2016 Update'', pursuant to 42 U.S.C. 11225(g); Public Law 111-375, Sec. 2(g); (124 Stat. 4102); to the Committee on Energy and Commerce.

6798. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Texas; Revisions to the General Definitions for Texas New Source Review and the Minor NSR Qualified Facilities Program [EPA-R06-OAR-2010-0861; FRL-9950-32-Region 6] received September 9, 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.

6799. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Air Plan Approval and Disapproval; North Carolina: New Source Review for Fine Particulate Matter (PM2.5) [EPA-R04-OAR-2015-0501; FRL-9952-31-Region 4] received September 9, 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.

6800. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Air Plan Approval; GA Infrastructure Requirements for the 2010 1-hour NO2 NAAQS [EPA-R04-OAR-2015-0250;

FRL-9952-32-Region 4] received September 9, 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.

6801. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's direct final rule — Air Plan Approval; VT; Prevention of Significant Deterioration, PM2.5 [EPA-R01-OAR-2016-0441; A-1-FRL-9952-11-Region 1] received September 9, 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.

6802. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Second Ten-Year PM10 Maintenance Plan for Lamar [EPA-R08-OAR-2015-0042; FRL-9952-09-Region 8] received September 9, 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.

6803. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Texas; Infrastructure or Requirements for the 2008 Ozone and 2010 Nitrogen Dioxide National Ambient Air Quality Standards [EPA-R06-OAR-2012-0953; FRL-9950-77-Region 6] received September 9, 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.

6804. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Thiabendazole; Pesticide Tolerances [EPA-HQ-OPP-2015-0554; FRL-9950-05] received September 9, 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.

6805. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule — Energy Labeling Rule (RIN: 3084-AB15) received September 9, 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.

6806. A letter from the Director, Defense Security Cooperation Agency, transmitting Reports for the third quarter of FY 2016, April 1, 2016 — June 30, 2016, developed in accordance with Secs. 36(a) and 26(b) of the Arms Export Control Act; the March 24, 1979, Report by the Committee on Foreign Affairs (H. Rept. 96-70), and the July 31, 1981, Seventh Report by the Committee on Government Operations (H. Rept. 97-214); to the Committee on Foreign Affairs.

6807. A letter from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting the Department's final rule — Russian Sanctions: Addition of Certain Entities to the Entity List [Docket No.: 160617543-6543-01] (RIN: 0694-AH02) received September 9, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Foreign Affairs.

6808. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to Sec. 804 of the Palestinian Liberation Organization Commitments Compliance Act of 1989 (''PLOCCA'') (Title VIII, Pub.L. 101-246) and Secs. 603-604 and 699 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Pub.L. 107-228); to the Committee on Foreign Affairs.

6809. A letter from the Assistant Legal Adviser, Office of Treaty Affairs, Department of State, transmitting a report concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act, pursuant to 1 U.S.C. 112b(d)(1); Public Law 92-403, Sec. 1; (86 Stat. 619); to the Committee on Foreign Affairs.

6810. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's temporary rule — Fisheries of the Northeastern United States; Scup Fishery; Adjustment to the 2016 Winter II Quota [Docket No.: 150903814-5999-02] (RIN: 0648-XE755) received September 8, 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.

6811. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's temporary rule — Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Quota Transfer [Docket No.: 151130999-6225-01] (RIN: 0648-XE802) received September 8, 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.

6812. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's temporary rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock in the Bering Sea and Aleutian Islands [Docket No.: 150916863-6211-02] (RIN: 0648-XE789) received September 8, 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.

6813. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's temporary rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for the Commonwealth of Massachusetts [Docket No.: 150903814-5999-02] (RIN: 0648-XE810) received September 8, 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.

6814. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's temporary rule — Fisheries of the Exclusive Economic Zone Off Alaska; Dusky Rockfish in the Western Regulatory Area of the Gulf of Alaska [Docket No.: 150818742-6210-02] (RIN: 0648-XE708) received September 8, 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.

6815. A letter from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting the 2015 annual report to Congress describing the activities and operations of the Public Integrity Section, Criminal Division, and the report on the nationwide federal law enforcement effort against public corruption, pursuant to 28 U.S.C. 529(a); Public Law 95-521, Sec.603(a); (92 Stat. 187); to the Committee on the Judiciary.

6816. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2016-8841; Directorate Identifier 2016-NM-115-AD; Amendment 39-18611; AD 2016-16-13] (RIN: 2120-AA64) received September 9, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

6817. A letter from the Office Program Manager, Office of the Secretary (00REG), Office of Regulation Policy and Management, Veterans Affairs, transmitting the Department's final rule — Telephone Enrollment in the VA Healthcare System (RIN: 2900-AP68) received September 9, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Veterans' Affairs.

6818. A letter from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting the Department's final rule — Reclassification of Specially Denatured Spirits and Completely Denatured Alcohol Formulas and Related Amendments [Docket No.: TTB-2013-0005; T.D. TTB-140; Re: Notice No.: 136] (RIN: 1513-AB59) received September 8, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

6819. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final regulations — Definition of Terms Relating to Marital Status [TD 9785] (RIN: 1545-BM10) received September 8, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

6820. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's IRB only rule — Revenue Procedure: Management Contracts Safe Harbors (Rev. Proc. 2016-44) received September 8, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

6821. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final regulations — Definition of Real Estate Investment Trust Real Property [TD 9784] (RIN: 1545-BM05) received September 8, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

6822. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's IRB only rule — Revenue Procedure: Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2016-46) received September 8, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

6823. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's IRB only rule — Waiver of 60-Day Rollover Requirement (Rev. Proc. 2016-47) received September 8, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

6824. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's IRB only rule — Relief for Victims of Louisiana Storms (Announcement 2016-30) received September 8, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GOODLATTE: Committee on the Judiciary. H.R. 3438. A bill to amend title 5, United States Code, to postpone the effective date of high-impact rules pending judicial review; with an amendment (Rept. 114–743). Referred to the Committee of the Whole House on the state of the Union.

Mr. BYRNE: Committee on Rules. House Resolution 863. Resolution providing for consideration of the bill (H.R. 5351) to prohibit the transfer of any individual detained at United States Naval Station, Guantanamo Bay, Cuba, and providing for consideration of the bill (H.R. 5226) to amend chapter 3 of title 5, United States Code, to require the publication of information relating to pending agency regulatory actions, and for other purposes (Rept. 114–744). Referred to the House Calendar.

Mr. CHAFFETZ: Committee on Oversight and Government Reform. H.R. 4419. A bill to update the financial disclosure requirements for judges of the District of Columbia courts; with amendments (Rept. 114–745). Referred to the Committee of the Whole House on the state of the Union.

Mr. HENSARLING: Committee on Financial Services. H.R. 5461. A bill to require the Secretary of the Treasury to submit a report to the appropriate congressional committees on the estimated total assets under direct or indirect control by certain senior Iranian leaders and other figures, and for other purposes (Rept. 114–746, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committee on Foreign Affairs discharged from further consideration. H.R. 5461 referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. SANFORD:

H.R. 6000. A bill to amend the Internal Revenue Code of 1986 to modify rules relating to the taxation of mead and other agricultural wine, and for other purposes; to the Committee on Ways and Means.

By Mr. BECERRA (for himself and Ms. ROS-LEHTINEN):

H.R. 6001. A bill to establish within the Smithsonian Institution the Smithsonian American Latino Museum, and for other purposes; to the Committee on Homeland Security, and in addition to the Committees on Transportation and Infrastructure, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CLARK of Massachusetts:

H.R. 6002. A bill to provide for the acquisition and publication of data relating to cybercrimes against individuals, and for other purposes; to the Committee on the Judiciary.

By Mr. MESSER (for himself, Mrs. BROOKS of Indiana, Mr. YOUNG of Indiana, Mr. BUCSHON, Mrs. WALORSKI, and Mr. ROKITA):

H.R. 6003. A bill to amend title 38, United States Code, to provide veterans affected by school closures certain relief and restoration of educational benefits, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HURD of Texas (for himself, Mr. CONNOLLY, Mr. CHAFFETZ, Mr. CUMMINGS, Ms. KELLY of Illinois, and Mr. TED LIEU of California):

H.R. 6004. A bill to modernize Government information technology, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIDSON:

H.R. 6005. A bill to ensure that Members of Congress and Congressional staff receive health care from the Department of Veterans Affairs instead of under the Federal Health Benefits Program or health care exchanges; to the Committee on House Administration, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BASS (for herself, Mr. CAPUANO, Ms. LEE, Mr. CICILLINE, Ms. KELLY of Illinois, Mr. CONYERS, Ms. MOORE, Ms. PLASKETT, Mr. ELLISON, Mrs. WATSON COLEMAN, and Ms. CLARKE of New York):

H.R. 6006. A bill to establish a pilot program to provide fellowships to certain former Sudanese refugees, known as the ''Lost Boys and Lost Girls of Sudan'', to assist in reconstruction efforts in South Sudan; to the Committee on Foreign Affairs.

By Mr. MCCARTHY:

H.R. 6007. A bill to amend title 49, United States Code, to include consideration of certain impacts on commercial space launch and reentry activities in a navigable airspace analysis, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MEADOWS (for himself, Mr. CONNOLLY, Mrs. COMSTOCK, and Mr. BEYER):

H.R. 6008. A bill to provide transit benefits to Federal employees who use the services of transportation network companies within the national capital region, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RUSSELL (for himself and Mr. CONNOLLY):

H.R. 6009. A bill to ensure the effective processing of mail by Federal agencies, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. BILIRAKIS (for himself, Mr. PIERLUISI, Mr. POSEY, Mr. SIRES, Mr. CURBELO of Florida, and Mr. DIAZ-BALART):

H.R. 6010. A bill to amend the Public Health Service Act to require the Director of the Centers for Disease Control and Prevention to establish a registry of women who are diagnosed during pregnancy as having been infected with Zika virus and the children of such women, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BILIRAKIS:

H.R. 6011. A bill to require that the Centers for Medicare & Medicaid Services has in place adequate verification procedures to ensure that advance payments under the Patient Protection and Affordable Care Act are made for only enrollees under qualified health plans who have paid their premiums; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUCSHON:

H.R. 6012. A bill to amend title XVIII of the Social Security Act to preserve Medicare beneficiary access to ventilators, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ESHOO:

H.R. 6013. A bill to amend the Telecommunications Act of 1996 to preserve and protect the ability of local governments to provide broadband capability and services; to the Committee on Energy and Commerce.

By Mr. NOLAN:

H.R. 6014. A bill to direct the Federal Aviation Administration to allow certain construction or alteration of structures by State departments of transportation without requiring an aeronautical study, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. PAULSEN (for himself and Mr. BLUMENAUER):

H.R. 6015. A bill to amend the Internal Revenue Code of 1986 to provide for the treatment of certain direct primary care service arrangements and periodic provider fees; to the Committee on Ways and Means.

By Mr. POE of Texas:

H.R. 6016. A bill to require States and units of local government receiving funds under grant programs operated by the Department of Justice, which use such funds for pretrial services programs, to submit to the Attorney General a report relating to such program, and for other purposes; to the Committee on the Judiciary.

By Mr. RICHMOND (for himself, Mr. MEEKS, Mr. LARSEN of Washington, Mr. PERLMUTTER, Mr. KIND, Mr. HIMES, Ms. SEWELL of Alabama, Miss RICE of New York, and Mr. CARNEY):

H.R. 6017. A bill to establish a grant program to provide grants to eligible low-income communities for community development, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Transportation and Infrastructure, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska:

H.R. 6018. A bill to waive the essential health benefits requirements for certain States; to the Committee on Energy and Commerce.

By Mr. YOUNG of Indiana:

H.R. 6019. A bill to amend the Internal Revenue Code of 1986 to provide an exemption to the individual mandate to maintain health coverage for certain individuals whose premium has increased by more than 10 percent, and for other purposes; to the Committee on Ways and Means.

By Mr. BECERRA:

H. Res. 862. A resolution electing a Member to a certain standing committee of the House of Representatives; considered and agreed to.

By Ms. NORTON:

H. Res. 864. A resolution expressing support for the designation of September 2016 as ''National Campus Sexual Assault Awareness Month''; to the Committee on Oversight and Government Reform.

By Mr. ROSS (for himself, Mr. HARRIS, Ms. KAPTUR, and Mr. RUSSELL):

H. Res. 865. A resolution commemorating the 60th anniversary of the Hungarian Revolution and Freedom Fight of 1956 and celebrating the deep friendship between Hungary and the United States; to the Committee on Foreign Affairs.

By Mr. VEASEY:

H. Res. 866. A resolution expressing support for designation of the month of September as ''National Voting Rights Month''; to the Committee on the Judiciary, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. SANFORD:

H.R. 6000.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution asserts that the Congress shall have power to lay and collect taxes. This bill modifies the Internal Revenue Code of 1986 to modify the rules relating to the taxation of mead and other agricultural wine.

By Mr. BECERRA:

H.R. 6001.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18—The Congress shall have Power * * * To make all Laws which shall be necessary and propoer for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United State, or in any Department or Officer thereof.

By Ms. CLARK of Massachusetts:

H.R. 6002.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. MESSER:

H.R. 6003.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the Constitution of the United States.

By Mr. HURD of Texas:

H.R. 6004.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section IX, clause VII, of the United States Constitution.

By Mr. DAVIDSON:

H.R. 6005.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18: Since Members of Congress and other federal employees are ''necessary'' to fulfill the constitutional functions of government, laws determining the compensation of Members of Congress and federal employees are constitutional under the necessary and proper clause.

By Ms. BASS:

H.R. 6006.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 1.

Article I.

Section 1.

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

By Mr. McCARTHY:

H.R. 6007.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3:

The Congress Shall have power to regulate commerce with foreign nations, and among the several states, and with indian tribes.

and

Article I, Section 8, Clause 18:

The Congress shall have power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department of Officer thereof.

By Mr. MEADOWS:

H.R. 6008.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mr. RUSSELL:

H.R. 6009.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

By Mr. BILIRAKIS:

H.R. 6010.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mr. BILIRAKIS:

H.R. 6011.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mr. BUCSHON:

H.R. 6012.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 of the United States Constitution

By Ms. ESHOO:

H.R. 6013.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, clause 3 of the U.S. Constitution. That provision gives Congress the power ''to regulate commerce with foreign nations, and among the several states, and with the Indian tribes.''

By Mr. NOLAN:

H.R. 6014.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, of the United States Constitution, specifically Clause 1, Clause 3, and Clause 18.

By Mr. PAULSEN:

H.R. 6015.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1—''lay and collect taxes''

Article 1, Section 8, Clause 18—''necessary and proper''

By Mr. POE of Texas:

H.R. 6016.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18

By Mr. RICHMOND:

H.R. 6017.

Congress has the power to enact this legislation pursuant to the following:

This bill is introduced pursuant to the powers granted to Congress under the General Welfare Clause (Art. 1 Sec. 8 Cl. 1), the Commerce Clause (Art. 1 Sec. 8 Cl. 3), and the Necessary and Proper Clause (Art. 1 Sec. 8 Cl. 18).

Further, this statement of constitutional authority is made for the sole purpose of compliance with clause 7 of Rule XII of the Rules of the House of Representatives and shall have no bearing on judicial review of the accompanying bill.

By Mr. YOUNG of Alaska:

H.R. 6018.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3

By Mr. YOUNG of Indiana:

H.R. 6019.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, to ''provide for the common Defence and general Welfare of the United States.''

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 167: Mr. SENSENBRENNER.

H.R. 213: Mr. AUSTIN SCOTT of Georgia, Mrs. NAPOLITANO, Mr. YARMUTH, Mr. JOHNSON of Georgia, and Mr. CULBERSON.

H.R. 346: Mr. DAVID SCOTT of Georgia.

H.R. 465: Mr. BARR.

H.R. 470: Mr. DAVID SCOTT of Georgia.

H.R. 605: Mr. SCHIFF.

H.R. 667: Mr. GRIJALVA.

H.R. 775: Mr. TED LIEU of California, Ms. CLARKE of New York, Mr. VELA, and Mrs. BUSTOS.

H.R. 822: Mr. COLLINS of New York.

H.R. 846: Mr. HIMES.

H.R. 885: Mr. COFFMAN and Mr. JOLLY.

H.R. 1218: Mrs. ELLMERS of North Carolina.

H.R. 1220: Mr. POLIS, Mr. FRANKS of Arizona, Mr. DENHAM, Mr. VALADAO, Mr. KING of Iowa, Mrs. LUMMIS, Ms. CASTOR of Florida, Mr. WILLIAMS, and Mr. PIERLUISI.

H.R. 1453: Mr. REICHERT, Mr. HENSARLING, and Mr. WILLIAMS.

H.R. 1669: Mr. CULBERSON and Mr. BYRNE.

H.R. 1705: Mr. YODER.

H.R. 1854: Mr. MURPHY of Pennsylvania.

H.R. 1904: Mr. JOLLY.

H.R. 1940: Mr. O'ROURKE.

H.R. 2313: Mr. KATKO.

H.R. 2315: Mr. JENKINS of West Virginia.

H.R. 2368: Mr. BERA, Mr. CARNEY, Ms. DEGETTE, and Mrs. LOWEY.

H.R. 2747: Mr. RUSSELL.

H.R. 2799: Mr. TED LIEU of California.

H.R. 3099: Mr. RICHMOND, Mr. RIBBLE, Mr. YODER, Mr. SCHIFF, and Mr. POLIS.

H.R. 3119: Mr. VALADAO.

H.R. 3175: Mr. BLUMENAUER.

H.R. 3222: Mr. GRAVES of Missouri and Mr. ROE of Tennessee.

H.R. 3337: Mr. FOSTER.

H.R. 3355: Mr. CONYERS, Mr. JOYCE, and Mr. GROTHMAN.

H.R. 3381: Mr. WALDEN and Mr. DEFAZIO.

H.R. 3410: Mr. POLIS.

H.R. 3438: Mr. JENKINS of West Virginia, Mr. GRIFFITH, Mr. GRAVES of Missouri, Mr. ROKITA, Mr. GROTHMAN, Mr. EMMER of Minnesota, Mrs. WAGNER, Mr. NEWHOUSE, Mr. MCCLINTOCK, and Mrs. BLACK.

H.R. 3514: Ms. MATSUI.

H.R. 3522: Ms. LEE, Ms. CLARKE of New York, and Mr. PERLMUTTER.

H.R. 3535: Ms. SCHAKOWSKY.

H.R. 3706: Mr. YODER, Mr. LYNCH, Mr. KENNEDY, Mr. POLIQUIN, Mr. PEARCE, and Mr. DESAULNIER.

H.R. 3720: Mr. POLIS.

H.R. 3779: Mr. RENACCI, Mr. NUNES, Mr. FARR, Mr. BARR, Miss RICE of New York, Mr. KILMER, Mrs. ROBY, and Mr. POCAN.

H.R. 3846: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. STIVERS.

H.R. 3886: Ms. TSONGAS.

H.R. 3991: Ms. JUDY CHU of California, Mr. LOWENTHAL, Mr. RYAN of Ohio, and Mr. GALLEGO.
H.R. 4043: Mr. YOUNG of Alaska.
H.R. 4179: Mr. RUIZ.
H.R. 4272: Mrs. ROBY.
H.R. 4352: Mr. YODER.
H.R. 4365: Mrs. BUSTOS.
H.R. 4514: Mr. FLORES, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. SCALISE, Mr. NUGENT, Mr. SMITH of New Jersey, Ms. FOXX, and Ms. DELAURO.
H.R. 4567: Mr. LOWENTHAL and Mr. PETERSON.
H.R. 4592: Mr. AMODEI and Mrs. ELLMERS of North Carolina.
H.R. 4615: Ms. MCSALLY.
H.R. 4662: Mr. WALBERG.
H.R. 4695: Mr. YOUNG of Iowa.
H.R. 4764: Mr. ROUZER, Mr. CARTER of Texas, and Mrs. WAGNER.
H.R. 4784: Ms. SINEMA and Mr. ASHFORD.
H.R. 4818: Mr. LUCAS, Mr. EMMER of Minnesota, and Mr. COLE.
H.R. 4832: Mr. PETERS.
H.R. 4919: Mr. CRENSHAW, Mr. SESSIONS, Ms. MATSUI, Mr. ISRAEL, Mr. YODER, Mr. GUTIÉRREZ, Mr. GRIJALVA, and Mrs. WATSON COLEMAN.
H.R. 4959: Mr. GUTHRIE.
H.R. 5007: Mr. RICE of South Carolina.
H.R. 5009: Ms. ESHOO and Mr. LANCE.
H.R. 5122: Mr. NUNES.
H.R. 5143: Mr. MACARTHUR.
H.R. 5167: Mrs. LOVE, Mr. WALZ, and Mr. SMITH of Texas.
H.R. 5183: Mr. MACARTHUR, Mr. YARMUTH, and Ms. ROS-LEHTINEN.
H.R. 5204: Mr. MCNERNEY.
H.R. 5209: Mr. POLIQUIN.
H.R. 5221: Mr. MCNERNEY.
H.R. 5254: Mr. DONOVAN.
H.R. 5272: Ms. LOFGREN.
H.R. 5351: Mr. NUNES, Mr. BURGESS, Mr. NUGENT, Mr. MURPHY of Pennsylvania, Mr. SCALISE, Mr. ROUZER, Mr. MOOLENAAR, Mr. OLSON, Mr. BABIN, and Mr. ROSS.
H.R. 5398: Mr. DESJARLAIS.
H.R. 5418: Mr. RATCLIFFE, Mr. HUELSKAMP, Mr. WILLIAMS, Mr. SANFORD, and Mr. WEBER of Texas.
H.R. 5465: Mr. LABRADOR.
H.R. 5499: Mr. WALBERG, Mr. CARTER of Georgia, Mr. GRAVES of Georgia, Mr. BRAT, and Mr. ROSS.
H.R. 5531: Mr. ZELDIN.
H.R. 5598: Mr. COURTNEY.
H.R. 5599: Mr. COURTNEY.
H.R. 5620: Mr. BUCHANAN.
H.R. 5625: Ms. MICHELLE LUJAN GRISHAM of New Mexico and Mr. CLAY.
H.R. 5668: Mr. CARTER of Georgia.
H.R. 5689: Mr. NEAL.
H.R. 5719: Mr. HULTGREN.
H.R. 5732: Mr. FLORES, Mrs. LOWEY, and Ms. SCHAKOWSKY.
H.R. 5746: Ms. MICHELLE LUJAN GRISHAM of New Mexico, Ms. FUDGE, and Ms. LOFGREN.
H.R. 5754: Mr. RENACCI and Mr. PAULSEN.
H.R. 5759: Mr. MULVANEY.
H.R. 5760: Mr. MULVANEY.
H.R. 5801: Mr. LABRADOR.
H.R. 5853: Mr. HARPER, Mr. GRAVES of Missouri, and Mrs. HARTZLER.
H.R. 5855: Mr. SCHIFF.
H.R. 5879: Mr. TOM PRICE of Georgia and Mr. MARCHANT.
H.R. 5902: Mr. FITZPATRICK.
H.R. 5904: Mr. LOUDERMILK and Mr. HENSARLING.
H.R. 5910: Mr. BUCSHON.
H.R. 5931: Mr. ALLEN, Mr. MULVANEY, Mr. ROKITA, Mr. BOST, Mr. HARPER, Mr. BUCSHON, Mr. VALADAO, and Mr. BISHOP of Michigan.
H.R. 5932: Mrs. DAVIS of California, Mr. LOWENTHAL, Mr. JONES, and Mr. HIGGINS.
H.R. 5942: Mr. BYRNE, Mr. FARENTHOLD, and Mr. BEN RAY LUJÁN of New Mexico.
H.R. 5948: Mr. SWALWELL of California, Ms. JUDY CHU of California, Mr. LAMALFA, Mr. CÁRDENAS, Mr. DESAULNIER, and Mr. TED LIEU of California.
H.R. 5951: Mr. WILLIAMS and Mr. VELA.
H.R. 5957: Mr. CARSON of Indiana, Ms. TITUS, and Mrs. COMSTOCK.
H.R. 5970: Mr. WEBER of Texas.
H.R. 5978: Mr. ZELDIN.
H.R. 5980: Mr. GRIJALVA, Mrs. ROBY, Mr. MCGOVERN, and Mr. YARMUTH.
H.R. 5982: Mr. WALBERG and Mr. JORDAN.
H.R. 5999: Mr. THOMPSON of Pennsylvania, Mr. NEWHOUSE, and Mr. OLSON.
H. Con. Res. 26: Mr. WOODALL and Mr. JODY B. HICE of Georgia.
H. Con. Res. 140: Mr. HOLDING, Mr. BUCHANAN, Mr. TURNER, Mr. LATTA, Mr. AGUILAR, and Mr. ROKITA.
H. Con. Res. 141: Mr. LOWENTHAL, Ms. SLAUGHTER, and Mr. OLSON.
H. Res. 590: Mr. LUETKEMEYER and Mr. HINOJOSA.
H. Res. 752: Mrs. CAROLYN B. MALONEY of New York, Mr. VELA, Ms. TSONGAS, and Ms. MCSALLY.
H. Res. 776: Mr. COLLINS of New York, Mr. LUETKEMEYER, Mr. JOHNSON of Ohio, Mr. MACARTHUR, and Ms. PINGREE.
H. Res. 813: Mr. GENE GREEN of Texas.
H. Res. 817: Mr. COOK.
H. Res. 845: Mr. HUFFMAN, Ms. MATSUI, Mr. MOULTON, Ms. SPEIER, Mr. ZELDIN, Mr. MACARTHUR, Mr. MURPHY of Florida, Mrs. WATSON COLEMAN, Ms. ESHOO, Mr. SWALWELL of California, Mr. CARNEY, Mrs. CAPPS, and Mr. CAPUANO.
H. Res. 850: Mr. BUCHANAN, Mr. YARMUTH, and Mr. BYRNE.
H. Res. 853: Mr. SALMON, Mr. GOHMERT, Mr. DUNCAN of South Carolina, and Mr. GIBBS.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. THORNBERRY

The provisions that warranted a referral to the Committee on Armed Services in H.R. 5351 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

PETITIONS, ETC.

Under clause 3 of rule XII,

86. The SPEAKER presented a petition of Bar Association of Puerto Rico Governing Board, relative to Resolution Number 26, to express the repudiation of the Governing Board of the Bar Association of Puerto Rico with regard to H.R. 4900, Oversight Board to assist the government of Puerto Rico, including instrumentalities, in managing its public finances, and for other purposes, also known as the Federal Fiscal Control Board for Puerto Rico; which was referred to the Committee on Natural Resources.

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Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, our sustainer, You know the mistakes and wrongs we sometimes do. We are sometimes selfish, stubborn, and unkind. Send Your Spirit to empower us to live worthy of Your great Name.

Lord, guide our Senators as they confront the struggles of our times, bringing them confident assurance that Your purposes will prevail. In the hectic pace of their living, help them to slow down long enough to hear Your still, small voice of wisdom. Eviscerate the tensions that pull them apart and keep them from being whole.

Lord, You know us better than we know ourselves, so have Your way in our world.

We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. COTTON). The Democratic leader is recognized.

Mr. REID. Mr. President, the Republican leader is on his way.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

OBAMACARE

Mr. MCCONNELL. Mr. President, days before ObamaCare passed the Senate in 2009, the senior Senator from New York predicted that Americans would come around soon on the unpopular bill his party was trying to force through the Senate. ''The reason people are negative is not the substance of the bill,'' he mused, ''but the fears that the opponents have laid out. When those fears don't materialize, and people see the good in the bill, the numbers are going to go up.''

Today, years later, one need only read the headlines to see just how wrong that prediction was. ''One-third of the US won't have a choice between Obamacare plans in 2017.'' Other headlines:

''Frustration mounts over ObamaCare co-op failures.''

''Insurers propose massive increase in individual health insurance rates.''

Here is the latest headline my constituents read just recently: ''Get ready to pay more for health insurance in Kentucky.''

These headlines tell a story of a failing, partisan law and its continuing assault on the middle class. When Republicans warned of predictable consequences like these, Democrats waved off our concerns and forced their partisan law through anyway—with the middle class forced to bear the consequences ever since.

It is time Democrats started to finally listen, and that is why last week Senators came to the floor to share the heartbreaking stories of how ObamaCare continues to hurt their constituents and impact their States.

Senator CAPITO called ObamaCare ''nothing short of devastating'' in her home State of West Virginia. ''Working families,'' she said, ''are being faced with skyrocketing premiums, copays, and deductibles.''

Senator ISAKSON warned that ''the numbers do not lie'' in Georgia. ''ObamaCare,'' he said, ''is forcing insurance carriers to leave the market, eliminating competition and choice, all . . . while placing the burden of higher costs on the backs of working taxpayers in this country.''

Senator MCCAIN explained how ''Americans have been hit by broken promise after broken promise and met with higher costs, fewer choices, and poor quality of care'' and noted that his home State of Arizona ''has become ground zero for the collapse of Obamacare.''

Just last month, the Obama administration told Americans not to worry about rising costs because they could shop around to find the best plan and save money on health insurance, but many Americans in places like Ohio are ''going to be severely restricted'' when it comes to choosing an insurer next year, as the State's director of insurance pointed out. In fact, 19 of Ohio's counties are set to have just a single insurer in the exchange and another 28 counties will have only 2 options. Restrictions like these mean families could lose access to doctors they know and trust, face higher premiums, more out-of-pocket expenses, and have fewer options to shop around for more affordable coverage or plans to meet their changing needs.

One self-employed Ohioan summarized the pinch facing so many across the country. She said: ''They fine you if you don't have insurance, and then they take your options away.'' That is what she said after learning she would lose her plan. Her frustration is one felt across Ohio and across America.

More than 2 million people could be forced to find a new plan next year. A

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

majority of the Nation's counties are expected to have only one or two insurers offering plans in the exchange, and eight entire States are expected to have only a single insurer in the exchange to choose from. That is because just last night we learned that Connecticut would likely become the latest State with only a single insurer on the exchange next year. We learned something else last night as well: One of the few remaining ObamaCare co-ops will not offer plans in New Jersey next year.

This is part of a broader trend we have seen across the country, with ObamaCare co-ops shuttering and forcing Americans to find new coverage as a result. Just look at what happened in New Hampshire. The Granite State's co-op was, in the words of New Hampshire Public Radio, ''the exact type of business that was supposed to make the individual insurance market more competitive'' under ObamaCare. But the co-op recently announced that it would close down operations in the State anyway. That is forcing thousands to find another plan, and it is forcing taxpayers to foot the bill.

Here is what one New Hampshire editorial had to say after the announcement:

The entire ObamaCare scheme was set up on faulty premises. . . . You can't force people to buy health insurance they don't want, subsidize mediocre insurance plans people can't afford, and still claim to hold down rising medical expenses.

''The program,'' the paper continued, is ''destroying itself.''

Collapsing co-ops and withdrawing insurers aren't the only signs that ObamaCare is ''destroying itself.'' Just look at my home State of Kentucky, where premiums could rise by distressing rates—in some cases as high as 47 percent. It is no wonder my office continues to hear from people who are desperate for relief from this law.

One Louisville mom said her family's health care costs will consume nearly one-fifth of their budget this year. She said:

This health care law has been far from affordable for my family. Every year we extensively research for the least expensive coverage we can find. Nevertheless, our premiums continue to skyrocket. . . . Our out-of-pocket expenses have greatly increased as well. . . . No, we didn't have junk insurance before ObamaCare, but I'm rather certain that what we have now IS junk insurance. . . . I wish someone would explain to us how a hard working middle class family paying this much for health insurance became a loser under ObamaCare.

Here is another letter from a Lexington father of three and small businessman who has provided insurance to his employees at no cost for decades because he says it is ''the right thing to do.'' Now he worries how he will be able to afford that next year, with his small business facing substantial increases when it comes to health care expenses.

Here is what he said:

At these rates, we will likely be forced to consider alternatives, including forgoing insurance altogether or pushing at least some of the additional cost onto our employees.

This is thanks to, as he put it, ''the cynically named Affordable Care Act.''

These are the realities of ObamaCare for middle-class Americans across our country. Democrats can deny it, Democrats can say this is all some messaging problem, Democrats can pretend ObamaCare has been terrific for the country, as the Democratic leader tried to convince us last week, or they can accept that many years after ObamaCare's passage, the opposite of Senator SCHUMER's prediction is proving true, and it is anything—anything—but terrific. The reason Americans are negative about ObamaCare is precisely because of its substance. Unfortunately, their fears have materialized.

ObamaCare is shrinking choices, and higher costs present a stark contradiction to what its champions promised. Democrats gave us plenty of soaring oratories in 2009. I remember it well. We are finding that the sleepless nights, unpaid bills, and broken promises are actually becoming the hallmarks of this partisan law.

It is time for Democrats to stop denying reality and ignoring the concerns of our country. They need to stop pretending that ObamaCare's failures can be solved by doubling down on ObamaCare with a government-run plan. It is time for Democrats to finally work with us to build a bridge away from ObamaCare and toward real care for the country because, as one Kentucky op-ed asked, ''if the ACA is failing so completely in delivering on its promises, why keep it? Why throw good money after bad?''

The PRESIDING OFFICER. The Democratic leader.

THE SENIOR SENATOR FROM TEXAS

Mr. REID. Mr. President, I have a few things to say in a minute, but first I want to say this: Before coming to the Senate and the House, I was a trial lawyer. I have tried over 100 cases to juries, and some of those cases were very difficult. During the time we were in court with the opponent attorney, it was very hard, but as I look back to those days, never after a case was completed were there any hard feelings between me and my adversary during the trial.

The reason I mention that today is because I was thinking of my time here over the last few years. I have been in the Senate a long time. Someone else who has been here a long time, although not as long as I have, is the assistant Republican leader. He had a distinguished career, prior to coming here, in the law. He was a member of the Texas Supreme Court, and he was noted for being the lawyer that he is.

I want to say to my friend—he is here on the floor today—that we have had our differences, and we speak about them often. Yesterday I criticized him for doing something that I thought was wrong and not in good keeping with the standards of the Senate, but I want everyone to know that my criticism of the senior Senator from Texas is not based on anything dealing with his character or integrity. I am going to continue criticizing him and others whom I feel are not living up to their responsibilities as a Member of the U.S. Senate.

I just want the RECORD spread because a lot of my intention over the last several months has been directed toward the Senator from Texas. I want him to know that I appreciate his being on the floor today. I look back with—pride is maybe the wrong word—satisfaction about my time in the courtroom. Those were difficult cases that I had. When it was all over with, the feelings of the two attorneys were over with. There were no ill feelings. We would then move on to our next client. So I hope the Senator from Texas accepts my brief statement here in the manner that it is being offered.

OBAMACARE

Mr. REID. Mr. President, the Republican leader loves to come to the floor once or twice a week to talk about how bad ObamaCare is. What I say to him is this: His constant attacks on ObamaCare do not take away from the fact that there are 20 million people who have health insurance today who didn't have it 6 years ago. The Senator from California came as the speech was being given by the Republican leader and said to me: Remind him of what is going on in California—that we love ObamaCare. It is working wonderfully. Millions of people in California have health insurance that they didn't have before. She reminded me that in those States where the Republican Governors have agreed to do Medicaid, it is great. In fact, where States have expanded into Medicaid, the rates are approaching 10 percent lower than in other States.

I need not look at California. Let's look at Nevada. We have a conservative Republican Governor. Brian Sandoval is his name. I have learned to accept the fact that he is doing a good job. In spite of the fact that in running for Governor he beat my son, Brian Sandoval is a good person. He is doing a good job as Governor of the State of Nevada. He stepped aside and was not worried about the criticism he would receive by helping the people of the State of Nevada, and he has Medicaid in the State of Nevada. The rates there are some 7, 8 percent lower than had he not done that.

My friend, the Republican leader, complains about the few choices in the ObamaCare marketplace. Wow, that takes a lot of chutzpah to say that. Before ObamaCare, people had no choice, or the choice was either paying a lot, a whole lot, or not doing anything. Many people just skipped insurance. They were willing to take their chances.

Now, people go to the marketplace and they have lots of choices. That is why we have 20 million more people who have health insurance now who didn't have it before. There are many examples, but my friend the Republican leader just ignores them. Preexisting conditions—think about that. Prior to ObamaCare, if you had a child who was born with a birth defect of some kind, if you had a child that developed diabetes, or if you were an adult who might have had a car accident, or you were a woman—a woman—who had a preexisting condition, you had to pay more for your health insurance, if you could get some.

Everyone seems to ignore the good that has come from ObamaCare. Eighty-five percent of the people in the marketplaces get financial assistance in buying their coverage. After assistance, people are paying an average of $175 a month for their health insurance.

So ObamaCare is a signature issue of the Obama administration. As he announced yesterday, he is very happy with what ObamaCare has done for the American people, and it should be made better. It could be made better so easily if we could have a little bit of cooperation from the Republicans—a little bit. But we are going to continue focusing on making sure that people understand how well it has worked.

CONTINUING RESOLUTION

Mr. REID. Mr. President, last evening at 4 o'clock or thereabouts, I had the opportunity to go to the White House and visit with the President, along with Leader MCCONNELL, Speaker RYAN, and Leader PELOSI. We met for about 1 hour and 15 minutes. It was a very good meeting. We had to discuss a number of issues. We discussed a lot, but I will not talk about them all today.

There was a discussion about a path forward to fund the government to prevent a government shutdown—in spite of what the Wall Street Journal said today. The Wall Street Journal said in an editorial that the Republicans should just close the government again. I don't think there are many Republicans who agree with the Wall Street Journal editorial.

There is reason for some very, very cautious optimism about our meeting last night. We are going to proceed carefully. I know the Republicans will do the same. We have been down this road with the Republicans before. Happy talk is just that a lot of times. We have been optimistic in the past only to see the Republicans fail to live up to their end of the agreement.

If we are going to pass a CR that keeps our government open and funded, there are a number of problems that must be addressed. We have to stop ignoring the problems with Zika. This has been a problem, according to the President of the United States, since last February. We have done nothing to give these people some relief, and they need it. We thought that it was just a problem that affected women and pregnant women, but it has gotten so much more serious than that. That is plenty serious. But now they are looking at the virus going into people's eyes and causing vision impairment, blindness. That is men and women. So we have to get something done with Zika. We thought we had it all done here with the work done by Senators MURRAY and BLUNT. We had a bill. It wasn't everything we wanted, and it certainly wasn't what the President wanted. It was $1.1 billion. We sent it to the House. We don't need to go through what gymnastics they went through to throw a big monkey wrench into the good work we had done over here by passing it with 89 bipartisan votes.

Last week there were 17,000 Americans infected with Zika. We are told by the Centers for Disease Control that there are now 19,000. That is a 13-percent increase in 7 days, and each day it is only going to get worse. We need to treat the Zika virus like the genuine health crisis it is, not a bargaining chip for Republicans to use to attack Planned Parenthood, fly the Confederate flag, cut veterans spending by half a billion dollars, and other such things they stuck in the bill that came back from the House.

We want to work with the Republicans to secure Zika funding, but we will flatly reject any attempt to undermine women's health.

Once we have taken care of Zika, we must, then, as a Senate address Republicans' issues dealing with the continuing resolution, including riders dealing with the Environmental Protection Agency. They want to weaken the Clean Water Act by exempting pesticide spraying from the EPA's overseeing what goes on there.

We need to find a way forward on both of these important issues, while trying to navigate Senator CRUZ's attempts to slow down the CR. Unfortunately, this is what we have come to expect from my friend, the junior Senator from Texas. This is his shtick. Whenever the Senate has a deadline, he tries to obstruct government funding bills.

So we have our work cut out for us. I am cautiously optimistic the Senate will complete its work on the funding of Zika and the CR. We can do it, but it can only happen if we work together and resolve these important topics.

Mr. President, I ask the Chair to announce the business of the day.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

WATER RESOURCES DEVELOPMENT ACT OF 2016

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2848, which the clerk will report.

The senior assistant legislative clerk read as follows:

A bill (S. 2848) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

Pending:

McConnell (for Inhofe) amendment No. 4979, in the nature of a substitute.

Inhofe amendment No. 4980 (to amendment No. 4979), to make a technical correction.

The PRESIDING OFFICER. The assistant Republican leader.

CIVILITY

Mr. CORNYN. Mr. President, while the Democratic leader is still on the floor, let me express my gratitude to him for his remarks earlier. It is true that for better or for worse, we both have to bear the burden of legal training and experience in courtrooms where we learned that adversaries don't necessarily have to be enemies and to disassociate the arguments we are making from any personal animus or animosity, which, I think, is a very healthy and constructive thing to do. I always remember the excerpt from ''The Taming of the Shrew'' where one of the speakers said: ''Do as adversaries in law; strive mightily, but eat and drink as friends.''

So I think that kind of civility is an important admonition for all of us. It is one that maybe we don't always live up to but one that I think we should continue to strive to emulate.

So let me just say to the Democratic leader that I appreciate his comments and perhaps we can all do a little bit better in that category.

OBAMACARE

As the minority leader also pointed out, we have some very big disagreements. It seems as though each day is likely to bring more news about the awful side effects of President Obama's signature health care legislation, ObamaCare, as it has come to be called. The truth is that the implementation and the reality of ObamaCare has been nothing short of a disaster for many of the people who I represent in Texas, but it is not limited to the 27 million people or so who live in Texas. The problem has been visited on many people, as the majority leader commented about earlier with some of the statements he made with regard to its implementation in various other States.

Unfortunately, when Congress and Washington make a mistake, it is the American people who have to pay the price, and it seems as though the consequences of ObamaCare are only getting worse.

I think it is worth remembering—I certainly remember—that it was on Christmas Eve in 2009, at 7 o'clock in the morning, when the Senate passed the ObamaCare legislation with 60 Democrats voting in favor of it and all Republicans voting against it. I think that was the beginning of the failure of

ObamaCare. What our Democratic friends, including the President, failed to learn is that any time signature legislation that affects one-sixth of the economy and every American in this country—any time we pass a law like that, in the absence of some political consensus where each side gets something and gives up something and that builds consensus, then that law is simply not going to be sustainable, beyond the policy problems the law has obviously manifested.

I still remember as if it were yesterday, when the President said: If you like your doctor, you can keep your doctor. He said: If you like your policy, you can keep your policy. He said that the average family of four would save $2,500 on their health care costs. None of that has proven to be true. In fact, just the opposite is true. That is, unfortunately, part of the legacy of the broken promises of ObamaCare. It was essentially sold under false pretenses.

Back in my old job, before I came to the Senate, I was attorney general of Texas, and we had a consumer protection division that sued people who committed consumer fraud, who represented one thing to consumers and delivered another. We sued them for consumer fraud. Unfortunately, the American people can't sue the Federal Government for consumer fraud. They would have a pretty good case because of the trail of broken promises known as ObamaCare.

I just want to point out a few instances of how ObamaCare has proven to be such a disaster for the folks I represent in Texas.

Under the so-called Affordable Care Act—which really should be called the un-Affordable Care Act—many of my constituents in Texas are paying more for their insurance. Of course many remember the PR campaign the President and his administration rolled out to the American people. He promised better coverage, more choices, and lower prices. The one component we would think health care reform would deliver and that ObamaCare has been a complete failure on is lower costs for consumers. In fact, because of the mandates in ObamaCare, such as guaranteed issue—which is an arcane topic, but because of the way it was structured, it was bound to cost more money, not less—how in the world are we going to get more people covered by charging them more than they currently pay for their health care? We are not, unless we are going to come in the back door and use taxpayer subsidies to sort of cushion the blow, but even then, many people are finding ObamaCare simply unaffordable or maybe they can get coverage, but they find out they have a $5,000 deductible. So when they go to the hospital or when they go to the doctor, while they may think they have coverage, they basically are self-insured.

Unfortunately, my constituents have learned that ObamaCare has simply failed to deliver. Many people in my State are suffering. Over the past 2 months, it seems as though every week I read another headline in the Texas newspaper about the way it is hurting my constituents. I brought a few of those with me today.

First of all, here is the headline in the San Antonio Express-News: ''Obamacare hitting Texas hard as insurers propose steep rate increases.'' One might say: Why are you upset with ObamaCare when it is the insurance companies that are raising rates? The reason the insurance companies are raising rates is because people aren't signing up for ObamaCare if they can avoid it, unless they happen to be older and subject to more illnesses, which means the cost goes up for those who are buying those policies.

The article talks about how insurance companies are losing hundreds of millions of dollars under ObamaCare. Again, why would we care about insurance companies losing hundreds of millions of dollars? As we found out, many of them simply can't sustain themselves in the States so they are leaving. The majority leader talked about that a moment ago. Just to make ObamaCare viable, many of them are raising premiums by as much as 60 percent next year, just to stay in business.

Unfortunately, Texas is not unique. Other States such as New York and Illinois are looking at double-digit premium increases in 2017 as well. That is because, under the President's signature health care law, insurers are forced to pass along higher costs to customers. If they can't do it, their only other choice is to leave, leaving consumers with fewer choices and maybe only one choice in a State. That happens when the government—when the masters of the universe in Washington, DC,—think they know better than the market. It is basic economics.

The bad headlines don't stop there. Here is one from the Austin American-Statesman: ''Thousands affected in Texas as Aetna rolls back Obamacare plans.'' Aetna alone has more than 80,000 customers in Texas. It is one of the biggest health care providers in the country. Their leaving means that thousands of people will have to find a new health care plan. So much for ''if you like what you have, you can keep it,'' assuming they have a plan they liked, which now is more expensive than what many were paying before ObamaCare was passed. Again, it is not just my constituents in Texas who are hurting. Starting next year, Aetna will offer plans in only 4 States—4 States—down from the current 15. So consumers will have even fewer choices starting next year.

Aetna wasn't the only company to leave the State. This poster shows the headline from the Waco Tribune-Herald. Scott & White is one of our premier hospitals and health care systems in central Texas. The headline says: ''Scott & White Health Plan leaving Obamacare.'' According to the article, more than 44,000 Texans will have to find another insurance plan in 2017. Again, because of the extra costs burdening these companies, they simply can't afford to offer coverage, and they have no alternative but to pack up and leave.

Finally, here is a headline from the Texas Tribune: ''Health Insurers' Exit Spells Trouble for Obamacare in Texas.'' In this story, the Tribune reports that in addition to Scott & White and Aetna, an insurance startup called Oscar Insurance also announced it would withdraw from Texas exchanges in the Dallas-Fort Worth area. The Dallas-Fort Worth area is one of the most populous parts of the State. This is absolutely unacceptable. With so many insurance companies pulling out of Texas, Texans will have less health care options, plain and simple.

I am beginning to wonder whether the conspiracy theories we heard early on about ObamaCare, that it was built to fail because what the advocates wanted is a single-payer, government-run system, and this was just a predicate or prelude to that because it could not work as structured. We can draw our own conclusions, but, the fact is, consumers will have less choice and their health care coverage comes at a higher price.

According to one estimate, 60 counties out of 254 counties in Texas will have just one option in 2017 unless other insurance companies decide to enter the market, which is highly unlikely given the way ObamaCare is structured. That means prices will continue to go up. And you wonder why people are frustrated in America, why our politics seem too polarized, and why people seem so angry at what is happening in Washington? At a time when their wages have remained flat because of this administration's economic policies—and overregulation being a large part of it—the costs for consumers continue to go up. That means people's real disposable income is going down, and they are not happy about it—and they shouldn't be.

Texas is a big State. We have very highly populated areas like the Metroplex in Dallas-Fort Worth and Houston and Austin, but we are a big rural State as well. People who live outside of the major cities are the very demographic that ObamaCare was supposed to help, but they will be disproportionately hurt as fewer companies are able to offer insurance away from major population centers. Company after company is packing up and leaving the exchanges in Texas because ObamaCare simply will not work as structured. It can't deliver on its promises. At the end of the day, hard-working Texas families have to pay for the partisan policies of this administration and our Democratic colleagues who jammed this through Congress rather than trying to build some consensus, on a bipartisan basis, that would make this sustainable.

I remember being at a program where James Baker III, who obviously served

in the Reagan administration, and Joe Califano, former Secretary of Health and Human Services—a Democrat who served in the Carter administration, a Democratic administration—made the commonsense observation that any time you pass legislation as big as ObamaCare, it is bound to fail because you can't expect people who opposed the legislation from the very beginning to say: Let me try to rescue you from a bad decision in the first place, when they were essentially frozen out of the process.

For example, when Social Security became the law, consensus was reached, and that is the way it should be done. Unfortunately, my constituents in Texas and the American people are paying the price for a bad decision made in 2009 and 2010 to make ObamaCare a purely partisan piece of legislation.

I get letters from my constituents all the time who liked their insurance before it was cancelled because of ObamaCare, they liked their doctor whom they could see under their existing health care policy, and they even liked the price they were paying for it—it was affordable before the mandates of ObamaCare, but one by one they lost their coverage when ObamaCare became the law of the land.

I have had some of my constituents tell me they feel terrorized by ObamaCare. Strong words. Others have told me bluntly, they need relief from it: Please, help us. We are drowning in higher costs and fewer choices and we don't like what we have under ObamaCare. The bottom line is, for all of the purported benefits the Democratic leader talked about—more people on Medicaid, more people with some form of coverage—we know a huge majority of people feel as though they got a raw deal, and we knew it would be that way from the beginning. That is the reason many people, including myself, opposed it.

That is also the reason why just this year Senate Republicans passed a bill under the budget reconciliation process to repeal ObamaCare, because we feel the American people deserve better. Not surprisingly, President Obama vetoed it. What we demonstrated is, the political support in the Senate, working with the House, to, hopefully under the next President, build a health care system the American people can afford, giving them the choices they want because unfortunately ObamaCare did not deliver on its promises.

We have our work cut out for us in 2017. We demonstrated there are enough votes there to repeal ObamaCare. All we need now is a President who will sign it, as we work together to repeal it and give a more affordable alternative to ObamaCare that gives people the choices they want and deserve.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. DURBIN. Mr. President, both the Republican majority leader and the Republican assistant majority leader have come to the floor to address one issue that is pretty important to them, and it clearly is the focus of their attention. The issue today is the Affordable Care Act, ObamaCare, which was passed by the Senate and the House 6 years ago. What I have missed in most of the debate—no, in fact, what I missed from all of the debate from the Republican side, is their proposal or their alternative. They don't have one. No, what they want to argue is: We need to go back to the good old days—the good old days of health insurance before the Affordable Care Act.

You heard the Senator from Kentucky and the Senator from Texas talk about getting back to those good old days and getting rid of the mandates in the Affordable Care Act. What were those mandates in the Affordable Care Act? Here is one. It says if you or any member of your family had a preexisting condition, you could not be denied health insurance. Does any family across America have a family member with a preexisting condition? It turns out there are quite a few—my family and many others. There are 129 million Americans out of 350 million who have a preexisting condition in their family. What did that mean in the good old days before the Affordable Care Act, which the Republicans want to return to? It meant health insurance companies would just flat out say no, we are not going to cover you. You have a child who survived cancer, you have a wife who is a diabetic—no health insurance for you. Those are the good old days that Republicans would like to return to, but for 129 million Americans, it means no insurance or unaffordable insurance to go back to the Republican good old days under health insurance.

There was also a provision—another mandate in the Affordable Care Act—which said you cannot discriminate against women when it comes to health insurance. Why would health insurance companies charge more money for women than men? Well, women are made differently, have different health needs. But why should they be discriminated against when it comes to the cost of health insurance?

One of the mandates said that you treat men and women equally when it comes to the payment of premiums. In the good old days, you could discriminate against women. It meant that 157 million American women could pay a higher premium for the same health insurance as a man. So the good old days, which the Senate Republicans would like to return to in health insurance, would go back to discrimination against women.

There was another mandate. The mandate said that if you were a family who had a son or a daughter and you wanted to keep them on your family health insurance until they reached the age of 26, the health insurance companies had to give you that option. It was mandated. In the good old days, which the Senate Republicans would like to return to, there was no requirement that you be allowed to continue coverage for your son or daughter to age 26.

What difference does that make? I remember when my daughter was going to college and then graduated. I called her and said: Jennifer, do you have health insurance?

Oh, Dad, I don't need that. I feel fine.

Well, no parent wants to hear that. You never know what tomorrow's diagnosis or tomorrow's accident is going to bring. So one of the mandates, which the Republicans would like to get rid of, is the mandate that family health insurance cover your children up to age 26 while they are graduating from school, looking for a job, maybe working part time. They want to go back to the good old days when you could tell a family: No, your son or daughter cannot stay under your health insurance plan.

There was another provision too. There used to be a Senator who sat right back there; I can picture him right now—Paul Wellstone of Minnesota. Paul Wellstone was an extraordinary Senator who died in a plane crash. You probably remember. Over on that side of the aisle, right at that seat, was Pete Domenici of New Mexico. Pete Domenici was a Republican Senator from New Mexico.

Paul Wellstone and Pete Domenici were two polar opposites in politics, but they had one thing in common. Both of them had members of their family with mental illness. The two of them, Paul Wellstone and Pete Domenici, came together and said: Every health insurance plan in America should cover mental health counseling and care—mandated mental health counseling and care.

Those two Senators from the opposite poles in politics knew, together, that mental illness is, in fact, an illness that can be treated. Health insurance plans did not cover it, did not want to cover it. But the mandate that they came up with, included in the Affordable Care Act, said: Yes, you will cover mental health illness and mental health counseling.

Well, you have just listened to the Senator from Texas talk about doing away with mandates, mandates that require the coverage of mental health illness. There is something else they included, too, and most of us didn't notice. It doesn't just say mental health illness; it says mental health illness and substance abuse treatment.

What I am finding in Illinois, and we are finding across the country because of the opioid and heroin epidemic, is that many families get down on their knees and thank goodness that their health insurance now gives their son or daughter facing the addiction of opioids or heroin health insurance coverage for treatment. This is another mandate in the Affordable Care Act that the Senators from Texas and Kentucky believe should be gone.

That is not all. There is also a mandate in the Affordable Care Act that we

do something to help senior citizens pay for their prescriptions drugs. Under the plan devised by the Republicans, there was something called a doughnut hole where seniors could find themselves, after a few months each year, going into their savings accounts for thousands of dollars to pay for their pharmaceuticals and drugs.

We put in a mandate in the Affordable Care Act to start closing that doughnut hole and protecting seniors. The Republicans would have us go back to the good old days when the Medicare prescription program—where seniors were depleting their savings because of the cost of lifesaving drugs.

So when you go through the long list of things that are mandated in the Affordable Care Act, you have to ask my Republican critics: Which one of those mandates would you get rid of? They suggest that—at least the Senator from Texas suggested—we should get rid of all of these mandates and go back to the good old days of health insurance.

It is true that the cost of health insurance is going open up. My family knows it. We are under an insurance exchange from the Affordable Care Act. We know it. Others know it as well. But to suggest this is brand new since the Affordable Care Act is to ignore reality and to ignore the obvious. If you take a look back in time—and not that far back in time—before the passage of the Affordable Care Act, you find some interesting headlines.

The Senator from Texas brings headlines from Texas of the last few months. In 2005, 5 years before the Affordable Care Act was law, there was a Los Angeles Times headline that read, ''Rising Premiums Threaten Job-Based Health Coverage.'' It should not come as any surprise to those of us who have any memory of when the cost of health insurance premiums were going up every single year.

In 2006, 4 years before the Affordable Care Act became law, a New York Times headline read, ''Health Care Costs Rise Twice as Much as Inflation.''

In 2008, 2 years before we passed the law, a Washington Post headline read, ''Rising Health Costs Cut Into Wages.''

It is naive—in fact, it is just plain wrong—to suggest that health care costs were not going up before the Affordable Care Act, and health insurance premiums were not going up. If you could buy a policy, you could expect the cost of it to go up every year. What we tried to achieve with the Affordable Care Act was to slow the rate of growth in health insurance costs. We have achieved that.

More than 20 million Americans who did not have it before the Affordable Care Act now have health insurance. We are also finding that the cost of programs like Medicare have gone down over $400 million because we are finding cost savings in health care, cost savings brought about because of the Affordable Care Act. I said $400 million; sorry, I was wrong. It is $473 billion saved in Medicare since the Affordable Care Act because the rate of growth in health care costs has slowed down.

For employer premiums, the past 5 years included four of the five slowest growth years on record. Health care price growth since the Affordable Care Act became law has been the slowest in 50 years. Have some premiums gone up? Yes, primarily in the individual market.

Now, the Senator from Texas and I have something in common. The biggest health insurer in my State is also a major health insurer in Texas—Blue Cross. Blue Cross came to me and said: We are going to have to raise premiums. How much, I can't say ultimately. It is still going through the decision process. What was the reason? They said: Not enough people are signing up for the health insurance exchanges. What we are trying to do is to get more people to sign up for health insurance so that we literally have universal coverage across this country.

We have made great progress; 20 million people more are covered. But to argue that we should go back to the good old days of health insurance, of discrimination against people with preexisting conditions, discrimination against women, making the decision that if your child has a medical condition, your family would not have health insurance—to say that we should go back to that—is that what the Republicans are proposing? I am still waiting for the Republican alternative to the Affordable Care Act. They have had plenty of time to work on it.

They call it partisan law, but let's make the record clear. In 2009, when President Obama was sworn into office and started this effort to reform health insurance in America, Max Baucus, a Democrat from Montana, was the chairman of the Senate Finance Committee. He reached out to the ranking Republican, CHUCK GRASSLEY of Iowa, to try to devise a bipartisan bill.

They took a long time deliberating and meeting. In fact, many of us were frustrated, saying: When is this going to result in an actual bill? In August of 2009, Senator GRASSLEY announced he was no longer going to be engaged in that deliberation and negotiation. From that point forward, no Republicans participated in the drawing up of the bill or an alternative. It passed on a partisan rollcall despite the best efforts of many Democratic Senators to engage the Republicans in at least debating the issue and helping us to build the bill.

They were opposed and remain opposed. They still oppose it today and still have no alternative, no substitute. It is their hope that we will somehow return to the good old days of health insurance. Well, they were not good old days for millions of Americans. It meant discrimination, exclusions, expenses, and treatment no one wants to return to.

One topic is never mentioned by the Republicans when they come to the floor and talk about health insurance. I listened carefully yesterday and again today with Senator MCCONNELL and with Senator CORNYN, and one thing they failed to mention: Did you hear them say anything about the cost of pharmaceuticals and drugs? Not a word.

Yet when you ask health insurance companies why premiums are going up, some are saying: They are being driven by the cost of pharmaceuticals. One company says that 25 percent of our premium increase goes to the cost of pharmaceuticals. Well, we know what they are talking about, don't we. When people take over these pharmaceutical companies, they grab a drug that has been on the market, sometimes for decades, and decide to raise the price 100 percent, 200 percent, and 550 percent in the case of EpiPens, those pens that save kids who have anaphylactic reactions to peanuts and other things they are allergic to.

So if we are going to deal with the drivers in the cost of health insurance, my friends on the Republican side have to be open to the suggestion that we need to do more to protect American consumers from being fleeced by pharmaceutical companies. Why are we paying so much more for drugs in America that are literally cheaper in Canada and cheaper in Europe? It is because our laws do not give the consumers a fighting chance. Our laws allow pharmaceutical companies to charge what they wish with little or no oversight.

Do you want to bring down the cost of health care? We have hospitals already engaged in that effort, doctors engaged in that effort, medical professionals committed to that effort. But what one hospital administrator said to me is: Senator, when are we going to get the pharmaceutical companies to join us in trying to reduce the cost to consumers?

Let me just close by saying that the Senator from Texas said: There were those in the Senate who wanted to have a government health insurance plan. Guilty as charged—not as the only plan, but as a competitor when it came to these health insurance plans. What if we had Medicare for all across the United States as an alternative in every insurance exchange and allowed consumers across this country to decide whether that is an option that is valuable for them?

I am not closing out the possibility of private insurers. Let them compete as well. But consumers at least deserve that option, a nonprofit Medicare-for-all insurance plan. It was stopped because we did not have the support of all of the Democrats, to be honest with you, and no support from the Republican side. I still think that is a viable alternative that we should explore.

So I will still wait. There will be more and more speeches about the Affordable Care Act. I will still wait,

after 6 years, for the first proposal from the Republican side for the replacement of the Affordable Care Act. I have not seen it yet, but hope springs eternal.

I yield the floor.

The PRESIDING OFFICER (Mr. ROUNDS). The Senator from Nebraska.

Mrs. FISCHER. Mr. President, I rise to offer remarks on the Water Resources Development Act today. Specifically, I would like to address amendment No. 4996, which has now been modified and included in the Inhofe-Boxer managers' package. First, to Senators INHOFE and BOXER, thank you for your commitment to passing the WRDA bill every 2 years.

I appreciate their efforts to work with every Member in this Chamber to make certain that commitment is upheld. The bill reflects our duty and ability to ensure safe, reliable water infrastructure. In large part, it achieves this by granting greater flexibility to local stakeholders to manage their community's diverse water needs.

For example, in Nebraska, our 23 natural resource districts will be allowed to fund feasibility studies and receive reimbursement during project construction instead of waiting until that project is completed.

WRDA also includes real reform for State municipalities, like those in Omaha, struggling with unfunded combined sewer overflow mandates.

Personally, I am relieved that WRDA 2016 eliminates the EPA's flawed median-household income affordability measurement which hurts fixed- and low-income families.

Regarding amendment No. 4996, I thank the chair, the ranking member, and staff of the EPW Committee for working with me in a bipartisan manner to ensure that America's farmers and ranchers have greater certainty for their on-farm fuel and animal feed storage. This amendment provides a limited exemption to farmers from the EPA's spill prevention, containment, and control—or the SPCC—rule. Two years ago I worked with Senator BOXER, who was then chairman of the committee, in a good-faith effort to address concerns raised by my constituents about this rule, and I am very pleased to have the opportunity to do so again.

My modified amendment would wholly exempt animal feed storage tanks from the SPCC rule both in terms of aggregate storage and single-tank storage. Further, this amendment includes additional language that will exempt up to 2,000 gallons of capacity on remote or separate parcels of land as long as these tanks are not larger than 1,000 gallons each. Ultimately, this will give ag producers greater flexibility to access the necessary fuel needed to power machinery, equipment, and irrigation pumps.

Some may think these are just technical tweaks, but let me assure you they are critically important to farmers and ranchers across our country. Most agricultural producers live miles away from the nearest refueling station; therefore, producers rely upon on-farm fuel storage to supply the fuel they need at the time they need it. This amendment will ensure that producers can maintain that on-farm fuel storage. It will bring some reasonable, measured exemptions to the SPCC rule for small- and medium-sized farms and for livestock producers.

This compromise comes at a critical hour for our ag producers. They are struggling through one of the toughest farm economies since the 1980s. Markets are weak, and margins are tight. This compromise offers much needed regulatory relief. For many, it is a lifeline. It lifts an unnecessary burden.

I urge my colleagues to support these commonsense exemptions that will limit harmful Federal regulations on the men and women who feed a very hungry world. I wish to comment briefly on those harmful regulations. As I mentioned, the Senate passed a provision in the 2014 WRDA bill requiring the EPA to do some research before determining what is and what is not an appropriate, safe fuel storage level for the average American farmer. It is my view—and it is shared by many producers across the country—that if there is no risk, then there is no reason to regulate. Don't fix problems that don't exist.

The EPA released results of this study last year, and it is difficult for me to call it a study. The word ''study'' carries with it the implication of careful scrutiny. The EPA's report was, in reality, a collection of assumptions lacking in scientific evidence. It supported a recommendation that moved the goalposts on the exemption levels below the minimum that was previously agreed to by this Chamber and signed into law. The EPA report failed to show that on-farm fuel storage poses a significant risk to water quality. It cited seven examples of significant fuel spills and not one of them occurred on a farm or a ranch. Even more misleading, one referenced a spill of 3,000 gallons of jet fuel. I know that in the Presiding Officer's State of South Dakota and in my State of Nebraska, it would be very hard to find a farmer who employs the use of a jet engine when they are harvesting a cornfield.

To place these costly fees and heavy regulations on farmers and ranchers at so difficult a time is very dangerous and it is serious. To do so based on a report with false, misleading information is irresponsible.

I know the impact of Federal policies from first-hand experience. Farmers and ranchers understand that their success is the direct result of careful stewardship of our natural resources. We depend on a healthy environment for our very livelihoods. We know the value of clean water—you cannot raise cattle or corn without it. No one works harder to protect the quality of our streams and our aquifers. When it comes to preventing spills from on-farm fuel storage, producers already have every incentive in the world. We live on this land and our families drink the water.

Again, I thank Chairman INHOFE and Ranking Member BOXER for their willingness to come together, reach a compromise, and safeguard the livelihoods of our farmers and ranchers.

The Senate's approval of WRDA will be a relief for farmers throughout Nebraska and all across America, who should not face these unnecessary regulations. The bipartisan provision regarding on-farm fuel storage completely exempts animal feed ingredients, and it does provide greater flexibility to producers to access the fuel where they need it, and that is reflective of the real-world realities we face in production agriculture.

I appreciate my colleagues' support and cooperation on this issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

ZIKA VIRUS FUNDING

Mr. WYDEN. Mr. President, if ever there were an issue that ought to be bipartisan, it is tackling the Zika virus because this virus, of course, is taking an enormous toll on our country.

What we are seeing is women and men getting infected, research stalling out, and babies being born with deformities and severe disabilities. My view is there shouldn't be anything partisan about tackling this. It ought to be common sense. The Senate ought to come together, and we should have done it quite some time ago. Yet Republican leaders seem to be putting this into slow motion because they want to limit access to the very health services pregnant women depend on for their care. When you listen to their view, it is almost like giving pregnant women cans of bug spray and wishing them good luck. In my view, that defies common sense.

What I have always felt—and this has been true throughout my time in public service—is that with the big public health issues where the safety and well-being of so many Americans is on the line, you say: What we are going to do is we are going to do our job, we are going to come together, and we are going to do it in a bipartisan fashion based on what researchers and public health authorities say makes sense.

Yet here the Senate is on an issue that is at the forefront of the minds of millions of American women and families, and what we are being told by Republicans is that the price of dealing with the Zika virus is limiting women's rights and reducing access to reproductive health care, and so much of that agenda is a preventive agenda, which is exactly what the public health authorities say is most important.

My hope is that this Congress is very quickly going to say that we are going to set aside the anti-women, anti-family language, and, as part of a must-pass bill, that we are going to say we are going to come together as a body,

Democrats and Republicans, and address what are clear public health recommendations of the leading specialists in this country and do the job that Americans told us to do, which is, when you have something that affects millions of Americans and their health and safety—I had a number of forums on the Zika virus this summer in Oregon. It is a great concern. For example, the Oregon Health Sciences Center, our premier health research body, is very concerned about the research agenda stalling out.

I would say to my colleagues, let's set aside this question of trying to find ideological trophies as part of the Zika legislation. Let's address the clear public health recommendations we have received. Let's do it in a bipartisan way. Let's do it in a way that reflects common sense, and let's do it quickly.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

OBAMACARE

Mr. BARRASSO. Mr. President, I come to the floor after having seen the minority leader and then the minority whip on the floor this morning talking about the President's health care law. It is a law that the President said people should forcefully defend and be proud. What I heard was a defense of a bill—now a law—that was passed solely along partisan lines a number of years ago. It is very hard to be proud or defend that law based on what the American people are experiencing.

I come to the floor noting that the President is from the home State of Illinois, the minority whip is from the home State of Illinois, and there have been a number of stories in the press recently from that State about just how horrendous the impact of the law has been on the people of the President's home State, to the point that just yesterday there was a story in the Washington Examiner with the headline ''Illinois gets ready for huge Obamacare rate hikes.''

People say: Well, what is not to like about ObamaCare?

According to a Crain's Chicago Business report dated August 27—the headline is ''What's not to like about ObamaCare? Plenty in Illinois.''

There is plenty in Illinois not to like about ObamaCare, but it is not just Illinois and it is not just Nevada, where the minority leader is from; a Gallup poll of the entire country that recently came out showed that more Americans are negative than positive about the health care law. Have there been some people who have been helped? Absolutely. But overall, most Americans in this case have said the impact has been more negative than positive.

It is interesting because the way the question was asked—they asked: Has this health care law helped you personally or has it hurt you and your family?

I was astonished to see that 29 percent of Americans say ObamaCare has hurt them and their families personally. Three out of ten Americans say this law has hurt them and their families personally. Well, how does that happen? Maybe they lost their doctor. The President said: If you like your doctor, you can keep your doctor. Many people couldn't, in spite of what the President told them. The President told them their insurance premiums would drop by $2,500. Instead, people are noticing premiums going up around the country. The President said: If you like your plan, you can keep your plan. We know that has not been true.

And then what I found additionally astonishing and should be concerning to all of us as Americans—and as a doctor most concerning to me—is the question, How will this health care law affect your family in the future? More Americans expect the health care law to make their family's health care situation worse in the long term.

These are people talking about their own families, not the minority leader or the minority whip or the President of the United States coming to the floor and talking about this and that—the theoretical aspects. I am talking about American families—men, women, children—all trying to live a healthy life and finding it has been impeded, hurt by the President's health care law.

It is amazing that 36 percent—more than one in three Americans—expect this health care law to make their family's health care situation worse. Did we hear about that during the debate on the Senate floor when the bill was written behind closed doors in HARRY REID's office or when NANCY PELOSI said: First you have to pass it before you find out what is in it. Did the American people understand that 6 years later, over one in three would say personally their health care and the health of their own family would be worse because of this law?

The State of Illinois. This is the headline yesterday: ''Illinois gets ready for huge Obamacare rate hikes.'' The first line of the story: ''Half the insurers selling plans in Illinois' Obamacare marketplaces are hiking prices by 50 percent on average, according to the final rates the State published Wednesday.''

These are rates approved by the State of Illinois. Remember, the President said: Oh, we will not let them go up that high. The State of Illinois says that is the only way they can stay in business.

Another headline: ''Illinois Obamacare rates could soar as state submits insurance premium increase to the feds.'' Rates could increase by an average—and we know what the approval rate is—over half will be increasing by over 50 percent. So with that impact, it is interesting that for a 21-year-old nonsmoker—we are talking about somebody who is healthy, who doesn't smoke, and who probably goes to the gym—if they are buying the lowest price silver plan in Cook County, IL—we are talking Chicago, talking about the President's hometown—next year, that 21-year-old healthy individual, nonsmoker, could pay a premium of $221 a month, up from $152 a month. That is a $70 higher premium every month—$840 for the year—for a 21-year-old who is just trying to get health insurance because the law says they have to buy it.

The President says: You just can't get what works for you, you have to buy what I say works for you. You have to listen to the President on this. You can't choose what makes sense for you. The President says: Don't worry. Taxpayers will subsidize it.

If you are not receiving a taxpayer subsidy, you are paying the subsidy for that person, but a lot of people don't get the subsidies. According to the situation in Chicago, about 25 percent of the people who buy insurance on the exchange—the customers there, which is about 84,000 people—do not receive tax credits. They don't receive the subsidy. So they are feeling this in their pocketbooks because the President says they have to buy it because he thinks he knows better, and it sounds like the minority leader and the minority whip have that same opinion.

So the headline comes out, ''What's not to like about Obamacare?'' And then the answer to the question is: ''Plenty in Illinois.'' It talks about Illinois residents who buy health insurance through the ObamaCare exchange should brace themselves for steep premium increases, but it is not just the premiums. They also have to brace themselves for fewer doctors to choose from—less choice in doctors, less choice in hospitals to go to when they enroll, and the enrollment opens on November 1.

The big national health insurance companies have pulled out of Illinois because of substantial losses. There is actually a co-op in Illinois called the Land of Lincoln co-op. It lost $91 million and they closed their doors.

Is it only Illinois, is it only Nevada where they are down to just one choice in most of the State? The President promised a marketplace, but instead it is a monopoly. Companies have pulled out. People have very few choices, if any.

The article says:

> While people buying insurance coverage through the Illinois exchange may howl, premiums are jumping even higher in other States. For instance, the insurance commissioner of Tennessee, declaring the state's exchange market ''very near collapse.''

Very near collapse in Tennessee. Yet they approved an increase—the one insurance company—of 62 percent. A 62-percent increase. Is that what the President means when he says ''forcefully defend and be proud''?

The President and Senators on the floor today talked about the issues, and the President pointed to this, and he said: Oh, well, people aren't going to have to go to the emergency room after the ObamaCare health care law has been passed because they will only

have to use it for emergencies and not for routine care. Well, what came out in the Chicago Tribune, the President's hometown newspaper, on August 30 of this year? ''Illinois emergency room visits increased after Obamacare.'' They increased. The article says: ''Emergency visits in Illinois increased . . . by more than 14,000 visits a month on average, in 2014 and 2015 compared'' to before the President's health care law was signed. This is from the Annals of Emergency Medicine. They follow these things.

The article in the Chicago Tribune says one of the goals of expanding coverage to all was to reduce the use of pricey services such as emergency department services. That is what the President said. That is what the Democrats said when this bill was being debated. The emergency room was the area of last resort for people who didn't have doctors and who didn't see them regularly, so with the health care law, they wouldn't need to go to the emergency room, but the study's authors noted that this spike of visits in Illinois runs contrary to what the President promised and the President's goal.

The co-ops have been especially troubling and certainly in Illinois the Land of Lincoln co-op, but it is not just Illinois. Co-op after co-op after co-op has failed, including one yesterday in the State of New Jersey—gone. What does Crain's, the Chicago business newspaper, say about Illinois? ''Illinois Obamacare plan to fold after 3-year run.'' ''Land of Lincoln Health, an Obamacare insurer that launched three years ago to bring competition''—the idea of the President, saying he wanted to bring competition—''to the online exchange, is liquidating among big financial losses.''

In location after location, State by State, people who have relied upon the President's promises have been bitterly disappointed. What is so distressing about what happened in Illinois with the co-op is that because it failed during the middle of the year—done—people then need to find new insurance.

We have talked before about the issues of high copays, high deductibles. When a co-op fails and you have to buy new insurance, you have to start over from scratch with paying the copays, paying the deductibles. So somebody who actually bought insurance through the President's idea of this co-op—a co-op that has now failed—finds themselves not only having to find a new insurance company—if they can find one—because the law says they have to buy it, but they also have to start over.

So the Land of Lincoln—the so-called co-op health insurer on the State exchange—is going to shut down the end of September—in a couple weeks. Its 49,000 Illinois members—this is according to the Chicago Tribune—its 49,000 Illinois members have to get new insurance coverage for October, November, and December because it is done at the end of this month. They will likely have to start from zero again on their deductibles and out-of-pocket maximum payments, in some cases costing them thousands of additional dollars.

Is that what President Obama means when he says forcefully defend and be proud? There is very little to be proud about what this President has brought upon the American people, which is why we see so many families concerned.

The final issue I bring up is the fact that so few people are signing up in spite of the fines, in spite of the taxes, and in spite of the mandates, to the point that the Washington Post had a front-page story entitled ''Health-care exchange sign-ups fall far short of forecasts.'' At this point, they expected 24 million people signing up. They are at 11 million. So they are 13 million short. There are still almost 30 million people in this country uninsured, but it is not because they are making it hard to sign up. Oh, no, Mr. President. You may have seen this story that came out yesterday on CNBC news: ''Obamacare marketplaces remain vulnerable to fraud, new government audits find.'' The article says: ''Two new government audits reveal that the nation's Obamacare marketplaces remain 'vulnerable to fraud,' after investigators successfully applied for coverage for multiple people who don't actually exist.''

They made up people, they applied, and the ObamaCare exchange sold them the insurance and counted them as good. It says: ''In several cases this year, fake people who hadn't filed tax returns for 2014 were still able to get Obamacare tax credits. . . .'' They were not just able to get insurance but got subsidies from hard-working American taxpayers. They were still able to get ObamaCare tax credits to help pay their monthly premiums for coverage right now.

Continuing to quote from the article: ''This year is the first year in which applicants for those subsidies had to have actually filed their federal tax returns from prior coverage years. . . .'' But they had not filed them. That didn't matter to the ObamaCare exchange people. They are so desperate to get people to sign up because so few people are signing up that they will sign up people who don't exist.

They put up 10 fictitious applications, with 8 of them failing the initial online identity checking process, but all 10 were successfully approved, according to the Government Accountability Office.

It is amazing that people all around the country know how poorly this law is working for them in terms of their lives and their families. I heard one of the Senators today say Republicans have no options. The Republicans have offered plenty of responses to what is happening with the Obama health care law. The State health care CHOICE Act allows States to make a lot of decisions that are now being made by unelected, unaccountable Washington bureaucrats. We have plans working toward patient-centered care to allow people to get the care they need from the doctor they choose at lower costs.

These are things that have been rejected by the Democrats because the President has said ''forcefully defend and be proud.'' Hillary Clinton has said defend and build upon. She wants to do it with additional taxpayer subsidies—subsidies that go to people who do not exist, subsidies that don't deal with the cost of care, subsidies that don't deal with the fact that people are facing high deductibles, high copays, and can't keep their doctors.

In spite of what the President and the Democrats may say, and in spite of what candidate Clinton may say, a huge number of American people have considerable fears their life will be made worse by the President's health care law. Almost 3 in 10 Americans today—29 percent of Americans today—say they and their families have been personally harmed by the President's health care law. That is a sign of failure, Mr. President. It is not a sign of success. It is not something people should forcefully defend and be proud of. It is a sign we need to take a different path—a path that is not the Obama approach, not the one-size-fits-all, and it is not the Washington knows better than the people at home.

We need to get the decisions out of Washington and being made at home so the American people—people who just want to get up, go to work, take care of their family, and get affordable care when they need it—can get the care they need, from a doctor they choose, at a lower cost.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HELLER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. CAPITO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. CAPITO. Mr. President, I am here today to speak in support of the Water Resources Development Act, or what we call WRDA. I thank Chairman INHOFE and Ranking Member BOXER for the way they have worked very well together to get this very important piece of legislation across the finish line, as they did with the Transportation bill. This piece of legislation has broad bipartisan support.

As we know, West Virginia suffered historic flooding this summer. We can see this in Greenbrier County, WV, on June 25, 2016. This shows how swollen and filled all the waterways were. We lost 23 West Virginians from the storms, and tens of thousands suffered catastrophic damages to their homes and to their livelihoods. WRDA contains a number of provisions that will help prevent this kind of devastation in the future. We can no longer wait until it fails to fix our Nation's infrastructure.

In addition to a major loss of life, communities across West Virginia are dealing with significant economic losses that will take years to recover. Our friends in Louisiana are going through the same, very difficult building back.

Let me touch on some of the highlights of the WRDA bill.

I sponsored a provision in WRDA with my fellow Senator from West Virginia, Mr. MANCHIN, to study the feasibility of implementing projects for flood risk management within West Virginia's Kanawha River Basin—something such as this—to prevent this. This bill also addresses dam safety and includes a provision I have been working on with Senator JACK REED. I thank him for his hard work in this area.

According to the Army Corps of Engineers' ''National Inventory of Dams,'' there are more than 14,000 high-hazard potential dams in the United States. As we know, the State of West Virginia has a lot of mountains, a lot of valleys, a lot of water, and a lot of dams. Some 422 of those dams are located in my small State of West Virginia. Put simply, when a dam has high-hazard potential, it means that if the dam fails, people will lose their lives and their property.

This provision allows for $530 million over 10 years for a FEMA program to fix those dams. I know that States across the Nation would welcome this provision.

Flood prevention and mitigation is only one of the important parts of this WRDA bill. WRDA also has drinking water infrastructure—an issue, again, that is very important to all of us. In my State of West Virginia, we dealt with this firsthand, in 2014, following the Freedom Industries spill into the Elk River. As we may recall, that caused 600,000 people to lose their water for a large period of time—several weeks in some cases.

WRDA provides assistance to small, disadvantaged, and underserved communities. It will replace lead service lines in these communities and address sewer overflows. We have so much aging infrastructure in this country. It includes $170 million to address lead emergencies—like those in Flint, MI—and other public health consequences. It provides $70 million to capitalize the new Water Infrastructure Finance and Innovation Act, better known as WIFIA. That program provides loans for water and wastewater infrastructure anywhere in the country. This program is modeled after a similar and highly successful program that supports our highways.

Maximizing the use of our waterways is another important part of WRDA. In my State, our rivers not only provide commercial transport but also vital recreational opportunities. I have submitted a bipartisan amendment, which I hope will be accepted into the final bill, that emphasizes the increasing use of locks along the Monongahela River for recreational use.

Finally, WRDA includes consensus legislation to allow EPA to review and approve State permitting programs for coal ash disposal. The EPA's coal ash rule went into effect last October, but EPA does not currently have the authority to approve our State permitting programs. This bill fills that gap, benefiting utilities, States, and the environment by authorizing State oversight of coal ash disposal. There is no other environmental regulation solely enforced simply through private lawsuits, which is what we are seeing. So this bill fixes that by giving States the authority, and it empowers local entities to help keep their infrastructure strong and functioning.

Lastly, the bill gets us back to a regular schedule of passing WRDA every 2 years. Doing so will allow us to continue to modernize our water transportation infrastructure and keep up with flood protection and environmental restoration needs across the country.

So let's seize this opportunity. This is a significant bill with a number of benefits for a lot of States all across the country. This legislation proactively addresses a number of concerns. It will bring short-term and long-term gains to our economy, and it will show the American people that Congress can come together in a bipartisan way to fix problems, to support needed improvements to our infrastructure, and to make the right investments in our communities.

Lastly, I wish to add that the devastating floods we had in West Virginia took 23 lives, but what it showed us as West Virginians is what a great Nation we live in. I want to take the time to thank people from across this country who drove to West Virginia, who sent money to West Virginia, who raised money for West Virginians, who sent supplies, and who said prayers for all the many families who were devastated and still suffer the devastation from a flood such as this throughout our State.

I think we do sometimes focus a little bit too much on what is going wrong in this country. For me, one of the things that is going right is the volunteerism, the benevolence, the loving embrace that we felt in West Virginia from the rest of the country when we went through such a devastating flood but that other areas of the country feel when they suffer like consequences.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, it is really propitious that the Senator from Nevada is in the Chair today because I am going to speak about our legislation, which is part of the WRDA bill. Let me begin by thanking the Presiding Officer for his leadership. We put this legislation together in 2015. This has to do with Lake Tahoe, and the Presiding Officer was the main author of the bill. Senator REID, Senator BOXER, and I were supporters, and here it is in this WRDA bill. I want the Presiding Officer to know how I feel. This is how the Senate should work. We worked together for something that has benefited both of our States, and we are able to say we are getting the job done.

I wish to congratulate the Presiding Officer, Senator HELLER. This is so special for me. I am delighted that Senator HELLER is in the Chair, and maybe I can briefly go over the last 20 years of work on Lake Tahoe to bring us to this moment. I know Senator HELLER couldn't be at the summit this year, but I want him to know that he was really missed, and I want him to know that Senator REID put together one amazing summit. As a matter of fact, I called him and said: HARRY, you can't have a rock group at this summit. This is a serious thing. We meet every year, and we go over all of the science, planning, and problems at the lake. He said: Let me tell you something. I am retiring. It is my turn to do this, and I am going to do it my way. And it turned out to be great.

I want the Presiding Officer to know that 7,000 people attended the summit. Our Governor spoke, but your Governor could not be there because he was committed to an event in your State. Senator BOXER spoke, Senator REID, of course, spoke, and the President was there and also spoke. I was worried that it would be difficult if all of us spoke because there were 7,000 people expecting to hear this Las Vegas rock band called the Killers after the program.

Well, I must tell you that they were the utmost in terms of an audience. After the program was finished, and before the rock group performed, I became hopeful that we now have a whole new constituency of people working for the preservation of this lake.

As I mentioned, I have worked on Lake Tahoe with my colleagues for 20 years, and I believe we are at a critical moment. To understand the longstanding commitment to Lake Tahoe, one must start with the first Lake Tahoe Summit in 1997. Senator HARRY REID invited President Clinton, and President Clinton's trip put a spotlight on the declining health of the lake. The 1997 summit also launched a public-private partnership, or a Team Tahoe, made up of Federal, State, local, tribal, and private sector participants, which has invested $1.9 billion in restoration of Lake Tahoe. I want to just quickly report to the Presiding Officer some of the numbers, if I may. As I stated, we have invested $1.9 billion in the lake over 20 years—$635 million is Federal dollars, $759 million is California dollars, and $124 million is Nevada dollars.

As you know, southern Nevada land sales have gone into this, thanks to your Governor and also Senator REID. Local governments contributed $99 million, and I want you to pay attention to this number: $339 million has been raised by businesses and the private sector over the 20-year period. What we have is a very real, bi-State combined effort to preserve and restore Lake Tahoe. It is a special partnership.

I also want the Presiding Officer to know that during the stakeholders' luncheon, which preceded the summit, Dr. Geoff Schladow, a professor and scientist at University of California, Davis, said that his greatest concern was the fact that this lake is now warming quicker than any large lake in the world. Also, the Tahoe Environmental Research Center at UC-Davis recently released their annual ''State of the Lake'' report for 2016 which we discussed. We learned this year that the average daily minimum air temperature rose 4.3 degrees. And the average annual lake clarity depth decreased by 4.8 feet. In addition, we learned that prolonged drought and dead trees are increasing the risk for catastrophic wildfire. Sedimentation and pollution continue to decrease water quality and the lake's treasured clarity. And invasive species, like the quagga mussel, milfoil, and Asian clam, continue to threaten the lake and the economy of the region. We are going to have a continuing problem with the challenges we face, and that is why it is so important and timely to pass the Tahoe bill.

I am so proud of the accomplishments that we have made together. I want to again thank the Presiding Officer for this because it is really important. Lake Tahoe is one of two big, clear lakes in the world. The other is Lake Baikal in Russia. It is the jewel of the Sierras and known throughout the world for its beauty. It is a national treasure we must protect.

Let me cite what we have done and the progress we have made to date. We have completed nearly 500 projects, and 120 more are in the works. Our completed projects include erosion control on 729 miles of roads and 65,000 acres of hazardous fuels treatment. More than 16,000 acres of wildlife habitat and 1,500 acres of stream environment zones have been restored, and 2,770 linear feet of shoreline has been added to the lake.

I think what we have overall now is a bi-State Team Tahoe, and I think it took us 20 years to get there. I remember when Senator REID got President Clinton to come in 1997, as I mentioned earlier, and had a big meeting at Tahoe Commons, which many of us attended. At that time, everybody was fighting. Planning agencies were fighting with homeowners, and environmentalists were fighting with others, but that doesn't exist today. Today we have effected a team, and I am so pleased that the Senator from Nevada is in the Chair, which was completely unplanned, so I can say thank you and how very proud I am that we have achieved this and that it is part of the WRDA bill.

This Tahoe bill builds off of these 20 years of collaborative work and includes $415 million over 10 years in Federal funding authorizations for wildfire fuel reduction, forest restoration projects, funding for the invasive species management program and the successful boat inspection program, funding for projects to prevent water pollution and manage stormwater, and funds for the Environmental Improvement Program, which prioritizes the most effective projects for restoration.

I wish to particularly thank our colleagues, Senator INHOFE and Senator BOXER. The only way you get this done is by working together, and I think the fact that they have worked together has ensured that we now have this opportunity to deal with this new challenge, which is unprecedented warming. Along those lines, just a word: As I understand what is happening, the projection is for less snow and more rain, which means more warm water. This impacts the cold-water fish in the Lake, and the Truckee River, which is fueled by Tahoe, and all of the streams that play into Lake Tahoe really depend on that snowpack. So the next few years, I think, are going to be crucial.

The time to act is now, and the Federal Government must take a leading role. Close to 80 percent of the land surrounding Lake Tahoe is public land, including more than 150,000 acres of national forest. Federal lands include beaches, hiking and biking trails, campgrounds, and riding stables. So the Federal Government has a major responsibility to see that these public lands remain in prime condition. And that is what this bill would help do.

I want the Presiding Officer to know that I look forward to working with him. We must continue the tradition that was set by Senator INHOFE and Senator BOXER, which Senator REID helped to start. We have to carry on. I am delighted that the Senate is working again and that this bill is part of the WRDA bill.

I want to end by once again thanking the Presiding Officer for his leadership.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. RUBIO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRUZ). Without objection, it is so ordered.

Mr. RUBIO. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONTINUING RESOLUTION

Mr. RUBIO. Mr. President, I am pleased to report that we had some encouraging news yesterday with the announcement of the Senate majority leader that additional money to fight the Zika virus would be included in the continuing resolution, which is the budget document that will help to move us forward at least through December and that hopefully will be moving through the Senate very soon.

Throughout my time in the Senate, I have regularly opposed these short-term spending bills because I don't think funding government on a month-to-month basis is the smart way to run the government of the most powerful and important Nation on Earth. But with Zika becoming a public health emergency the way it has, this is a necessary exception for me to make. All of us, obviously, will reserve to see all the other details of this budget document, but assuming it is as reported—as I am aware in the conversations that are ongoing—I will be supporting this continuing resolution. It is worth making an exception for something like this when the Zika funding is in it. At this point, I just really believe we need to get Zika funding approved and moving. We need to make sure that the fight for Zika doesn't run out of money by the end of this month. For me, that is the most urgent priority.

We can't let the perfect be the enemy of the good. The perfect, I believe, is still the full funding that was originally requested—the $1.9 billion, which I supported. The good is what, hopefully, will be finalized soon and, hopefully, will pass quickly. But the unacceptable would be to do nothing and to let the money run out on the ongoing efforts to fight Zika.

Even the $1.9 billion the administration requested months ago will not ultimately be enough. We do not know for sure how much more will be needed to win this fight, but the $1.1 billion for Zika that is being negotiated would be a step in the right direction and would mean more resources for my home State of Florida, which is in the continental United States and has been disproportionately impacted. Just yesterday, there were another six cases of confirmed transmissions in the State and not travel-related, and of course there is the suffering that is ongoing on the island of Puerto Rico, where a significant percentage of the population has now been affected and/or infected by Zika.

I have been talking about this issue since January, and it has been frustrating to see it tied up in Washington's political games. As I said repeatedly, I believe both parties are to blame for our getting to this moment. On the one hand, I believe Members of my own party have been slow to respond to this, and there were efforts, I believe, to try to cut corners on funding, which will cost us money in the long term. But on the other hand, you have Democrats here inventing excuses—just making it up—in order to oppose it, and they do so for purely political reasons. You have an administration playing chicken with this issue

by claiming that money would run out in August, only to discover that they had more money that could be redirected from other accounts. Now, thanks to the lack of action by Congress and by the administration, we have nearly 19,000 Americans who have been infected, including 800 in Florida and 16,000 on the island of Puerto Rico. We have 86 pregnant women in the State of Florida who have tested positive for the virus, which we know carries the risk for heartbreaking birth defects. As I said, the Florida Department of Health announced that it wasn't 6; it was 8 new non-travel-related cases, bringing that total to 64. That means there are 8 new cases of people who got Zika somewhere in America, probably in Florida.

Zika has also had a devastating economic impact on Florida. The Miami Herald reported that Miami hotel bookings are down, airfare to South Florida is falling, and business owners in affected areas are reporting steep losses. Polls show many visitors would rather stay away. As tourism takes a hit, so will the entire economy in the State of Florida, since tourism is one of our cornerstone industries. That is why we see all of us from Florida working together across the aisle to get this done. For example, I have worked with my colleague BILL NELSON, the senior Senator from Florida, from the very beginning. I will be meeting with our Governor Rick Scott later today about the same issue.

The bottom line is that at the national level, like at the State level in Florida, there is no excuse for this issue to be tied up in politics any longer. My colleagues, Zika is not a game, and we need to pass this funding as soon as possible so that our health officials and experts have the resources they need to conduct the vital medical research that will lead us to a vaccine and ultimately help eradicate Zika in Florida, across the United States, on the island of Puerto Rico, and beyond.

So yesterday's announcement is encouraging. We are closer than we have ever been to getting something done, and now I hope will be the time for action. Hopefully, we will have something soon that is public and that we can get passed right away. I sincerely hope that Senate Democrats won't once again make up or find some excuse to oppose it, and I hope that Members from our party will work cooperatively as well. I hope, ultimately, that the House will also do the right thing so that we can get this done and we can move forward on the research necessary for the vaccine, on the money needed to eradicate these mosquitoes, and, ultimately, on the treatments that people will desperately need to deal with Zika once and for all.

RECESS

Mr. RUBIO. Mr. President, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 12:26 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

WATER RESOURCES DEVELOPMENT ACT OF 2016—Continued

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. The Senate is not in a quorum call, so the Senator may proceed.

Mr. INHOFE. I thank the Chair.

Mr. President, right now the reason there is this long wait is we are trying to get everything in place to pass a major piece of legislation, one that is quite significant. It is comparable to our Transportation bill, comparable to our TSCA bill on chemicals, and it is one that came out of our committee, the Environment and Public Works Committee. It is one I am very proud we were able to get done.

Yesterday I talked about the WRDA bill and why it is so important to pass now, the WRDA bill being the water infrastructure bill. It gives recent real-world examples of the problems our Nation is facing and how this legislation can address them.

Today I remind everyone of the process that got us here today. I think it is important because people are saying we don't go through the daylight very often, where everybody has a chance to participate—everybody. We are in that process right now.

Back in December of last year, Senator BOXER and I sent our ''Dear Colleague'' out to Members letting them know we were going to do a WRDA bill—Water Resources Development Act—in 2016. This was back in 2015, in December.

Well, before the introduction of our bill and our markup in the EPW Committee, we sent out another email asking Members about their priorities, and we got them. We marked up WRDA on April 28, 2016. That means we actually worked on it for 4 months prior to that time, taking up the priorities that people were sharing with us.

We then let all offices know once again that we were preparing to go to the floor with the goal of passing WRDA in the Senate before the August recess. Well, that didn't happen, but my staff continued to work over the August recess with offices on their priorities, and we brought a substitute amendment that was the result of that work to the full Senate on September 8. That was on a Thursday, and we announced that we were going to close the amendments and that everyone should get amendments to us that could be included in the managers' amendment by noon the next day—the next day being Friday—and they did that. That amendment included over 40 provisions that were added after the committee mark. That is a lot of daylight.

Finally, last week I came to the floor to let everyone know that Senator BOXER and I needed to see all the amendments by noon of last Friday if they wanted them to be considered in the managers' amendment. To date, we have included hundreds of the WRDA priorities from Senate offices, which are included in the substitute, and we were able to clear over 40 additional provisions this weekend. That is just from those that came in prior to noon on Friday. So we had 40 additional provisions just as a result of that.

We hope to adopt that by voice vote today. I say hopefully, but I think people are pretty much in agreement that can happen now. Everyone has had a chance. By the way, when we adopt that, we can entertain other amendments, and we will work with Members on those amendments.

This has been a very open and collegial process, and all Members have had their concerns and priorities heard. We have done our best to address Member priorities. And after we are on the bill, we will continue to do our best to clear germane amendments—only germane amendments.

What we have in front us is a bipartisan bill that will help us modernize our water transportation infracture and keep up with flood protection and environmental restoration needs around the country. The problems the WRDA bill addresses are not State or regional problems, they are problems that face the Nation as a whole.

It is clear that people are frustrated with the current political climate. Passing WRDA is a chance for us to start to regain the trust of the American people and prove to them we can do our job and get things done.

I often refer to the EPW Committee that I chair as the committee that gets things done. And we do. So far we have been very successful. We passed the highway bill. Many people were saying: You will never pass a highway bill, a 5-year bill of that magnitude. Yet we did. That hadn't been done since 1998, so it ended 17 years of stagnation. Then we passed the TSCA bill. Everyone said: You are not going to get that. Remember, that was the Frank Lautenberg bill that he had worked on for quite a number of years. We said: Well, we are going to get it done. We got it done.

Senator BOXER and I do not always see eye to eye. She is one of the most liberal Members of the Senate and I am one of the most conservative Members of the Senate. But we have shown over a period of time, time and time again, that when we work together on an issue, we can accomplish our goal. Now we have the WRDA bill before us—something we have both worked very hard on and a bill we are very proud of.

So I am here today to say not passing the WRDA bill is not an option. There is just too much at stake.

If we don't pass the WRDA bill, 29 navigation, flood control, and environmental restoration projects will not get done. If we don't pass it, there will be no new Corps reforms to let local sponsors improve infrastructure at their own expense. We would think there would be an easy time getting something through, where we were going to spend somebody else's money, but this has been difficult. Now we are able to do that—let local sponsors take and improve their infrastructure at their own expense. If we don't do this, there will be no FEMA assistance to States to rehabilitate unsafe dams, there will be no reforms to help communities address clean water and safe drinking water infrastructure mandates. This is very significant to those of us in Oklahoma and to any of the other smaller populated rural States because the communities cannot afford the unfunded mandates. That is what this is all about. Those mandates come from the clean water and safe drinking water infrastructure. Without this, there would be no new assistance for innovative approaches to clean water and drinking water, and there would be no protection for coal utilities from runaway coal ash lawsuits.

As I have reminded as we have gone through this process, the bill is tremendously important. It is time to do our job and do what we were sent to do. We have that chance now. This afternoon we need to agree—and we can do this by voice vote—to adopt the managers' amendment, and then we can consider any other amendments. There may not be that many. There is no reason in the world we can't pass the bill through final passage by noon tomorrow. That is our effort. We are going to try to make it happen.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LANKFORD). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN POLICY

Mr. BARRASSO. Mr. President, people all around the country know that the world is a very dangerous place. It has become more dangerous over the past 7½ years, and even over the course of this summer. As a member of the Foreign Relations Committee, I come here again to the floor because I have seen one example after another—examples of how the Obama administration seems to not know what is going on when it comes to foreign policy.

I believe the Obama administration—and specifically Secretary Clinton as well as President Obama—have been embarrassingly naive with regard to the Russian reset. I think it has been awful, this disastrous Iran nuclear deal. This country has had an inadequate response to North Korea, which led to another nuclear test just last week.

The President's foreign policy should secure America's national interests and demonstrate America's leadership around the world. The question is, Has the Obama foreign policy done that? It really has not.

Look at what former President Jimmy Carter had to say. He said this about President Obama: ''I can't think of many nations in the world where we have a better relationship now than we did when he took over.''

He went on to say: ''The United States' influence and prestige and respect in the world is probably lower now than it was 6 or 7 years ago.''

So you have to ask yourself: Why is this happening?

Well, I think it is clear that President Obama has really refused to stand up to the aggression of other countries. For more than 7 years, the President has followed the advice of his foreign policy team, and I think he has been very, very reluctant and hesitant to take threats seriously.

Every time the President does this, he emboldens our adversaries around the world to be more aggressive. Every day the President allows these threats to go unanswered, he is endangering America and our allies. Our allies don't respect us. Our enemies no longer fear us.

Let's take a look at Syria. It was 5 years ago that President Obama called on Assad to step aside—5 years ago. A few months later, Secretary Hillary Clinton said that it was only a matter of time—almost 5 years ago—before the Assad regime would fall. It was her judgment, the Secretary of State, now running for President.

The Obama administration's policy was to wait and hope for the best. It didn't back up its words with any meaningful support for the moderate opposition in Syria.

In 2012, President Obama said that if Assad used chemical weapons, he would be crossing a redline. Well, Assad knew that when President Obama and his team make threats like that, they are empty threats. So the very next year, Assad used chemical weapons, and the President of the United States did nothing. The redline became a green light, and it remains a green light today.

The common rule in terms of foreign policy and deterrence is if you make a statement, you have to back up those words with action or you will invite aggression by others, and that is the reason our friends no longer trust us and our enemies no longer fear us.

Earlier this year, the State Department admitted that Syria has used chlorine as a chemical weapon systematically and repeatedly—not just once, not just twice—systematically and repeatedly against the Syrian people every year—every year since that redline was drawn. It wasn't just one time in 2013; it was every year since then.

Did President Obama secure America's national interests with his weak response in Syria? Did he demonstrate American leadership? He did not.

Let's move from Syria to Russia. Although Russia has been very involved in Syria, let's take a look at Russia. We all remember Secretary of State at the time Hillary Clinton going to Russia and pushing her ''reset'' button. We all remember in 2012, President Obama laughed off a suggestion that Russia was a serious threat to the United States. He did it during a Presidential debate. Russia responded to the reset—a reset in terms of what Russia has done—ignored it, sent troops into Ukraine and Crimea, annexed Crimea and invaded eastern Ukraine.

President Obama again showed weakness in responding to a very aggressive military action by Russia. When President Obama shows weakness, which is repeatedly, leaders around the world who watch him move accordingly, and that is why Russia moved. That is why we have seen Vladimir Putin being so aggressive in using his military to keep Assad in power. Recently, President Putin even launched airstrikes from Iranian territory—from Iran—against opposition forces in Syria. What does this do? It props up Assad. The CIA Director told the Senate in June that Assad, in the CIA Director's words, ''is in a stronger position than he was last year.''

The CIA Director says that Assad is in a stronger position than he was last year. Hillary Clinton said he was going to fall almost 5 years ago. Why is Syria in a stronger position? The CIA Director said it was as a result of the Russian military intervention, and that is because Russia can act with impunity. Vladimir Putin knows that because he sees that President Obama continues to show weakness, and Vladimir Putin can smell the weakness. Despite this, the President continues his misguided obsession in negotiating with Russia, as if our two countries have the same goal in mind when it comes to Syria.

Listen to what the White House says. The White House says it has negotiated a ceasefire with Russia in Syria. We have seen this before. Russia makes promises. Russia breaks promises. Russia makes new promises. Russia breaks new promises.

Syria makes promises. Syria breaks promises. Syria makes other promises. Syria breaks other promises. We have seen it with chemical weapons. We have seen it with this so-called deal that was brokered to get the chemical weapons out of Syria, which Secretary of State Kerry boasts about as being so successful.

For almost 8 years, this administration has been living in a cocoon of self-delusion with regard to Russia. Has President Obama, in any way, secured America's national interests with his weak response to Russia? Has he demonstrated American leadership globally?

That is what the American people want. They want the United States to be the most powerful and respected

country on the face of the Earth. It is not what they got with President Obama.

What about Iran? The President likes to talk about his nuclear deal with Iran as if he thinks it is the greatest foreign policy success of all time. He believes this deal is paving the way for an Iran without nuclear weapons, but instead it is paving the way for a nuclear-armed Iran. The deal means the Iranian economy has already begun to benefit from access to more than $100 billion.

Now we have learned that, just when that deal went into effect, President Obama went even further and arranged to send Iran another $1.7 billion in cash—euros and Swiss francs, piled up on pallets. He sent $400 million as a down payment in January, and within 24 hours of sending the cash to Iran, the Iranians agreed to release Americans who they had been holding hostage. The White House says it wasn't a ransom payment to free these American hostages. They want the American people to believe it was just a coincidence in timing.

Well, you can bet the Iranians don't believe it is a coincidence, and, actually, they said it is not a coincidence. They said it was the money for the release of the hostages.

We know from experience that the Iranians see hostage-taking as a valid way of conducting their own foreign policy. The President plays right into their hands. They have also gotten the message that for them it can be a very profitable approach as well. President Obama has been greasing the skids to give billions of dollars to Iran. He has done nothing to get Iran to pay the money it owes to U.S. victims of terrorism.

Who are the victims of terrorism who are U.S. citizens? According to the Congressional Research Service, courts have awarded more than $55 billion in damages for victims of Iran's terrorism. Most of these include victims of the 1979 Embassy hostage crisis. They include victims in the 1983 bombing of the Marine barracks in Lebanon and the 1996 Khobar Towers bombing in Saudi Arabia.

Has President Obama done anything to secure America's national interests by letting Iran think that we pay ransom for hostages? Is that a demonstration of leadership? Of course, it is not.

We all know the world is a dangerous place and that there are countries that are headed by thugs and zealots, and when the President of the United States responds on behalf of the people of the United States and responds with weakness and desperation, other leaders interpret that fear and see it as fear and smell the weakness every time.

We are going to keep seeing this kind of aggression and bullying by these macho men, if you will, who run Iran, Syria, Russia, North Korea, and China. These are the leaders around the world who, through the President's actions, do not respect or fear him. He has brought this on himself and the American people due to the way he has reacted and led the country. These are leaders who smell weakness.

We need a foreign policy aimed at securing America's national interests and demonstrating America's leadership. Under President Obama, American power has declined, respect around the world has evaporated, and the Obama foreign policy has been a complete failure.

Jimmy Carter said: ''I can't think of many nations in the world where we have a better relationship now than we did when [President Obama] took over.''

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DAINES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DAINES. Mr. President, I ask unanimous consent to enter into a colloquy with my Republican colleagues.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEFENSE APPROPRIATIONS

Mr. DAINES. Mr. President, while I was home last weekend, I had a chance to visit with servicemembers at Malmstrom Air Force Base in Great Falls, MT, as well as the Montana Air National Guard, also in Great Falls. Every time I visit them, I am incredibly humbled by their character, their dedication, and their determination toward their mission.

The airmen of Malmstrom bear the great weight of standing ready with the world's most powerful weapons, employing them everyday as a vital component or our Nation's nuclear deterrent force. This is where approximately one-third of our Nation's intercontinental ballistic missiles reside. I have the utmost faith in the nearly 4,000 airmen at Malmstrom who operate, maintain, and provide security for the missiles that silently sit across North Central Montana. From the airman first class raised in Butte who stands armed and ready on his first 5-day post, to the senior leadership, I know those airmen will not fail our Nation.

However, as I speak today, my friends from across the aisle are blocking funds for these troops, for our troops, and have already six times blocked consideration of the Department of Defense Appropriations Act of 2017, denying our troops the proper funding and support they deserve. So today I am standing here with some of my freshmen colleagues imploring our friends and colleagues on the other side of the aisle to stop the political gamesmanship. Let's get back to work, and let's start with funding our military.

We see ISIS expanding into places like Libya and managing to influence people and attacking Western targets in Paris, in Belgium, and even in our homeland, in San Bernardino and Orlando. We must make sure our military forces have the tools they need to perform their job and defend against 21st-century threats.

A couple of months ago, I was en route to China. On the way over, I stopped at Pearl Harbor and had a briefing from Admiral Harris, the head of Pacific Command, and heard about the threats that are faced right now in the region—in North Korea, for example.

In fact, just Friday morning I was at a 9/11 remembrance ceremony at the chapel at Malmstrom Air Force Base with the airmen there. It was a very moving ceremony as we were remembering what happened 15 years ago. We saw the videos and the images of New York and the Pentagon.

Thursday night, as I am heading back to Great Falls for the Friday morning remembrance ceremony, I am seeing tweets about a 5.0 quake that occurred in North Korea as they tested their fifth underground nuclear bomb—a bomb that is now starting to rival the size of what was dropped on Hiroshima—or whether it is spending time in Alaska on the way home and hearing about the threats of Russia and the aggression we see from the Russians.

Five weeks ago I was in Israel hearing firsthand from the Israeli leadership of the existential threat of a nuclear Iran in the future, hearing about Hezbollah and how they now have over 100,000 rockets in Lebanon pointed at Israel, funded in large part by the Iranians.

There are the Hamas terror tunnels that came out of Gaza. There is nothing more chilling than crawling in one of those tunnels. There we were in our jeans and our hiking boots. It wasn't fancy. It was just outside Gaza in an agricultural area. You could look off and see tractors tending to their fields around us. In Israel there were tunnels built by Hamas, primarily funded and sponsored by the Iranians, where they had very extensive electrical systems, HVAC systems. They found syringes there. They were planning to kidnap Israeli solders and drug them and take them back as hostages.

And then going to the Syrian border in a Jeep and standing right on the border between Israel and Syria and glassing into ISIS-controlled villages 3 miles away. Looking across the security perimeter fence and seeing a black SUV, I asked my Israeli escort there—I said: What am I looking at there?

He said: Is there a black flag coming out of the back of it?

I said: There is not.

He said: That is an Al Qaeda vehicle.

This is why we must ensure that our men and our women in uniform have the resources they need to defend our Nation.

Whether it is our Nation's peace-through-strength strategy at Montana's Malmstrom Air Force Base or

our Army and Air National Guard members who work to support our communities in times of emergency and respond to deployments overseas, Montana is playing a critical role in meeting our Nation's security and military needs.

At Malmstrom, the commander's coin that I was given a couple of years ago says this: ''Scaring the hell out of America's enemies since 1962.'' They do so because this body—the Senate, the Congress—chose duty over politics.

We must stand with our nearly 2 million members of the U.S. military who fight threats every day. That is why we are down on the floor today fighting on behalf of them. We must stand up for those who stand up for the rights and freedoms we enjoy, and we must make sure we are ready for the 21st-century threat.

I am very pleased to have one of my colleagues, Senator ROUNDS from South Dakota, here. Senator ROUNDS was the Governor of South Dakota before he was elected to the Senate, another freshman I have the privilege of serving with. Of course, he has Ellsworth Air Force Base there, the home of the B–1 Lancer. I am grateful that Senator ROUNDS has come down to the floor today—another freshman Senator—to discuss these very important issues.

Mr. ROUNDS. I thank Senator DAINES. I appreciate the opportunity to participate in the colloquy with Senator DAINES and Senator CAPITO, who is also here with us today.

I spent 8 years as the Governor of South Dakota. One of the titles you carry when you are the Governor of a State is that you are also the head of the National Guard. You are the chief of the National Guard. You get a chance to actually work as a commander in chief with those individuals who put themselves in harm's way. When you start out, you wonder whether this is simply a term of art, whether it is simply one of those nice titles.

During the time that I was Governor, there was a case in which we were literally sending young men and women off to do battle for the United States of America. They were volunteering. They were stepping up. They were leaving, hoping to come home. Moms and dads were worried, and with just cause. When they did come home, we would celebrate their safe return, but in some cases, we also mourned with moms and dads because their loved one did not make it home. They gave everything. Yet there seems to be some miscommunication here within the Senate that somehow our actions are not communicated in a way that is impacting what those young people who put themselves in harm's way see.

Think about this. As Members of the U.S. Senate, you would think that Republicans and Democrats would put some things aside, and I do believe that we will eventually do that. But I think there is nothing wrong with those of us who believe that we should expedite the process of bringing the Defense appropriations bill to the floor of the Senate.

We should bring attention to the fact that it is not being done today, that it is not being done in an appropriate fashion, and it is not being done in a timely fashion. That, in itself, sends a message to a lot of young men and women who have put themselves in harm's way and who have already committed themselves to the defense of our country.

It was just this last Sunday that we marked the 15th anniversary of the bombings we have referred to as 9/11, the terror attacks which took nearly 3,000 American lives and occurred in New York, Washington, DC, and Pennsylvania. Fifteen years ago these attacks were perpetrated by terrorists whose sole goal was to terrorize American citizens and destroy our way of life. Fifteen years later, that risk and that threat have not gone away.

The No. 1 responsibility of the Federal Government is the defense of our country. Unless that responsibility is fulfilled, our freedoms are in jeopardy. Yet at this time we in the Senate have been unable to consider legislation—and I mean only consider legislation, not pass it; simply consider it—which we can bring onto the floor the way the Founding Fathers wanted and debate how to make it better.

We know we will pass a defense appropriations bill, but the question of how we do it and in what order we do it is important. I think whether or not we are prepared to come to the floor—Senate Republicans and Democrats alike—and actually openly discuss the appropriations process is very important. Yet at this time we in the Senate have not been able to even consider the legislation that funds our troops and our military operations for the upcoming year.

Our Democratic colleagues on the other side of the aisle are refusing to even bring the Department of Defense Appropriations Act to the floor so we can debate and amend legislation that would equip our Armed Forces with the tools they need to continue their missions. It is one thing if bringing it to the floor meant that it would pass with a majority vote. That is not what it means. What it means is that it still takes 60 votes, meaning Democrats still have the opportunity, if they disagree with what we finally end up with, to stop it from moving forward. But you have to start someplace, and starting with the Defense appropriations bill is very appropriate.

This is not a controversial bill. The Senate Appropriations Committee unanimously approved it by a vote of 30 to 0 earlier this year.

The Department of Defense Appropriations Act, which passed the committee, also adheres to the bipartisan budget agreement that was signed into law last year, and it refrains from any gimmicks and other controversial measures.

Simply put, there is no excuse for continuing to block—six times now—the Defense appropriations bill from even being considered on the floor of the Senate. This senseless obstructionism from the other side of the aisle comes at a time in which, according to a recent FOX News poll, a record-high 54 percent of American voters believe that the United States is less safe now than it was before the 9/11 attacks.

Continuing to block any appropriations bill is ill-advised, but blocking the Defense appropriations bill causes unnecessary uncertainty and endangers our national security efforts. One of the reasons we created a constitution in the first place was that our Founding Fathers wanted to provide for the common defense, and that is what this is all about. It should not be blocked from even having a debate.

I encourage our friends on the other side of the aisle to join us in recommitting ourselves to the primary purpose of government—defending our great Nation from those who seek to destroy us—by at least allowing us to debate the merits of the appropriations bill for the defense of our country on the floor of the Senate.

I most certainly appreciate Senator DAINES taking the time to organize this colloquy, and I most certainly appreciate my other fellow freshmen Senators stepping up because this is an important item that I think should bind us together and not separate us within the Senate.

Thank you for this opportunity to express my thoughts.

Mr. DAINES. I thank Senator ROUNDS for those thoughts. As a member of the Appropriations Committee myself, I am again struck by thinking that the Defense appropriations bill passed out of our committee by a vote of 30 to 0. Yet trying to bring it to the floor of the Senate just to debate on it, just to begin—let's bring it down and start having a discussion on this bill that we have stopped six times in a strictly partisan vote.

I am pleased to have another freshman Senator join us today, Mrs. CAPITO of West Virginia. Senator CAPITO is also a member of the Appropriations Committee. I am grateful Senator CAPITO is here as well. I know she has the McLaughlin Air National Guard Base, the airlift wing, in her State and is proud to represent the men and women who serve in the Guard in West Virginia.

I thank Senator CAPITO for sharing her thoughts today.

Mrs. CAPITO. I thank Senator DAINES for calling us together for what I think is a good reminder to those who are watching and in the Gallery that we are deeply committed to seeing a Senate that functions and a Senate that exercises opinions and has full and open debate on this revered Senate floor. I thank Senator DAINES for putting together the freshmen colloquy. I thank Senator ROUNDS. We are seatmates, sitting next to one another in this great and beautiful Hall.

It is interesting to hear everybody's different perspectives on why this bill is so important.

Let's just recall how we got here. I am a member of the Appropriations Committee with Senator DAINES, and the Presiding Officer is as well. We debated this bill in the committee room. We did several amendment votes. In the subcommittee, many thoughtful decisions were made, and discussions were had as to the priorities of our defense capabilities. In the end, we joined together, Republicans and Democrats, and passed this out of the full committee 30 to 0—no opposition.

For those of you who are watching and even for me, a freshman in our freshman class, we would think, well, this is a layup. This is about our men and women in uniform. This has overwhelmingly come out in a bipartisan fashion. All 14 Democrats on the committee supported this.

What has changed here? What has changed? Why are the Democrats now filibustering to keep the Senate from even considering this legislation that was unanimous out of committee and well discussed? Let's have the discussion on the floor.

Yet, six times, as Senator ROUNDS said, they have refused to let us consider this bill. Why is there a strategy being put forth to keep Congress from working by blocking this and all of the other appropriations bills? Why are they blocking the bill that will equip our troops—the ones who are fighting overseas, training at home and recruiting, and those who are caring for our military families here at home? Why? I don't have the answer to that question. I think the answer lies on the other side of the aisle, but I haven't heard an answer that sufficiently satisfies my curiosity nor the curiosity of the American people.

Senator DAINES mentioned the McLaughlin Air Guard. We have over 6,000 members from West Virginia in our National Guard. They serve in all reaches of this world, they serve on the border, and they serve for flood relief all around this country. Whenever there is an emergency, the West Virginia National Guard is one of the first ones called up. Thousands are now on Active Duty around the globe, and we have over 100,000 veterans in our State. What kind of message does this send to them? What are they thinking? Why? Why is this being blocked?

We all know we live in a dangerous world. We can listen to the radio, we can listen to the discussions, and we can read the news. We know how dangerous this world is. If we consider the state of that this administration's failed policies have created, I think that is the reason why.

Why is this being blocked?

In Eastern Europe, the Russian military continues its military buildup. I just returned from a trip over Memorial Day to the South China Sea, and we learned there about China constructing military facilities on manmade islands.

Just last week, North Korea conducted its latest and largest nuclear test. If it didn't send chills down your body thinking about that, it should, because they want to get the capabilities to reach our western coast.

In the Persian Gulf, Iran continues to harass U.S. naval ships and threaten to shoot down surveillance aircraft.

Just yesterday a ceasefire in Syria didn't last hours before the Assad regime dropped more barrel bombs on the rebels.

The instability is remarkable. Too much is at stake for us to continue to play politics that trumps our defense policy, and all of the threats that we face still persist.

The Senate has a tradition—and I was in the House for 14 years. We had a tradition. This was one of the easy bills. The DOD appropriations bill is something—we can do this because as a country we know how important our military is, our men and women in uniform. This time around should be no different. I strongly urge my colleagues on the other side of the aisle to work with us, to show that unified support that we saw in the committee. We need to show that support to our men and women in uniform, their families, and our veterans.

I yield back to Senator DAINES, but I wish to welcome Senator GARDNER to the discussion. He is an esteemed member of the Senate Foreign Relations Committee. In the Senate, he also has led us in a bipartisan way in passing important sanctions against the North Korean regime.

I am also pleased to be on the floor with Senator SULLIVAN, my colleague from Alaska, who is a loud and clear voice in support of our military, not just from his experience but from his very enriched background in this area.

I go back to my original question. Why? Why are you blocking this? Why can't we give the certainty that our men and women in uniform, our moms and dads, and our husbands and wives need. Why? Let's have an answer to that question. Let's do our job. Let's pass this bill.

Senator DAINES, thank you again for your leadership.

Mr. DAINES. Senator CAPITO has made a very good point. After she spent 14 years in the House, this is the easy bill to pass. Funding our military, funding the men and women who wear the uniform of the United States—that is the easy bill.

In the Senate Appropriations Committee, there are 16 Republicans and 14 Democrats. As Senator CAPITO pointed out—another appropriator—it passed 30 to 0 out of the Senate committee on May 26, but we haven't had a response from the other side as to what has changed since May 26 when we passed it 30 to 0.

I thank Senator CAPITO for her thoughts.

I now welcome Senator SULLIVAN, another freshman Senator from Alaska. I wish to say something special about Senator SULLIVAN, U.S. lieutenant colonel, Marine Corps Reserve. We are grateful for his service to our Nation as a marine.

I am the son of a marine. I am standing next to a marine on the floor. Senator SULLIVAN, thank you.

By the way, Senator CAPITO and I both had a chance to visit Joint Base Elmendorf-Richardson twice in the first 6 months of this year, various visits. It is an impressive operation. I am very proud, as I know you are, of those men and women who wear the uniform.

Senator SULLIVAN.

(Mr. GARDNER assumed the Chair.)

Mr. SULLIVAN. I thank Senator DAINES and all of my colleagues on the floor today, all of the freshman class. The Presiding Officer is part of it. We have a great new class, 12 new freshmen. As you can see, we are very serious about this topic because this is a critical topic not only to the Senate but also to the country.

You know, our friends in the media—they often sit above the Presiding Officer's chair—you wouldn't know that the Senate minority leader has filibustered spending for our troops six times in the last year. No one reports on it. It is a disgrace, in my view.

Last week we and our colleagues on the other side of the aisle were talking a lot about the Senate doing its job. I think if you polled the American people and you asked them the No. 1 job the Senate, Congress, or Federal Government should be doing, it would be defending this Nation. It would be supporting the troops. That is the No. 1 thing in terms of the Senate doing its job that we should be focused on.

As Senator CAPITO so eloquently talked about, look at where our forces are right now—all over the world. There are 5,000 troops in Iraq. They are in combat. The White House doesn't like to use the word ''combat,'' but those troops are in combat. Our troops in Syria, brave pilots, are bombing ISIS, terrorist groups, on a daily basis. They are in combat. Their families know it.

Again, we have a White House that doesn't want to talk about combat. The Press Secretary will not mention the word, but our forces are in combat.

We had two aircraft carrier battle groups recently in the South China Sea. It was an incredibly important demonstration of American resolve. We have over a thousand troops who were just put in Europe by the President to reassure our European allies with regard to Russian aggression. A new headquarters was stood up in Poland—an American headquarters. The President ordered 8,500 troops to remain in Afghanistan. These are all initiatives by the President and by our leaders in the Department of Defense just in the last couple of months. Many of us support these. Many of us support these.

As the Presiding Officer knows, it is not just the real-world contingency operations—the combat our troops are in. It is real-world training. My colleague

from Montana mentioned JBER in Alaska. We have some training exercises, such as RED FLAG-Alaska, one of the best air-to-air combat training exercises anywhere in the world. We had many evolutions of RED FLAG-Alaska this summer. Our troops were training hard. This is what the U.S. military is doing throughout the world and throughout the country to keep our Nation safe.

What is the Senate doing? More specifically, what is the minority leader doing? Well, as we have talked about, we came back last week, back in session, and the first vote we took was the sixth time the minority leader of the Senate organized a filibuster to make sure our troops didn't get funding—six times. There is no other bill in the Senate in the last year and a half that the minority leader of the Senate has picked to filibuster more than this bill—the bill that funds our troops.

Senator CAPITO asked a very good question. Why? Why? Why?

I have been on the floor asking this question for months. We are freshmen. We are new to this body. But we have not heard one Member of the other party come to the floor and explain why they are filibustering the spending for our troops—not once.

This is what our troops need. They watch this, by the way. They understand what is happening. A lot of people think: Oh, it is the Senate. Nobody understands these procedural filibusters and things. The men and women of the U.S. military know exactly what is happening. We will come down here and continue to fight for the funding and support of our troops and their families as long as the other side continues this filibuster.

Senator CAPITO, as I mentioned, asked a very important question: Why? But here is another question for my colleagues. I serve on the Committee on Armed Services. I serve on the Veterans' Affairs Committee. I know these are great bipartisan committees with Members of both parties—very patriotic and very supportive of the military. But why are my colleagues on the other side of the aisle following the Senate minority leader? Why are they following his lead in the filibuster? I really, really wish one of them—just one—would come down and explain to the American people why six times—six times in the last year and a half—the minority leader has filibustered spending for our troops and why my colleagues on the other side of the aisle have followed him.

If you were to poll this question back in any State where you are from, regardless of party—Democratic or Republican—the American people would say: Fund the troops. The American people would say: Bring it to the floor and at least have a debate on the bill that passed out of the Committee on Appropriations unanimously. The American people would say: They are doing their job. U.S. Senate, it is time to do your job. Fund the troops; support the troops.

It is remarkable that we are still debating this, and we are going to keep raising this. Maybe the media will focus on it. Again, I want to commend my colleague, Senator DAINES, for leading this colloquy because it is so important for the people of the United States to understand what is really happening on the floor of this important body.

Senator DAINES.

Mr. DAINES. U.S. Marine Corps Lieutenant Colonel SULLIVAN, I thank you, and I appreciate those comments.

When Senator SULLIVAN talks about our colleagues saying no, what they are saying no to is over 1.2 million Active-Duty military and over 800,000 Reserve military. They are saying no to almost 10,000 troops engaged in combat in Afghanistan and the additional military in harm's way in places like Iraq, Syria, and other places around the globe.

We have been hearing from freshmen Senators from the Republican Party here today in this colloquy. We have another freshman from Oklahoma. I am very honored and grateful to serve with Senator LANKFORD from Oklahoma, the home of Tinker Air Force Base.

Senator LANKFORD, I thank you for sharing your thoughts today.

(Mr. SULLIVAN assumed the Chair.)

Mr. LANKFORD. I am glad to be a part of this colloquy and to talk about what is happening during this conversation. It is not just Tinker. There are multiple major bases in Oklahoma.

It is extremely important that we continue to maintain a strong national defense. In fact, by a margin of 54 percent to 31 percent, Americans believe President Obama's flawed Iran deal has made the United States less safe. This is a major issue for all Americans. People want to know that they are kept safe, that their government is actually engaged. It is the primary responsibility of the Federal Government to deal with national defense. Regardless of party, people want to live in safe neighborhoods. Regardless of party, people want their families to grow up in a world that is as safe as it can possibly be.

In case anyone has missed the obvious, there are a lot of very bad people around the world who hate our freedom, who hate our values, and who hate American leadership. When America is strong, our deterrent stays strong and it stays clear. The last thing we want is thugs, dictators, and terrorists around the world challenging us, assuming that we are weak. That leads to the loss of American life, and it leads to instability around the world.

This administration and the decisions they have made have made us weaker as a nation and have demonstrated to us as a nation that we are not as strong as we once were. That leads to that great instability, and one of those areas where it leads to great instability is when this Congress stumbles in its support for our military. Six times in 18 months our Democratic colleagues have filibustered the Defense appropriations bill, which should be the easiest of all the appropriations bills to walk through.

I serve on the Committee on Appropriations. I was there when all the debate was happening in the committee. We passed it unanimously out of committee. Yet when it comes to the floor, it gets filibustered. You see, the basic rules of the Senate are—as this body knows extremely well—that we have to have three-fifths of the body to open debate on a bill. It passes by a simple majority, but we have to have 60 people of the 100 here to agree to start it. As long as the other side decides they do not want to debate an issue, we are literally stuck and can't even open debate on something as basic and that should be as nonpartisan as Defense appropriations.

So what are we facing right now while all this is happening? Well, we face a very unstable world that has become more unstable, as I mentioned before, because of some of the attitudes and actions of the administration. The President's failure to enforce his own redline in Syria has led to instability throughout the Middle East, as no one knows where the lines are for anyone. Making a statement like ''they won't use chemical weapons,'' when every year since 2013 the Syrian Government has used chlorine gas on its own people, had our administration responding with: Well, that is not crossing the redline because chlorine was exempted from this deal. They couldn't use other chemical weapons, but they could gas their own people with chlorine. That makes absolutely no sense to anyone. The Syrians have continued to use chlorine gas on their people year after year, mocking the President's redline and diminishing American leadership around the world.

In Russia, they continue to be on the move, with their own cyber attacks into Ukraine and into the Crimea. There is their leadership in Syria and the latest cease-fire, in fact, which Secretary Kerry and President Obama just negotiated with Russia and which favored Russia's position and is retaining Assad's leadership, giving Russia time to rearm. In fact, sitting down with Russia now and having to agree with Russia on places where we would have attacks puts Russia clearly in the lead of what is happening in Syria.

It is fascinating for me to think that just 4 years ago the President of the United States mocked Mitt Romney as he talked about Russia as a major threat. President Obama flippantly laughed and said to Mitt Romney: Hey, the 1980s are calling you. We don't have a Cold War with the Soviets anymore. Well, somehow I don't think anyone would say that now, as everyone sees Russia on the move.

North Korea continues to test missiles and nuclear weapons. China continues its aggression through territorial expansion in the South China

Sea. Cyber terrorism continues to increase from areas all around the world. ISIS is expanding its reach around the world in what it calls its provinces. The administration continues to say that the territory of ISIS is decreasing. But it is also quietly saying that their expansion around the world is increasing.

This is an unstable time in an unstable season, and it is a moment when we should all engage on some of the most basic things, like national defense. This body should be able to sit down and have an actual open debate on national defense and how that would actually happen.

Do I need to remind us about what Iran has done in just the past year? It is helping to organize a coup in Yemen, destabilizing Bahrain as much as they possibly can, engaging in propping up Assad in Syria, and partnering with Russia to launch attacks with Russian bombers leaving from Iran to go in and do attacks. All of this they continue to do as they expand.

As this government struggles with funding our government, the President of the United States sent $1.7 billion in cash to the Iranian Government. It is the ultimate irony—the ultimate irony—that at a time when the President and our Democratic colleagues don't want to fund the U.S. military, they sent three planeloads full of cash to the Iranian military so they could operate theirs.

This is why we stand here as freshmen and say this may be the normal Senate process, but it makes no sense to the American people. How can planes full of cash be sent to the Iranian military and they are not spending here?

Let me just give you some perspective. As the President looks out from his front window at the White House, he sees the Washington Monument directly in front of him, and $1.7 billion in $1 bills would be the equivalent of 1,097 Washington Monuments stacked up—1,097 Washington Monuments stacked up is $1.7 billion. That is what we just shipped to Iran.

Why do we think this is important? Because we believe national security is important and protecting America is important. A flippant conversation years ago where Secretary Clinton said that Assad's time is almost done—that was 5 years ago—the President's redline, the failure to be able to fund our military on time demonstrates that we need to be more serious about national security. This is the issue the American people want us to deal with, and this is the one we need to deal with.

With that, I appreciate the leadership of Senator DAINES in this area, and I thank him for allowing me to join in this conversation on the Senate floor on something that is extremely important to all of us.

Mr. DAINES. I thank Senator LANKFORD for his thoughts. As freshmen who are new to the Senate, we are scratching our heads, like the American people are, as this institution—our friends across the aisle are holding up funding our troops. At the same time, as Senator LANKFORD mentioned, the President is shipping $1.7 billion of foreign currency—because he can't do it in U.S. currency without breaking the law—to the Iranians.

I am glad to be joined now by Senator GARDNER of Colorado. He is a dear friend, a great colleague, and a member of the Foreign Relations Committee as well. I thank him for joining us on this important topic.

Mr. GARDNER. Mr. President, I thank Senator DAINES for the opportunity to come to the floor and talk about a bill that passed with bipartisan unanimous support out of the Senate Appropriations subcommittee addressing defense spending. I thank the Senator for inviting me to join our freshmen colleagues—new Members of the Senate, all elected in 2014—to come to the floor and have this conversation and this colloquy, to be joined by the Senator from Oklahoma who speaks so clearly on why our Nation would allow a policy to send $1.7 billion in currency to Iran but not fund our troops.

Think about what the Senator from Oklahoma said. He said it so well; that our Nation's policy is to pay off Iran before we pay our troops.

The Senator from Alaska—whom I commend for his courage in standing up on the frontlines of freedom for our country, his service to our country, we thank him for that service—spoke eloquently on the floor earlier, where he talked about six times this Senate has blocked, through the use of a procedural motion, funding for our men and women in uniform—six times—over the past 1½ years.

This isn't a bill that people come to the floor and they are outraged about, they are opposed to it, they want something different. That is not what we are talking about. We are talking about a piece of legislation to fund our men and women in uniform that passed 30 to 0 out of the Appropriations Committee—16 Republicans, 14 Democrats, no opposition, 30 to 0—to fund our troops. That can't move forward because of tactics of obstruction—tactics of obstruction that changed this body in 2014 because the American people were sick and tired of it, watching the 113th Congress fail to do its job, fail to vote on important legislation.

Over the past 1½ years, we have passed bipartisan Transportation bills, we have passed bipartisan Education bills, we have passed bipartisan human trafficking bills. We have changed the way this Congress is working to actually achieve things together, but somehow there is a dictate that came down that we would stop working together now because they are blocking funding for our troops.

When did we go from having the ability to accomplish things together to we are going to stop everything? Have people come and talked to us on the floor about why they object to this legislation? Have we heard statements in opposition to funding our troops? Have we heard alternate proposals about funding our troops? No.

The bottom line is, a partisan minority—a partisan minority—is blocking the funding of our troops. Why? Because they can, I guess, they decided, because they were told to do so, because they refuse to break ranks with the grip of a leadership office that has said: Block the funding of our troops.

Tell the American people that. Explain to the American people why you are opposed to funding our troops.

Let me tell you why I am here from Colorado. I am here from Colorado because we have the 9th largest Active-Duty military population in the United States out of 50 States, 12th largest combined Active and Reserve Force population. Colorado is home to more than 35,000 Active-Duty servicemembers, nearly 14,000 Reserve and National Guard Forces, more than 5,000 Department of Defense civilians. These numbers don't even include all the family members and contract employees who directly depend on the passage of this legislation—3,000 DOD contractors in Colorado—which make the defense industry in Colorado the third largest basic industry in our State.

El Paso County, CO, population center of the State of Colorado, is the only county in the Nation that is home to five military bases: Fort Carson, U.S. Air Force Academy, Peterson Air Force Base, Schriever Air Force Base, Cheyenne Mountain Air Force Station, also home to NORTHCOM at Peterson, our strategic missile command, space cyber command. Together, these five bases employ approximately 60,000 people, with at least $6 billion to the local economy, and yet a bill that passed 30 to 0 that would have addressed the needs of this Nation, that would have fixed this crisis we are facing in terms of funding our troops, is being filibustered, being blocked, being held up for partisan reasons—strategic reasons, tactical reasons.

This isn't a time when our military is sitting back at home just guarding the homeland from within the 50 States. This is a time where men and women across this country are standing on guard, engaged in combat today around the globe. This is a nation whose military is standing guard in South Korea, watching a madman in North Korea detonate nuclear bombs—not because he just thinks they are fun to show off but because he wants to use them against the United States and our allies. Yet a partisan minority wishes to block this legislation that funds those people on that line in South Korea protecting the United States and our allies.

We had a chance to visit with the Secretary of State today to talk about what is taking place in Syria, what is taking place in Saudi Arabia, what is taking place in Iran, Iraq, and throughout the Middle East. A bill that passed 30 to 0 that would fund those efforts—

our troops, defense of this country, the security of our home, our men and women in uniform—is being blocked, and the bill hasn't changed.

Our colleague from West Virginia, Senator SHELLEY MOORE CAPITO, talked about how nothing has changed between this bill passing out of the Appropriations Committee and today, standing here in this colloquy with our freshmen colleagues. Nothing has changed. Yet the individuals who voted in favor of the bill are now standing in the way of the bill moving forward, refusing to even debate. If they have a difference of opinion, if they think there needs to be an amendment, if they think something needs to change in the bill, then stand forward and talk about it, but instead they are blocking it, using politics and strategic reasoning to keep this bill from coming forth.

This bill isn't about strategies of political tactics or strategies of political maneuvering. It is about funding our men and women in uniform—a bill that passed without opposition. It is good for our military, it is good for our country, 1.2 million servicemembers—a much needed, much deserved pay raise for our military personnel.

It funds U.S. NORTHCOM, headquartered right there in Colorado, protecting the homeland from threats like North Korea, the Joint Interagency Combined Space Operations Center, the JICSPOC, that protects and defends critical National space infrastructure in Colorado. This bill funds it. The European Reassurance Initiative that helps our NATO allies counter the destabilizing threat of a resurgent Russia is funded in this legislation—legislation that passed 30 to 0 out of committee but somehow is being stopped and held up and blocked by partisan dissent.

It funds our major military installations in Colorado—170,000 jobs and related jobs in Colorado. It prevents moving Guantanamo Bay detainee terrorists to Americans' backyards, something all Coloradans are worried about. I have talked to many of my colleagues on the floor before about what is happening in Colorado and the possibilities that this detention facility at Guantanamo Bay could be unilaterally shut down by the President, and instead of having terrorists located offshore, they would be onshore and put in Colorado. This bill would keep that from happening. It had bipartisan support out of the Appropriations Committee, but it is now being blocked.

Why is such a bipartisan bill—such an important bill—that will serve so well our men and women in uniform, that was put together by listening to senior military leaders who are true subject experts on the subject matter being blocked?

Vice Chief of Staff of the Army, General Allyn, has said: ''We must have . . . predictable and sustained funding to deliver the readiness that our combatant commanders require to meet the missions that continue to emerge.''

Marine Gen. John Paxton, Jr., recently testified: ''The strains on our personnel and equipment are showing in many areas, particularly in aviation, in communications and intelligence.''

Earlier this year, General Goldfein—now Chief of Staff of the Air Force—said the current Air Force is ''one of the smallest, oldest and least ready in its history.''

The 2016 DOD appropriations bill put us on a path to address concerns of these military leaders.

The bottom line is, preventing this bill from moving forward jeopardizes the ability of our military to effectively, efficiently, and safely do their job and keep our country safe.

It is an honor to serve with my colleague from Alaska who served this country in our military; to serve with JONI ERNST, the Senator from Iowa, who served this country; Tom Cotton, the Senator from Arkansas, who served this country, and so many others. Let's listen to them and their leadership, and pass the bill, do what is right for this country, and not listen to the narrowest of partisan voices.

I thank the Senator from Montana for the opportunity to join the colloquy.

Mr. DAINES. I thank Senator GARDNER. I know he is very proud as he is standing here representing the Air Force Academy—what an incredible institution—Cheyenne Mountain, NORAD. I thank him for coming down to the floor and making their voices heard here, speaking on behalf of them on the floor of the U.S. Senate.

To wrap up, we have had six of the new Republican freshmen speaking today in this colloquy. These are fresh eyes and fresh voices, looking at what is going on in Washington, DC, and saying: It is broken.

It is very simple: We must make sure our military forces have the tools they need to perform their job because I can tell you one thing—our enemies are not waiting around for Senate Democrats to fund our military to make it a fair fight.

Maybe we should do this: Maybe we should stop funding Congress until we fund the military. I wonder if that would wake this institution. Why don't we put congressional pay in limbo? Why don't we see somebody filibuster congressional pay? I think we should. We should forfeit our paychecks until we fund the U.S. military.

The bottom line is, the world is a dangerous place. The defense of our country relies on properly and promptly funding the Department of Defense.

How can this institution—how can our friends across the aisle—continue to stand here and say no to our U.S. military when so much is at stake? The U.S. House has passed this bipartisan bill; the Appropriations Committee of the U.S. Senate passed it 30 to 0—16 Republicans joining 14 Democrats on a 30-to-0 vote on the Defense appropriations.

We must say yes to our military who fight for us every day, who stand up, protect our rights and our freedoms that we enjoy every day.

I yield the floor.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Colorado.

UNANIMOUS CONSENT REQUEST—H.R. 5293

Mr. GARDNER. Madam President, just moments ago I joined a group of my colleagues from the freshman class to talk about the importance of passage of the Defense appropriations bill. Six Members of that class came to speak about the need to pass a bipartisan bill that passed 30 to 0 out of the Appropriations Committee—16 Republicans, 14 Democrats—unanimously.

The American people engaged in this debate know the arguments on each side, but that is only one side because it was 30 to 0. There is no opposition, but yet this bill has been held up by a filibuster six times over the past year and a half.

So I come to the floor on behalf of my colleagues who are so engaged in this to ask unanimous consent that following the disposition of H.R. 5325, the Senate proceed to H.R. 5293, the Defense appropriations bill.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Madam President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. First, let me thank my colleagues on the other side of the aisle. I know they are conscientious and committed to our national defense and security and to the men and women who make it possible. I have listened to their speeches on the floor, and but for some political analyses, I would agree with their motives to make sure we adequately and promptly fund the defense of our country. There is no question about it.

Secondly, I might say that I know a little bit about this bill. I am the ranking Democrat on the Defense Appropriations Subcommittee, and in the previous Congress I served as chairman of the Defense Appropriations Subcommittee. And I am lucky because I have by my side a Republican Senator, THAD COCHRAN of Mississippi, who currently chairs the committee. I can tell you that from start to finish, THAD COCHRAN, Republican, and DICK DURBIN, Democrat, have agreed on this bill and what is included in this bill. We have worked it out to the satisfaction of not only our own staff and the people we worked with but with the Pentagon as well. We have put together a very good, solid, defensible bill, and the point my colleague made demonstrates that. When it was called on in the full Appropriations Committee, there was unanimous support for it. Within the four corners of the bill, there is no controversy. The only question before us now is when it will be called for passage.

I take to heart the efforts by the Senator from Colorado—along with his

colleagues—today to suggest that we should do this sooner rather than later. I might try to explain for a moment, if I may, why the feeling is that we can't do it at this moment in time.

This is the biggest single discretionary spending bill in our Nation's budget. Sixty percent of the Federal budget flows through this bill to support the Department of Defense and intelligence activities. It is the Monster of the Midway, as we say in Chicago. It is the most important bill in size, at least, when it comes to our appropriations, but it is not the only bill. As the Senator knows, there are 11 other appropriations bills. What we are trying to do—and I believe we will achieve this—is have an agreement on the entire budget.

When we reached a budget agreement with President Obama and the Republican leaders in Congress, we said that we were going to fund any increases in the Department of Defense and match them with increases in nondefense spending. That has been basically the rule of the road from the start, and so there is a reluctance to allow one bill, the Department of Defense appropriations bill, to jump out ahead of others until we have this global agreement on the budget.

The Senator and his colleagues made a good point: What is more important than the defense of this Nation? What is more important than national security? The honest answer is that there is nothing more important. Doesn't the first line say ''provide for the common defense'' in terms of our responsibility?

There are also important things in the nondefense budget. I am sure the Senator from Colorado would be the first to stand up and say that we need to adequately fund the Federal Bureau of Investigation. They work night and day to keep America safe. They are not included in this Defense bill. They are in another appropriations bill which is still unresolved. I think the Senator would probably agree with me that the Department of Homeland Security is a very important agency when it comes to safety in our airports, our families getting on airplanes, and people crossing our border. The appropriation for that Department is not included in this bill.

The point I am trying to make is that when it comes to the security of this Nation, it is not just the Department of Defense; it is primarily and initially that Department. And what we need to do is make sure we have adequately funded the entire budget of this country. Can we do it? Yes, we can, and we must.

The short-term spending bill—the continuing resolution that Democrats and Republicans have done many times before—won't disadvantage the Department of Defense. By the second week of December, I believe in good faith we can work out our differences and come up with spending bills across the board for every agency—medical research, food inspection, things that everyone counts on. But to jump ahead and say that we will just take the biggest appropriations bill and put it aside and go ahead and finish that one, as the Senator has suggested with his unanimous consent request, really doesn't take into consideration that we have an obligation across the government to do our job not just with one bill but with all of the appropriations bills.

I believe in this bill. I voted for this bill. I worked on this bill. As much time as my colleague may have put into his research when preparing for his floor speech, I will match it with the time I put into this bill to make sure it was written right. I want to make sure it is passed with a budget that is fair for this country and done in a bipartisan way that we will all be proud of—not just the men and women in uniform but everyone in the United States who is served by our efforts. For that reason, at this moment I object to the request that was made.

The PRESIDING OFFICER. Objection is heard.

The Senator from Colorado.

Mr. GARDNER. Madam President, I thank my colleague from Illinois. We will continue to work on this issue until we pass this important appropriations bill. We will hear from our colleagues across the country, particularly those who were just elected in 2014.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COTTON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO SHEILA BEATTY

Mr. COTTON. Madam President, today I would like to recognize Sheila Beatty of Hot Springs Village as this week's Arkansan of the Week for her dedication and service to Arkansas veterans.

When people choose to retire, they often seek out a life of rest and relaxation, but not Sheila. When she retired, Sheila chose a different path: honoring those who serve or have served in the U.S. military.

Sheila honors our veterans and our soldiers in many ways—almost too many to mention today. For years, she has stood in the Patriot Guard flag line at every military funeral in Arkansas, no matter the distance from her hometown, and every time troops leave for deployment or return home from a tour, Sheila is there to meet them, with cookies, flags, and a big smile on her face. Sheila is active in the Arkansas Freedom Fund—a nonprofit organization that supports members of the military, veterans, and their families through rehabilitative recreational outdoor activities. She often helps plan events for this wonderful organization as well.

Her activities don't end there. Sheila also makes an extra effort to support the veterans who need it most. She collects clothing and personal hygiene items for homeless veterans in Arkansas. She volunteers with the No Veteran Dies Alone Program at the veterans hospital in Little Rock, where she sits by the bedsides of veterans who aren't able to have family or loved ones by their side in their final hours. Her time with them provides comfort and relief to these men and women when they need it most.

To those of you in Little Rock, next week stop by the National POW/MIA National Recognition Day reception in the State capitol rotunda. Sheila was instrumental in organizing that wonderful event.

Sheila's dedication to our Armed Forces and veterans is inspiring. As a former soldier, I can tell you that people like Sheila make military service more meaningful. Their impact on the lives of veterans cannot be overstated.

I am honored to recognize Sheila as this week's Arkansan of the Week. I join all Arkansans in thanking her for supporting our veterans, and I urge everyone to join in her efforts.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GARDNER). Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. COONS. Mr. President, I come to the floor today to ask unanimous consent that the Senate proceed to executive session to consider the following five nominations: Calendar Nos. 27, 28, 29, 30, and 31; that the Senate proceed to vote without intervening action or debate on the nominations in the order listed; that the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to the nominations; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. COTTON. Mr. President, reserving the right to object, I objected to the confirmation of these judges before, and the reason still stands. There is little evidence that the Court of Federal Claims needs them. According to the latest public statistics, the court's caseload is down 49 percent from 2011 and 66 percent if we go back to 2007. I understand that some say these numbers are skewed by a flood of relatively simple cases related to vaccine claims that has begun to ebb in recent years, but even if we remove those vaccine claims from the statistics, the court's

caseload has still dropped. The number of nonvaccine cases dropped from 1,427 in 2014 to 1,404 in 2015. That latest number is 10 percent lower than in 2013, 25 percent lower than it was in 2008, and 39 percent lower than it was in 2007.

I respectfully remind my colleagues that the 16 active judges authorized in the statute for the Court of Federal Claims is not a minimum number, it is a maximum number. That number was set in 1982—an increase from the six judges that were previously authorized. Perhaps it is time to revisit that number again 34 years later.

I would also note that an auxiliary of senior nonactive judges is available to the court to hear cases. These senior judges receive a full salary whether or not they hear cases on the condition that they be available to work when called. They are the most experienced judges we have for these types of cases, and I am heartened to know that a number of them have been recalled to assist the court since I called for that very action last year. That is a much better use of taxpayer dollars than confirming extra judges who will receive additional full-time salaries, office space, and staff.

I also note that my office has discussed the caseload in the Court of Federal Claims with the White House numerous times since the beginning of the year. In good faith, my office told the White House that if it provided a statistical case showing a need for more active judges, I would consider lifting some of my holds. On Thursday last week, the White House provided some statistics drawn from unpublished caseload data for the 2016 fiscal year. The data was not comprehensive or broken down in a granular fashion, but what they did show is that there is not a clear case for adding more judges at this time. According to the White House's statistics, the number of nonvaccine cases filed this year is down, the number of complicated contract bid protests filed has dropped, and the total number of pending nonvaccine cases has remained largely flat. There will be more discussion between my office and the White House about this data, but at this time I have yet to receive compelling data showing a judicial emergency for the Court of Federal Claims.

I have focused so far on our obligation to closely guard the use of taxpayer dollars for judges we may not need, but I would be remiss if I didn't highlight the unique role and vast power of the Court of Federal Claims. It has nationwide jurisdiction over all claims for money damages against the U.S. Government, from tax disputes, to government contract protests, to eminent domain takings. This court's jurisdiction isn't limited to the District of Columbia or to private litigants but deals with government abuses of the rights of Arkansans and citizens in every State of the Union. This is a serious court; the Senate should be serious as we consider confirming judges to it. The President's nominations to the court should not be rubberstamped.

We have to look hard at the workload of the court and evaluate the judicial resources currently available to meet the demands of that work, and right now those demands appear to be adequately met. I must therefore object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Delaware.

Mr. COONS. Mr. President, if I might on the question of the Court of Federal Claims, today, currently, there are just 10 active judges, although it is authorized to have 16. The five nominees whom I brought to the floor today and have asked unanimous consent to proceed on were first nominated in April or May of 2014 and have waited more than 2 years for their confirmation here by the Senate. No one has raised an objection to their qualifications, and each of them has twice now unanimously been approved by the Senate Judiciary Committee without concerns being raised or advanced about either their qualifications or the need to fill these judicial vacancies.

With fewer active judges, cases have piled up in the Court of Federal Claims, which is often called ''the people's court'' because of its role in hearing cases brought by citizens and businesses against the Federal Government. From 2012 to 2015, the number of pending general jurisdiction cases per active judge has nearly doubled, jumping from 70 to about 130 in just 3 years. The court has also seen an increase in bid protest cases—some of the most complex and resource-intensive cases heard by the court. These delays harm the citizens and businesses that are waiting to have their cases decided. Delays also come at significant cost to the Federal Government, which will pay greater interest once judgments are finally rendered.

As my colleague commented, it is true that senior judges are helping this overburdened court, but their efforts are limited by statute—they cannot work more than 90 days per year.

Last year I called for these same five judges to be confirmed by unanimous consent. One of my colleagues objected and argued that the number of pending cases has decreased and that additional judges are not needed. But this is, in my view, only the case if one counts cases that are referred to special masters. Special masters have significantly reduced their caseload in recent years, but these cases are not significant contributors to the workload of the Court of Federal Claims judges.

We have received letters from the chief judge of the Court of Federal Claims and the past president of the U.S. Court of Federal Claims Bar Association urging our swift action on these nominees. The Court of Federal Claims is in need of the service of these candidates, whose experience and qualifications are beyond question. I want to briefly highlight a few of these nominees and their backgrounds.

One of the nominees is Jeri Somers, who spent her career in service to our Nation, a decade in the Department of Justice as a Federal prosecutor and Civil Division trial attorney, and an extensive background as well in military service. She retired from the U.S. Air Force Reserves at the rank of lieutenant colonel, having spent two decades in the military serving as a judge advocate and then subsequently as a military judge in the U.S. Air Force and the District of Columbia's Air National Guard.

Another pending nominee, Armando Bonilla, spent his entire career—over two decades—as an attorney for the Department of Justice. He was hired out of law school in the Department's prestigious Honors Program and has risen to become the Associate Deputy Attorney General in the Department. Mr. Bonilla would be the first Hispanic judge to hold a position on this court and was strongly endorsed by the Hispanic National Bar Association.

Thomas Halkowski, a third pending nominee, is a respected partner at Fish & Richardson in Wilmington, one of the preeminent IP law firms in the Nation. He practices in Wilmington, DE, my hometown. He is a former Department of Justice attorney, with 8 years of experience in the Environment and Natural Resources Division, and would bring the Court of Federal Claims a wealth of experience relevant to his work.

All five of these pending nominees to the Court of Federal Claims are qualified candidates who have languished for 2 years on the Senate Calendar. They represent part of a pattern of obstruction extending all the way up to our country's highest Court, the Supreme Court. I believe it is time we come together in a bipartisan fashion to do our job, confirm these five nominees to these judicial vacancies, and allow them to get to work serving our Nation on the Court of Federal Claims.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 5042, AS MODIFIED, TO AMENDMENT NO. 4979

Mr. INHOFE. Mr. President, I ask unanimous consent that the following amendment be called up: Inhofe-Boxer No. 5042, as modified, with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 5042, as modified, to amendment No. 4979.

Mr. INHOFE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

(Purpose: Of a perfecting nature)

Strike titles I through VIII and insert the following:

TITLE I—PROGRAM REFORMS

SEC. 1001. STUDY OF WATER RESOURCES DEVELOPMENT PROJECTS BY NON-FEDERAL INTERESTS.

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

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

SEC. 1002. ADVANCED FUNDS FOR WATER RESOURCES DEVELOPMENT STUDIES AND PROJECTS.

The Act of October 15, 1940 (33 U.S.C. 701h–1), is amended—

(1) in the first sentence—

(A) by striking ''Whenever any'' and inserting the following:

''(a) IN GENERAL.—Whenever any'';

(B) by striking ''a flood-control project duly adopted and authorized by law'' and inserting ''an authorized water resources development study or project,''; and

(C) by striking ''such work'' and inserting ''such study or project'';

(2) in the second sentence—

(A) by striking ''The Secretary of the Army'' and inserting the following:

''(b) REPAYMENT.—The Secretary of the Army''; and

(B) by striking ''from appropriations which may be provided by Congress for flood-control work'' and inserting ''if specific appropriations are provided by Congress for such purpose''; and

(3) by adding at the end the following:

''(c) DEFINITION OF STATE.—In this section, the term 'State' means—

''(1) a State;

''(2) the District of Columbia;

''(3) the Commonwealth of Puerto Rico;

''(4) any other territory or possession of the United States; and

''(5) a federally recognized Indian tribe or a Native village, Regional Corporation, or Village Corporation (as those terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)).''.

SEC. 1003. AUTHORITY TO ACCEPT AND USE MATERIALS AND SERVICES.

Section 1024 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2325a) is amended—

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

''(a) IN GENERAL.—Subject to subsection (b), the Secretary is authorized to accept and use materials, services, or funds contributed by a non-Federal public entity, a nonprofit entity, or a private entity to repair, restore, replace, or maintain a water resources project in any case in which the District Commander determines that—

''(1) there is a risk of adverse impacts to the functioning of the project for the authorized purposes of the project; and

''(2) acceptance of the materials and services or funds is in the public interest.''; and

(2) in subsection (c), in the matter preceding paragraph (1)—

(A) by striking ''Not later than 60 days after initiating an activity under this section,'' and inserting ''Not later than February 1 of each year after the first fiscal year in which materials, services, or funds are accepted under this section,''; and

(B) by striking ''a report'' and inserting ''an annual report''.

SEC. 1004. PARTNERSHIPS WITH NON-FEDERAL ENTITIES TO PROTECT THE FEDERAL INVESTMENT.

(a) IN GENERAL.—Subject to subsection (c), the Secretary is authorized to partner with a non-Federal interest for the maintenance of a water resources project to ensure that the project will continue to function for the authorized purposes of the project.

(b) FORM OF PARTNERSHIP.—Under a partnership referred to in subsection (a), the Secretary is authorized to accept and use funds, materials, and services contributed by the non-Federal interest.

(c) NO CREDIT OR REIMBURSEMENT.—Any entity that contributes materials, services, or funds under this section shall not be eligible for credit, reimbursement, or repayment for the value of those materials, services, or funds.

SEC. 1005. NON-FEDERAL STUDY AND CONSTRUCTION OF PROJECTS.

(a) IN GENERAL.—The Secretary may accept and expend funds provided by non-Federal interests to undertake reviews, inspections, monitoring, and other Federal activities related to non-Federal interests carrying out the study, design, or construction of water resources development projects under section 203 or 204 of the Water Resources Development Act of 1986 (33 U.S.C. 2231, 2232) or any other Federal law.

(b) INCLUSION IN COSTS.—In determining credit or reimbursement, the Secretary may include the amount of funds provided by a non-Federal interest under this section as a cost of the study, design, or construction.

SEC. 1006. MUNITIONS DISPOSAL.

Section 1027 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 426e–2) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by inserting '', at full Federal expense,'' after ''The Secretary may''; and

(2) in subsection (b), by striking ''funded'' and inserting ''reimbursed''.

SEC. 1007. CHALLENGE COST-SHARING PROGRAM FOR MANAGEMENT OF RECREATION FACILITIES.

Section 225 of the Water Resources Development Act of 1992 (33 U.S.C. 2328) is amended—

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

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

''(c) USER FEES.—

''(1) COLLECTION OF FEES.—

''(A) IN GENERAL.—The Secretary may allow a non-Federal public or private entity that has entered into an agreement pursuant to subsection (b) to collect user fees for the use of developed recreation sites and facilities, whether developed or constructed by that entity or the Department of the Army.

''(B) USE OF VISITOR RESERVATION SERVICES.—A public or private entity described in subparagraph (A) may use to manage fee collections and reservations under this section any visitor reservation service that the Secretary has provided for by contract or interagency agreement, subject to such terms and conditions as the Secretary determines to be appropriate.

''(2) USE OF FEES.—A non-Federal public or private entity that collects user fees under paragraph (1) may—

''(A) retain up to 100 percent of the fees collected, as determined by the Secretary; and

''(B) notwithstanding section 210(b)(4) of the Flood Control Act of 1968 (16 U.S.C. 460d–3(b)(4)), use that amount for operation, maintenance, and management at the recreation site at which the fee is collected.

''(3) TERMS AND CONDITIONS.—The authority of a non-Federal public or private entity under this subsection shall be subject to such terms and conditions as the Secretary determines necessary to protect the interests of the United States.''.

SEC. 1008. STRUCTURES AND FACILITIES CONSTRUCTED BY THE SECRETARY.

Section 14 of the Act of March 3, 1899 (33 U.S.C. 408) (commonly known as the ''Rivers and Harbors Act of 1899''), is amended—

(1) by striking ''That it shall not be lawful'' and inserting the following:

''(a) PROHIBITIONS AND PERMISSIONS.—It shall not be lawful''; and

(2) by adding at the end the following:

''(b) CONCURRENT REVIEW.—

''(1) NEPA REVIEW.—

''(A) IN GENERAL.—In any case in which an activity subject to this section requires a review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), review and approval under this section shall, to the maximum extent practicable, occur concurrently with any review and decisions made under that Act.

''(B) CORPS OF ENGINEERS AS A COOPERATING AGENCY.—If the Corps of Engineers is not the lead Federal agency for an environmental review described in subparagraph (A), the Chief of Engineers shall, to the maximum extent practicable—

''(i) participate in the review as a cooperating agency (unless the Chief of Engineers does not intend to submit comments on the project); and

''(ii) adopt and use any environmental document prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) by the lead agency to the same extent that a Federal agency could adopt or use a document prepared by another Federal agency under—

''(I) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

''(II) parts 1500 through 1508 of title 40, Code of Federal Regulations (or successor regulations).

''(2) REVIEWS BY SECRETARY.—In any case in which the Secretary of the Army is required to approve an action under this section and under another authority, including sections 9 and 10 of this Act, section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344), and section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413), the Secretary shall—

''(A) coordinate the reviews and, to the maximum extent practicable, carry out the reviews concurrently; and

''(B) adopt and use any document prepared by the Corps of Engineers for the purpose of complying with the same law and that addresses the same types of impacts in the same geographic area if the document, as determined by the Secretary, is current and applicable.

''(3) CONTRIBUTED FUNDS.—The Secretary of the Army may accept and expend funds received from non-Federal public or private entities to evaluate under this section an alteration or permanent occupation or use of a work built by the United States.''.

SEC. 1009. PROJECT COMPLETION.

For any project authorized under section 219 of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4835), the authorization of appropriations is increased by the amount, including in increments, necessary to allow completion of the project if—

(1) as of the date of enactment of this Act, the project has received more than $4,000,000 in Federal appropriations and those appropriations equal an amount that is greater than 80 percent of the authorized amount;

(2) significant progress has been demonstrated toward completion of the project or segments of the project but the project is not complete as of the date of enactment of this Act; and

(3) the benefits of the Federal investment will not be realized without an increase in

the authorization of appropriations to allow completion of the project.

SEC. 1010. CONTRIBUTED FUNDS.

(a) CONTRIBUTED FUNDS.—Section 5 of the Act of June 22, 1936 (33 U.S.C. 701h) (commonly known as the ''Flood Control Act of 1936''), is amended—

(1) by striking ''funds appropriated by the United States for''; and

(2) in the first proviso, by inserting after ''authorized purposes of the project:'' the following: ''*Provided further*, That the Secretary may receive and expend funds from a State or a political subdivision of a State and other non-Federal interests to formulate, review, or revise, consistent with authorized project purposes, operational documents for any reservoir owned and operated by the Secretary (other than reservoirs in the Upper Missouri River, the Apalachicola-Chattahoochee-Flint River system, the Alabama-Coosa-Tallapoosa River system, and the Stones River):''

(b) REPORT.—Section 1015 of the Water Resources Reform and Development Act of 2014 is amended by striking subsection (b) (33 U.S.C. 701h note; Public Law 113–121) and inserting the following:

''(b) REPORT.—Not later than February 1 of each year, the Secretary shall submit to the Committees on Environment and Public Works and Appropriations of the Senate and the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives a report that—

''(1) describes the number of agreements executed in the previous fiscal year for the acceptance of contributed funds under section 5 of the Act of June 22, 1936 (33 U.S.C. 701h) (commonly known as the 'Flood Control Act of 1936'); and

''(2) includes information on the projects and amounts of contributed funds referred to in paragraph (1).''.

SEC. 1011. APPLICATION OF CERTAIN BENEFITS AND COSTS INCLUDED IN FINAL FEASIBILITY STUDIES.

(a) IN GENERAL.—For a navigation project authorized after November 7, 2007, involving offshore oil and gas fabrication ports, the recommended plan by the Chief of Engineers shall be the plan that uses the value of future energy exploration and production fabrication contracts and the transportation savings that would result from a larger navigation channel in accordance with section 6009 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13; 119 Stat. 282).

(b) SPECIAL RULE.—In addition to projects described in subsection (a), this section shall apply to—

(1) a project that has undergone an economic benefits update; and

(2) at the request of the non-Federal sponsor, any ongoing feasibility study for which the benefits under section 6009 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13; 119 Stat. 282) may apply.

SEC. 1012. LEVERAGING FEDERAL INFRASTRUCTURE FOR INCREASED WATER SUPPLY.

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

(1) modification of a water resources project;

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

(3) accessing water released from a project.

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

(1) increasing the storage capacity of the project;

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

(A) to recharge groundwater;

(B) to aquifer storage and recovery; or

(C) to any other storage facility;

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

(4) construction of facilities to access water; and

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

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

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

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

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

(e) REVIEW PROCESS.—

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

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

(A) affected States;

(B) Power Marketing Administrations, in the case of reservoirs with Federal hydropower projects;

(C) entities responsible for operation and maintenance costs;

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

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

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

(f) AUTHORITIES.—A proposal submitted to the Secretary under subsection (a) may be reviewed and approved, if applicable and appropriate, under—

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

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

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

(4) section 14 of the Act of March 3, 1899 (commonly known as the ''Rivers and Harbors Act of 1899'') (33 U.S.C. 408).

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

(1) is not supported by the Federal agency that owns the project if the owner is not the Secretary;

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

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

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

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

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

(h) COST SHARE.—

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

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

(3) OPERATION AND MAINTENANCE COSTS.—

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

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

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

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

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

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

(1) the Upper Missouri River;

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

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

(4) the Stones River.

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

SEC. 1013. NEW ENGLAND DISTRICT HEADQUARTERS.

(a) IN GENERAL.—Subject to subsection (b), using amounts available in the revolving fund established by section 101 of the Civil Functions Appropriations Act, 1954 (33 U.S.C. 576) and not otherwise obligated, the Secretary may—

(1) design, renovate, and construct additions to 2 buildings located on Hanscom Air Force Base in Bedford, Massachusetts for the headquarters of the New England District of the Army Corps of Engineers; and

(2) carry out such construction and infrastructure improvements as are required to support the headquarters of the New England District of the Army Corps of Engineers, including any necessary demolition of the existing infrastructure.

(b) REQUIREMENT.—In carrying out subsection (a), the Secretary shall ensure that the revolving fund established by section 101 of the Civil Functions Appropriations Act, 1954 (33 U.S.C. 576) is appropriately reimbursed from funds appropriated for programs that receive a benefit under this section.

SEC. 1014. BUFFALO DISTRICT HEADQUARTERS.

(a) IN GENERAL.—Subject to subsection (b), using amounts available in the revolving fund established by section 101 of the Civil Functions Appropriations Act, 1954 (33 U.S.C. 576) and not otherwise obligated, the Secretary may—

(1) design and construct a new building in Buffalo, New York, for the headquarters of the Buffalo District of the Army Corps of Engineers; and

(2) carry out such construction and infrastructure improvements as are required to support the headquarters and related installations and facilities of the Buffalo District of the Army Corps of Engineers, including any necessary demolition or renovation of the existing infrastructure.

(b) REQUIREMENT.—In carrying out subsection (a), the Secretary shall ensure that the revolving fund established by section 101 of the Civil Functions Appropriations Act, 1954 (33 U.S.C. 576) is appropriately reimbursed from funds appropriated for programs that receive a benefit under this section.

SEC. 1015. COMPLETION OF ECOSYSTEM RESTORATION PROJECTS.

Section 2039 of the Water Resources Development Act of 2007 (33 U.S.C. 2330a) is amended by adding at the end the following:

''(d) INCLUSIONS.—A monitoring plan under subsection (b) shall include a description of—

''(1) the types and number of restoration activities to be conducted;

''(2) the physical action to be undertaken to achieve the restoration objectives of the project;

''(3) the functions and values that will result from the restoration plan; and

''(4) a contingency plan for taking corrective actions in cases in which monitoring demonstrates that restoration measures are not achieving ecological success in accordance with criteria described in the monitoring plan.

''(e) CONCLUSION OF OPERATION AND MAINTENANCE RESPONSIBILITY.—The responsibility of the non-Federal sponsor for operation, maintenance, repair, replacement, and rehabilitation of the ecosystem restoration project shall cease 10 years after the date on which the Secretary makes a determination of success under subsection (b)(2).''.

SEC. 1016. CREDIT FOR DONATED GOODS.

Section 221(a)(4)(D)(iv) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(a)(4)(D)(iv)) is amended—

(1) by inserting ''regardless of the cost incurred by the non-Federal interest,'' before ''shall not''; and

(2) by striking ''costs'' and inserting ''value''.

SEC. 1017. STRUCTURAL HEALTH MONITORING.

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

(1) response to flood and earthquake events;

(2) pre-disaster mitigation measures;

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

(4) identifying risks due to sea level rise.

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

(1) consult with academic and other experts; and

(2) consider models for maintenance and repair information, the development of degradation models for real-time measurements and environmental inputs, and research on qualitative inspection data as surrogate sensors.

SEC. 1018. FISH AND WILDLIFE MITIGATION.

Section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283) is amended—

(1) in subsection (h)—

(A) in paragraph (4)—

(i) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(ii) by inserting after subparagraph (C) the following:

''(D) include measures to protect or restore habitat connectivity'';

(B) in paragraph (6)(C), by striking ''impacts'' and inserting ''impacts, including impacts to habitat connectivity''; and

(C) by striking paragraph (11) and inserting the following:

''(11) EFFECT.—Nothing in this subsection—

''(A) requires the Secretary to undertake additional mitigation for existing projects for which mitigation has already been initiated, including the addition of fish passage to an existing water resources development project; or

''(B) affects the mitigation responsibilities of the Secretary under any other provision of law.''; and

(2) by adding at the end the following:

''(j) USE OF FUNDS.—The Secretary may use funds made available for preconstruction engineering and design prior to authorization of project construction to satisfy mitigation requirements through third-party arrangements or to acquire interests in land necessary for meeting mitigation requirements under this section.

''(k) MEASURES.—The Secretary shall consult with interested members of the public, the Director of the United States Fish and Wildlife Service, the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration, States, including State fish and game departments, and interested local governments to identify standard measures under subsection (h)(6)(C) that reflect the best available scientific information for evaluating habitat connectivity.''.

SEC. 1019. NON-FEDERAL INTERESTS.

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

SEC. 1020. DISCRETE SEGMENT.

Section 204 of the Water Resources Development Act of 1986 (33 U.S.C. 2232) is amended—

(1) by striking ''project or separable element'' each place it appears and inserting ''project, separable element, or discrete segment'';

(2) by striking ''project, or separable element thereof,'' each place it appears and inserting ''project, separable element, or discrete segment of a project'';

(3) in subsection (a)—

(A) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and indenting appropriately; and

(B) by striking the subsection designation and all that follows through ''In this section, the'' and inserting the following:

''(a) DEFINITIONS.—In this section:

''(1) DISCRETE SEGMENT.—The term 'discrete segment', with respect to a project, means a physical portion of the project, as described in design documents, that is environmentally acceptable, is complete, will not create a hazard, and functions independently so that the non-Federal sponsor can operate and maintain the discrete segment in advance of completion of the total project or separable element of the project.

''(2) WATER RESOURCES DEVELOPMENT PROJECT.—The'';

(4) in subsection (b)(1), in the matter preceding subparagraph (A), by striking ''project, or separate element thereof'' and inserting ''project, separable element, or discrete segment of a project''; and

(5) in subsection (d)—

(A) in paragraph (3)(B), in the matter preceding clause (i), by striking ''project'' and inserting ''project, separable element, or discrete segment'';

(B) in paragraph (4), in the matter preceding subparagraph (A), by striking ''project, or a separable element of a water resources development project,'' and inserting ''project, separable element, or discrete segment of a project''; and

(C) by adding at the end the following:

''(5) REPAYMENT OF REIMBURSEMENT.—If the non-Federal interest receives reimbursement for a discrete segment of a project and fails to complete the entire project or separable element of the project, the non-Federal interest shall repay to the Secretary the amount of the reimbursement, plus interest.''.

SEC. 1021. FUNDING TO PROCESS PERMITS.

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

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

''(C) RAIL CARRIER.—The term 'rail carrier' has the meaning given the term in section 10102 of title 49, United States Code.'';

(2) in paragraph (2), by striking ''or natural gas company'' and inserting '', natural gas company, or rail carrier'';

(3) in paragraph (3), by striking ''or natural gas company'' and inserting '', natural gas company, or rail carrier''; and

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

SEC. 1022. INTERNATIONAL OUTREACH PROGRAM.

Section 401 of the Water Resources Development Act of 1992 (33 U.S.C. 2329) is amended by striking subsection (a) and inserting the following:

''(a) AUTHORIZATION.—

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

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

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

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

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

SEC. 1023. WETLANDS MITIGATION.

Section 2036(c) of the Water Resources Development Act of 2007 (33 U.S.C. 2317b) is amended by adding at the end the following:

''(4) MITIGATION BANKS.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of this paragraph, the Secretary shall issue implementation guidance that provides for the consideration in water resources development feasibility studies of the entire amount of potential in-kind credits available at mitigation banks and in-lieu fee programs with an approved service area that includes the projected impacts of the water resource development project.

''(B) REQUIREMENTS.—All potential mitigation bank and in-lieu fee credits that meet the criteria under subparagraph (A) shall be considered a reasonable alternative for planning purposes if the applicable mitigation bank—

''(i) has an approved mitigation banking instrument; and

''(ii) has completed a functional analysis of the potential credits using the approved Corps of Engineers certified habitat assessment model specific to the region.

''(C) EFFECT.—Nothing in this paragraph modifies or alters any requirement for a water resources project to comply with applicable laws or regulations, including section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283).''.

SEC. 1024. USE OF YOUTH SERVICE AND CONSERVATION CORPS.

Section 213 of the Water Resources Development Act of 2000 (33 U.S.C. 2339) is amended by adding at the end the following:

''(d) YOUTH SERVICE AND CONSERVATION CORPS.—The Secretary shall encourage each district of the Corps of Engineers to enter into cooperative agreements authorized under this section with qualified youth service and conservation corps to perform appropriate projects.''.

SEC. 1025. DEBRIS REMOVAL.

Section 3 of the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved March 2, 1945 (33 U.S.C. 603a), is amended—

(1) by striking ''$1,000,000'' and inserting ''$5,000,000'';

(2) by striking ''accumulated snags and other debris'' and inserting ''accumulated snags, obstructions, and other debris located in or adjacent to a Federal channel''; and

(3) by striking ''or flood control'' and inserting '', flood control, or recreation''.

SEC. 1026. AQUACULTURE STUDY.

(a) IN GENERAL.—The Comptroller General shall carry out an assessment of the shellfish aquaculture industry, including—

(1) an examination of Federal and State laws (including regulations) in each relevant district of the Corps of Engineers;

(2) the number of shellfish aquaculture leases, verifications, or permits in place in each relevant district of the Corps of Engineers;

(3) the period of time required to secure a shellfish aquaculture lease, verification, or permit from each relevant jurisdiction; and

(4) the experience of the private sector in applying for shellfish aquaculture permits from different jurisdictions of the Corps of Engineers and different States.

(b) STUDY AREA.—The study area shall comprise, to the maximum extent practicable, the following applicable locations:

(1) The Chesapeake Bay.

(2) The Gulf Coast States.

(3) The State of California.

(4) The State of Washington.

(c) FINDINGS.—Not later than 225 days after the date of enactment of this Act, the Comptroller General shall submit to the Committees on Environment and Public Works and on Energy and Natural Resources of the Senate and the Committees on Transportation and Infrastructure and on Natural Resources of the House of Representatives a report containing the findings of the assessment conducted under subsection (a).

SEC. 1027. LEVEE VEGETATION.

(a) IN GENERAL.—Section 3013(g)(1) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 701n note; Public Law 113–121) is amended—

(1) by inserting ''remove existing vegetation or'' after ''the Secretary shall not''; and

(2) by striking ''as a condition or requirement for any approval or funding of a project, or any other action''.

(b) REPORT.—Not later than 30 days after the enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—

(1) describes the reasons for the failure of the Secretary to meet the deadlines in subsection (f) of section 3013 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 701n note; Public Law 113–121); and

(2) provides a plan for completion of the activities required in that subsection (f).

SEC. 1028. PLANNING ASSISTANCE TO STATES.

Section 22(a)(1) of the Water Resources Development Act of 1974 (42 U.S.C. 1962d-16(a)(1)) is amended—

(1) by inserting '', a group of States, or a regional or national consortia of States'' after ''working with a State''; and

(2) by striking ''located within the boundaries of such State''.

SEC. 1029. PRIORITIZATION.

Section 1011 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2341a) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(C), by inserting ''restore or'' before ''prevent the loss''; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''the date of enactment of this Act'' and inserting ''the date of enactment of the Water Resources Development Act of 2016''; and

(ii) in subparagraph (A)(ii), by striking ''that—'' and all that follows through ''(II)'' and inserting ''that''; and

(2) in subsection (b)—

(A) in paragraph (1), by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively, and indenting appropriately;

(B) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(C) in the matter preceding subparagraph (A) (as so redesignated), by striking ''For'' and inserting the following:

''(1) IN GENERAL.—For''; and

(D) by adding at the end the following:

''(2) EXPEDITED CONSIDERATION OF CURRENTLY AUTHORIZED PROGRAMMATIC AUTHORITIES.—Not later than 180 days after the date of enactment of the Water Resources Development Act of 2016, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that contains—

''(A) a list of all programmatic authorities for aquatic ecosystem restoration or improvement of the environment that—

''(i) were authorized or modified in the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1041) or any subsequent Act; and

''(ii) that meet the criteria described in paragraph (1); and

''(B) a plan for expeditiously completing the projects under the authorities described in subparagraph (A), subject to available funding.''.

SEC. 1030. KENNEWICK MAN.

(a) DEFINITIONS.—In this section:

(1) CLAIMANT TRIBES.—The term ''claimant tribes'' means the Indian tribes and band referred to in the letter from Secretary of the Interior Bruce Babbitt to Secretary of the Army Louis Caldera, relating to the human remains and dated September 21, 2000.

(2) DEPARTMENT.—The term ''Department'' means the Washington State Department of Archaeology and Historic Preservation.

(3) HUMAN REMAINS.—The term ''human remains'' means the human remains that—

(A) are known as Kennewick Man or the Ancient One, which includes the projectile point lodged in the right ilium bone, as well as any residue from previous sampling and studies; and

(B) are part of archaeological collection number 45BN495.

(b) TRANSFER.—Notwithstanding any other provision of Federal law, including the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.), or law of the State of Washington, not later than 90 days after the date of enactment of this Act, the Secretary, acting through the Chief of Engineers, shall transfer the human remains to the Department, on the condition that the Department, acting through the State Historic Preservation Officer, disposes of the remains and repatriates the remains to claimant tribes.

(c) COST.—The Corps of Engineers shall be responsible for any costs associated with the transfer.

(d) LIMITATIONS.—

(1) IN GENERAL.—The transfer shall be limited solely to the human remains portion of the archaeological collection.

(2) SECRETARY.—The Secretary shall have no further responsibility for the human remains transferred pursuant to subsection (b) after the date of the transfer.

SEC. 1031. DISPOSITION STUDIES.

In carrying out any disposition study for a project of the Corps of Engineers (including a study under section 216 of the Flood Control Act of 1970 (33 U.S.C. 549a)), the Secretary shall consider the extent to which the property has economic or recreational significance or impacts at the national, State, or local level.

SEC. 1032. TRANSFER OF EXCESS CREDIT.

Section 1020 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2223) is amended—

(1) in subsection (a)—

(A) by striking the subsection designation and heading and all that follows through ''Subject to subsection (b)'' and inserting the following:

''(a) APPLICATION OF CREDIT.—

''(1) IN GENERAL.—Subject to subsection (b)''; and

(B) by adding at the end the following:

''(2) REASONABLE INTERVALS.—On request from a non-Federal interest, the credit described in subsection (a) may be applied at reasonable intervals as those intervals occur and are identified as being in excess of the required non-Federal cost share prior to completion of the study or project if the credit amount is verified by the Secretary.'';

(2) by striking subsection (d); and

(3) by redesignating subsection (e) as subsection (d).

SEC. 1033. SURPLUS WATER STORAGE.

Section 1046(c) of the Water Resources Reform and Development Act of 2014 (Public Law 113–121; 128 Stat. 1254) is amended by adding at the end the following:

''(5) TIME LIMIT.—

''(A) IN GENERAL.—If the Secretary has documented the volume of surplus water available, not later than 60 days after the date on

which the Secretary receives a request for a contract and easement, the Secretary shall issue a decision on the request.

''(B) OUTSTANDING INFORMATION.—If the Secretary has not documented the volume of surplus water available, not later than 30 days after the date on which the Secretary receives a request for a contract and easement, the Secretary shall provide to the requester—

''(i) an identification of any outstanding information that is needed to make a final decision;

''(ii) the date by which the information referred to in clause (i) shall be obtained; and

''(iii) the date by which the Secretary will make a final decision on the request.''.

SEC. 1034. HURRICANE AND STORM DAMAGE REDUCTION.

Section 3(c)(2)(B) of the Act of August 13, 1946 (33 U.S.C. 426g(c)(2)(B)) is amended by striking ''$5,000,000'' and inserting ''$10,000,000''.

SEC. 1035. FISH HATCHERIES.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may operate a fish hatchery for the purpose of restoring a population of fish species located in the region surrounding the fish hatchery that is listed as a threatened species or an endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or a similar State law.

(b) COSTS.—A non-Federal entity, another Federal agency, or a group of non-Federal entities or other Federal agencies shall be responsible for 100 percent of the additional costs associated with managing a fish hatchery for the purpose described in subsection (a) that are not authorized as of the date of enactment of this Act for the fish hatchery.

SEC. 1036. FEASIBILITY STUDIES AND WATERSHED ASSESSMENTS.

(a) VERTICAL INTEGRATION AND ACCELERATION OF STUDIES.—Section 1001(d) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282c(d)) is amended by striking paragraph (3) and inserting the following:

''(3) REPORT.—Not later than February 1 of each year, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that identifies any feasibility study for which the Secretary in the preceding fiscal year approved an increase in cost or extension in time as provided under this section, including an identification of the specific 1 or more factors used in making the determination that the project is complex.''.

(b) COST SHARING.—Section 105(a)(1)(A) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(a)(1)(A)) is amended—

(1) by striking the subparagraph designation and heading and all that follows through ''The Secretary'' and inserting the following:

''(A) REQUIREMENT.—

''(i) IN GENERAL.—Except as provided in clause (ii), the Secretary''; and

(2) by adding at the end the following:

''(ii) EXCEPTION.—For the purpose of meeting or otherwise communicating with prospective non-Federal sponsors to identify the scope of a potential water resources project feasibility study, identifying the Federal interest, developing the cost sharing agreement, and developing the project management plan, the first $100,000 of the feasibility study shall be a Federal expense.''.

(c) NON-FEDERAL SHARE.—Section 729(f)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2267a(f)(1)) is amended by inserting before the period at the end '', except that the first $100,000 of the assessment shall be a Federal expense''.

SEC. 1037. SHORE DAMAGE PREVENTION OR MITIGATION.

Section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i) is amended—

(1) in subsection (b), by striking ''measures'' and all that follows through ''project'' and inserting ''measures, including a study, shall be cost-shared in the same proportion as the cost-sharing provisions applicable to construction of the project''; and

(2) by adding at the end the following:

''(e) REIMBURSEMENT FOR FEASIBILITY STUDIES.—Beginning on the date of enactment of this subsection, in any case in which the Secretary implements a project under this section, the Secretary shall reimburse or credit the non-Federal interest for any amounts contributed for the study evaluating the damage in excess of the non-Federal share of the costs, as determined under subsection (b).''.

SEC. 1038. ENHANCING LAKE RECREATION OPPORTUNITIES.

Section 3134 of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1142) is amended by striking subsection (e).

SEC. 1039. COST ESTIMATES.

Section 2008 of the Water Resources Development Act of 2007 (33 U.S.C. 2340) is amended by striking subsection (c).

SEC. 1040. TRIBAL PARTNERSHIP PROGRAM.

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

(1) in subsection (b)—

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

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

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

(C) by adding at the end the following:

''(3) FEASIBILITY STUDY AND REPORTS.—

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

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

''(C) FUNDING.—The first $100,000 of a study under this paragraph shall be at full Federal expense.

''(4) DESIGN AND CONSTRUCTION.—

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

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

(2) in subsection (c)—

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

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

(3) in subsection (d)—

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

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

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

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

''(4) WATER RESOURCES DEVELOPMENT PROJECTS.—

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

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

''(5) PROJECTS FOR THE PRESERVATION OF CULTURAL AND NATURAL RESOURCES.—

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

''(B) OTHER COSTS.—The non-Federal share of costs of design and construction of a project described in subparagraph (A) shall be 65 percent.

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

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

''(B) OTHER COSTS.—The non-Federal share of costs of other water-related planning activities described in subsection (b)(1) shall be 65 percent.''; and

(4) by striking subsection (e).

SEC. 1041. COST SHARING FOR TERRITORIES AND INDIAN TRIBES.

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

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

(2) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—The Secretary shall waive local cost-sharing requirements up to $200,000 for all studies, projects, and assistance under section 22(a) of the Water Resources Development Act of 1974 (42 U.S.C. 1962d-16(a))—

''(1) in American Samoa, Guam, the Northern Mariana Islands, the Virgin Islands, Puerto Rico, and the Trust Territory of the Pacific Islands; and

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

SEC. 1042. LOCAL GOVERNMENT WATER MANAGEMENT PLANS.

The Secretary, with the consent of the non-Federal sponsor of a feasibility study for a water resources development project, may enter into a feasibility study cost-sharing agreement under section 221(a) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(a)), to

allow a unit of local government in a watershed that has adopted a local or regional water management plan to participate in the feasibility study to determine if there is an opportunity to include additional feasible elements in the project being studied to help achieve the purposes identified in the local or regional water management plan.

SEC. 1043. CREDIT IN LIEU OF REIMBURSEMENT.

Section 1022 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2225) is amended—

(1) in subsection (a), by striking ''that has been constructed by a non-Federal interest under section 211 of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13) before the date of enactment of this Act'' and inserting ''for which a written agreement with the Corps of Engineers for construction was finalized on or before December 31, 2014, under section 211 of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13) (as it existed before the repeal made by section 1014(c)(3))''; and

(2) in subsection (b), by striking ''share of the cost of the non-Federal interest of carrying out other flood damage reduction projects or studies'' and inserting ''non-Federal share of the cost of carrying out other water resources development projects or studies of the non-Federal interest''.

SEC. 1044. RETROACTIVE CHANGES TO COST-SHARING AGREEMENTS.

Study costs incurred before the date of execution of a feasibility cost-sharing agreement for a project to be carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330) shall be Federal costs, if—

(1) the study was initiated before October 1, 2006; and

(2) the feasibility cost-sharing agreement was not executed before January 1, 2014.

SEC. 1045. EASEMENTS FOR ELECTRIC, TELEPHONE, OR BROADBAND SERVICE FACILITIES ELIGIBLE FOR FINANCING UNDER THE RURAL ELECTRIFICATION ACT OF 1936.

(a) DEFINITION OF WATER RESOURCES DEVELOPMENT PROJECT.—In this section, the term ''water resources development project'' means a project under the administrative jurisdiction of the Corps of Engineers that is subject to part 327 of title 36, Code of Federal Regulations (or successor regulations).

(b) NO CONSIDERATION FOR EASEMENTS.—The Secretary may not collect consideration for an easement across water resources development project land for the electric, telephone, or broadband service facilities of nonprofit organizations eligible for financing under the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.).

(c) ADMINISTRATIVE EXPENSES.—Nothing in this section affects the authority of the Secretary under section 2695 of title 10, United States Code, or under section 9701 of title 31, United State Code, to collect funds to cover reasonable administrative expenses incurred by the Secretary.

SEC. 1046. STUDY ON THE PERFORMANCE OF INNOVATIVE MATERIALS.

(a) DEFINITION OF INNOVATIVE MATERIAL.—In this section, the term ''innovative material'', with respect to a water resources development project, includes high performance concrete formulations, geosynthetic materials, advanced alloys and metals, reinforced polymer composites, and any other material, as determined by the Secretary.

(b) STUDY.—

(1) IN GENERAL.—The Secretary shall offer to enter into a contract with the Transportation Research Board of the National Academy of Sciences—

(A) to develop a proposal to study the use and performance of innovative materials in water resources development projects carried out by the Corps of Engineers; and

(B) after the opportunity for public comment provided in accordance with subsection (c), to carry out the study proposed under subparagraph (A).

(2) CONTENTS.—The study under paragraph (1) shall identify—

(A) the conditions that result in degradation of water resources infrastructure;

(B) the capabilities of the innovative materials in reducing degradation;

(C) barriers to the expanded successful use of innovative materials;

(D) recommendations on including performance-based requirements for the incorporation of innovative materials into the Unified Facilities Guide Specifications;

(E) recommendations on how greater use of innovative materials could increase performance of an asset of the Corps of Engineers in relation to extended service life;

(F) additional ways in which greater use of innovative materials could empower the Corps of Engineers to accomplish the goals of the Strategic Plan for Civil Works of the Corps of Engineers; and

(G) recommendations on any further research needed to improve the capabilities of innovative materials in achieving extended service life and reduced maintenance costs in water resources development infrastructure.

(c) PUBLIC COMMENT.—After developing the study proposal under subsection (b)(1)(A) and before carrying out the study under subsection (b)(1)(B), the Secretary shall provide an opportunity for public comment on the study proposal.

(d) CONSULTATION.—In carrying out the study under subsection (b)(1), the Secretary, at a minimum, shall consult with relevant experts on engineering, environmental, and industry considerations.

(e) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study required under subsection (b)(1).

SEC. 1047. DEAUTHORIZATION OF INACTIVE PROJECTS.

(a) IN GENERAL.—Section 6001(c) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 579b(c)) is amended by adding at the end the following:

''(5) DEFINITION OF CONSTRUCTION.—In this subsection, the term 'construction' includes the obligation or expenditure of non-Federal funds for construction of elements integral to the authorized project, whether or not the activity takes place pursuant to any agreement with, expenditure by, or obligation from the Secretary.''.

(b) NOTICES OF CORRECTION.—Not later than 60 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register a notice of correction removing from the lists under subsections (c) and (d) of section 6001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 579b) any project that was listed even though construction (as defined in subsection (c)(5) of that section) took place.

SEC. 1048. REVIEW OF RESERVOIR OPERATIONS.

(a) DEFINITIONS.—In this section:

(1) RESERVED WORKS.—The term ''reserved works'' means any Bureau of Reclamation project facility at which the Secretary of the Interior carries out the operation and maintenance of the project facility.

(2) TRANSFERRED WORKS.—The term ''transferred works'' means a Bureau of Reclamation project facility, the operation and maintenance of which is carried out by a non-Federal entity under the provisions of a formal operation and maintenance transfer contract.

(3) TRANSFERRED WORKS OPERATING ENTITY.—The term ''transferred works operating entity'' means the organization that is contractually responsible for operation and maintenance of transferred works.

(b) APPLICABILITY.—

(1) IN GENERAL.—This section applies to reservoirs that are subject to regulation by the Secretary under section 7 of the Act of December 22, 1944 (33 U.S.C. 709) located in a State in which a Bureau of Reclamation project is located.

(2) EXCLUSIONS.—This section shall not apply to—

(A) any project authorized by the Boulder Canyon Project Act (43 U.S.C. 617 et seq.);

(B) the initial units of the Colorado River Storage Project, as authorized by the first section of the Act of April 11, 1956 (commonly known as the ''Colorado River Storage Project Act'') (43 U.S.C. 620);

(C) any dam or reservoir operated by the Bureau of Reclamation as reserved works, unless all non-Federal project sponsors of the reserved works jointly provide to the Secretary a written request for application of this section to the project;

(D) any dam or reservoir owned and operated by the Corps of Engineers; or

(E) any Bureau of Reclamation transferred works, unless the transferred works operating entity provides to the Secretary a written request for application of this section to the project.

(c) REVIEW.—

(1) IN GENERAL.—In accordance with the authorities of the Secretary in effect on the day before the date of enactment of this Act, at the reservoirs described in paragraph (2), the Secretary may—

(A) review any flood control rule curves developed by the Secretary; and

(B) determine, based on the best available science (including improved weather forecasts and forecast-informed operations, new watershed data, or structural improvements) whether an update to the flood control rule curves and associated changes to the water operations manuals is appropriate.

(2) DESCRIPTION OF RESERVOIRS.—The reservoirs referred to in paragraph (1) are reservoirs—

(A)(i) located in areas with prolonged drought conditions; or

(ii) for which no review has occurred during the 10-year period preceding the date of enactment of this Act; and

(B) for which individuals or entities, including the individuals or entities responsible for operations and maintenance costs or that have storage entitlements or contracts at a reservoir, a unit of local government, the owner of a non-Federal project, or the non-Federal transferred works operating entity, as applicable, have submitted to the Secretary a written request to carry out the review described in paragraph (1).

(3) REQUIRED CONSULTATION.—In carrying out a review under paragraph (1) and prior to updating any flood control rule curves and manuals under subsection (e), the Secretary shall comply with all applicable public participation and agency review requirements, including consultation with—

(A) affected States, Indian tribes, and other Federal and State agencies with jurisdiction over a portion of or all of the project or the operations of the project;

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

(C) any non-Federal entity responsible for operation and maintenance costs;

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

(E) any entity that the State determines holds rights under State law to the use of water from the project; and

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

(d) AGREEMENT.—Before carrying out an activity under this section, the Secretary shall enter into a cooperative agreement, memorandum of understanding, or other agreement with an affected State, any owner or operator of the reservoir, and, on request, any non-Federal entities responsible for operation and maintenance costs at the reservoir, that describes the scope and goals of the activity and the coordination among the parties.

(e) UPDATES.—If the Secretary determines under subsection (c) that an update to a flood control rule curve and associated changes to a water operations manual is appropriate, the Secretary may update the flood control rule curve and manual in accordance with the authorities in effect on the day before the date of enactment of this Act.

(f) FUNDING.—

(1) IN GENERAL.—Subject to subsection (d), the Secretary may accept and expend amounts from the entities described in paragraph (2) to fund all or part of the cost of carrying out a review under subsection (c) or an update under subsection (e), including any associated environmental documentation.

(2) DESCRIPTION OF ENTITIES.—The entities referred to in paragraph (1) are—

(A) non-Federal entities responsible for operations and maintenance costs at the affected reservoir;

(B) individuals and non-Federal entities with storage entitlements at the affected reservoir;

(C) a Federal power marketing agency that markets power produced by the affected reservoir;

(D) units of local government;

(E) public or private entities holding contracts with the Federal Government for water storage or water supply at the affected reservoir; and

(F) a nonprofit entity, with the consent of the affected unit of local government.

(3) IN-KIND CONTRIBUTIONS.—The Secretary may—

(A) accept and use materials and services contributed by an entity described in paragraph (2) under this subsection; and

(B) credit the value of the contributed materials and services toward the cost of carrying out a review or revision of operational documents under this section.

(g) PROTECTION OF EXISTING RIGHTS.—The Secretary shall not issue an updated flood control rule curve or operations manual under subsection (e) that—

(1) interferes with an authorized purpose of the project or the existing purposes of a non-Federal project regulated for flood control by the Secretary;

(2) reduces the ability to meet contractual rights to water or storage at the reservoir;

(3) adversely impacts legal rights to water under State law;

(4) fails to address appropriate credit for the appropriate power marketing agency, if applicable; or

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

(h) EFFECT OF SECTION.—Nothing in this section—

(1) authorizes the Secretary to take any action not otherwise authorized as of the date of enactment of this Act;

(2) affects or modifies any obligation of the Secretary under Federal or State law; or

(3) affects or modifies any other authority of the Secretary to review or modify reservoir operations.

SEC. 1049. WRITTEN AGREEMENT REQUIREMENT FOR WATER RESOURCES PROJECTS.

Section 221(a)(3) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(a)(3)) is amended by striking ''State legislature, the agreement may reflect'' and inserting ''State legislature, on the request of the State, body politic, or entity, the agreement shall reflect''.

SEC. 1050. MAXIMUM COST OF PROJECTS.

Section 902 of the Water Resources Development of 1986 (33 U.S.C. 2280) is amended—

(1) in subsection (a)(2)(A), by striking ''indexes'' and inserting ''indexes, including actual appreciation in relevant real estate markets''; and

(2) in subsection (b)—

(A) by striking ''Notwithstanding subsection (a), in accordance with section 5 of the Act of June 22, 1936 (33 U.S.C. 701h)'' and inserting the following:

''(1) IN GENERAL.—Notwithstanding subsection (a)'';

(B) in paragraph (1) (as so designated)—

(i) by striking ''funds'' the first place it appears and inserting ''funds, in-kind contributions, and land, easements, and right-of-way, relocations, and dredged material disposal areas''; and

(ii) by striking ''such funds'' each place it appears and inserting ''the contributions''; and

(C) by adding at the end the following:

''(2) LIMITATION.—Funds, in-kind contributions, and land, easements, and right-of-way, relocations, and dredged material disposal areas provided under this subsection are not eligible for credit or repayment and shall not be included in calculating the total cost of the project.''.

SEC. 1051. CONVERSION OF SURPLUS WATER AGREEMENTS.

Section 6 of the Act of December 22, 1944 (33 U.S.C. 708), is amended—

(1) by striking ''**SEC. 6.** That the Secretary'' and inserting the following:

''SEC. 6. SALE OF SURPLUS WATERS FOR DOMESTIC AND INDUSTRIAL USES.

''(a) IN GENERAL.—The Secretary''; and

(2) by adding at the end the following:

''(b) CONTINUATION OF CERTAIN WATER SUPPLY AGREEMENTS.—In any case in which a water supply agreement was predicated on water that was surplus to a purpose and provided for contingent permanent storage rights under section 301 of the Water Supply Act of 1958 (43 U.S.C. 390b) pending the need for storage for that purpose, and that purpose is no longer authorized, the Secretary of the Army shall continue the agreement with the same payment and all other terms as in effect prior to deauthorization of the purpose if the non-Federal entity has met all of the conditions of the agreement.

''(c) PERMANENT STORAGE AGREEMENTS.—In any case in which a water supply agreement with a duration of 30 years or longer was predicated on water that was surplus to a purpose and provided for the complete payment of the actual investment costs of storage to be used, and that purpose is no longer authorized, the Secretary of the Army shall provide to the non-Federal entity an opportunity to convert the agreement to a permanent storage agreement in accordance with section 301 of the Water Supply Act of 1958 (43 U.S.C. 390b), with the same payment terms incorporated in the agreement.''.

SEC. 1052. AUTHORIZED FUNDING FOR INTERAGENCY AND INTERNATIONAL SUPPORT.

Section 234(d)(1) of the Water Resources Development Act of 1996 (33 U.S.C. 2323a(d)(1)) is amended by striking ''$1,000,000'' and inserting ''$5,000,000''.

TITLE II—NAVIGATION

SEC. 2001. PROJECTS FUNDED BY THE INLAND WATERWAYS TRUST FUND.

Beginning on June 10, 2014, and ending on the date that is 15 years after the date of enactment of this Act, section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)) shall not apply to any project authorized to receive funding from the Inland Waterways Trust Fund established by section 9506(a) of the Internal Revenue Code of 1986.

SEC. 2002. OPERATION AND MAINTENANCE OF FUEL-TAXED INLAND WATERWAYS.

Section 102(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2212(c)) is amended by adding at the end the following:

''(3) CREDIT OR REIMBURSEMENT.—The Federal share of operation and maintenance carried out by a non-Federal interest under this subsection after the date of enactment of the Water Resources Reform and Development Act of 2014 shall be eligible for reimbursement or for credit toward—

''(A) the non-Federal share of future operation and maintenance under this subsection; or

''(B) any measure carried out by the Secretary under section 3017(a) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 3303a note; Public Law 113–121).''.

SEC. 2003. FUNDING FOR HARBOR MAINTENANCE PROGRAMS.

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

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

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

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

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

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

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

SEC. 2004. DREDGED MATERIAL DISPOSAL.

Disposal of dredged material shall not be considered environmentally acceptable for the purposes of identifying the Federal standard (as defined in section 335.7 of title 33, Code of Federal Regulations (or successor regulations)) if the disposal violates applicable State water quality standards approved by the Administrator of the Environmental Protection Agency under section 303 of the Federal Water Pollution Control Act (33 U.S.C. 1313).

SEC. 2005. CAPE ARUNDEL DISPOSAL SITE, MAINE.

(a) DEADLINE.—The Cape Arundel Disposal Site selected by the Department of the Army as an alternative dredged material disposal site under section 103(b) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413(b)) and reopened pursuant to section 113 of the Energy and Water Development and Related Agencies Appropriations Act, 2014 (Public Law 113–76; 128 Stat. 158) (referred to in this section as the ''Site'') may remain open until the earlier of—

(1) the date on which the Site does not have any remaining disposal capacity;

(2) the date on which an environmental impact statement designating an alternative dredged material disposal site for southern Maine has been completed; or

(3) the date that is 5 years after the date of enactment of this Act.

(b) LIMITATIONS.—The use of the Site as a dredged material disposal site under subsection (a) shall be subject to the conditions that—

(1) conditions at the Site remain suitable for the continued use of the Site as a dredged material disposal site; and

(2) the Site not be used for the disposal of more than 80,000 cubic yards from any single dredging project.

SEC. 2006. MAINTENANCE OF HARBORS OF REFUGE.

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

SEC. 2007. AIDS TO NAVIGATION.

(a) IN GENERAL.—The Secretary shall—

(1) consult with the Commandant of the Coast Guard regarding navigation on the Ouachita-Black Rivers; and

(2) share information regarding the assistance that the Secretary can provide regarding the placement of any aids to navigation on the rivers referred to in paragraph (1).

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the outcome of the consultation under subsection (a).

SEC. 2008. BENEFICIAL USE OF DREDGED MATERIAL.

Section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) is amended by adding at the end the following:

(1) in subsection (a)(1)—

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

''(A) IN GENERAL.—For sediment''; and

(B) by adding at the end the following:

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

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

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

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

SEC. 2009. OPERATION AND MAINTENANCE OF HARBOR PROJECTS.

Section 210(c)(3) of the Water Resources Development Act of 1986 (33 U.S.C. 2238(c)(3)) is amended by striking ''for each of fiscal years 2015 through 2022'' and inserting ''for each fiscal year''.

SEC. 2010. ADDITIONAL MEASURES AT DONOR PORTS AND ENERGY TRANSFER PORTS.

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

(1) in subsection (a)—

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

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

''(2) DISCRETIONARY CARGO.—The term 'discretionary cargo' means maritime cargo that is destined for inland locations and that can be economically shipped through multiple seaports located in different countries or regions.'';

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

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

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

''(A) IN GENERAL.—The term''; and

(iii) by adding at the end the following:

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

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

(E) by adding at the end the following:

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

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

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

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

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

(2) in subsection (b)—

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

(B) in paragraph (2)—

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

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

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

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

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

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

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

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

''(d) ADMINISTRATION OF PAYMENTS.—

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

''(A) shipped through respective eligible ports; and

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

''(2) REQUIREMENT.—The Secretary. in consultation with the eligible port, shall limit payments to top importers or shippers through an eligible port, as ranked by value of discretionary cargo.''; and

(5) in subsection (f)—

(A) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—If the total amounts made available from the Harbor Maintenance Trust Fund exceed the total amounts made available from the Harbor Maintenance Trust Fund in fiscal year 2012, there is authorized to be appropriated to carry out this section $50,000,000 from the Harbor Maintenance Trust Fund.'';

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

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

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

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

(C) by striking paragraph (3).

SEC. 2011. HARBOR DEEPENING.

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

(1) in the matter preceding subparagraph (A), by striking ''the date of enactment of this Act'' and inserting ''the date of enactment of the Water Resources Reform and Development Act of 2014 (Public Law 113–121; 128 Stat. 1193)'';

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

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

(b) DEFINITION OF DEEP-DRAFT HARBOR.—Section 214(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2241(1)) is amended by striking ''45 feet'' and inserting ''50 feet''.

SEC. 2012. OPERATIONS AND MAINTENANCE OF INLAND MISSISSIPPI RIVER PORTS.

(a) DEFINITIONS.—In this section:

(1) INLAND MISSISSIPPI RIVER.—The term ''inland Mississippi River'' means the portion of the Mississippi River that begins at the confluence of the Minnesota River and ends at the confluence of the Red River.

(2) SHALLOW DRAFT.—The term ''shallow draft'' means a project that has a depth of less than 14 feet.

(b) DREDGING ACTIVITIES.—The Secretary shall carry out dredging activities on shallow draft ports located on the inland Mississippi River to the respective authorized widths and depths of those inland ports, as authorized on the date of enactment of this Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—For each fiscal year, there is authorized to be appropriated to the Secretary to carry out this section $25,000,000.

SEC. 2013. IMPLEMENTATION GUIDANCE.

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

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

SEC. 2014. REMOTE AND SUBSISTENCE HARBORS.

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

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

(2) in subsection (b)—

(A) in paragraph (1), by inserting ''or of a community that is located in the region to be served by the project and that will rely on the project'' after ''community'';

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

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

SEC. 2015. NON-FEDERAL INTEREST DREDGING AUTHORITY.

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

(b) COST LIMITATIONS.—Except as provided in this section and subject to the availability of appropriations, the costs incurred by a non-Federal interest in performing the maintenance activities described in subsection (a) shall be eligible for reimbursement, not to exceed an amount that is equal to the estimated Federal cost for the performance of the maintenance activities.

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

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

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

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

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

(1) the dredge is being used in the performance of work for the Federal Government during a given fiscal year; and

(2) the actual fiscal year Federal appropriations identified for that portion of maintenance dredging that are made available.

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

(1) improved reliability and safety for navigation; and

(2) cost savings to the Federal Government.

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

SEC. 2016. TRANSPORTATION COST SAVINGS.

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

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

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

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

SEC. 2017. DREDGED MATERIAL.

(a) IN GENERAL.—Notwithstanding part 335 of title 33, Code of Federal Regulations, the Secretary may place dredged material from the operation and maintenance of an authorized Federal water resources project at another authorized water resource project if the Secretary determines that—

(1) the placement of the dredged material would—

(A)(i) enhance protection from flooding caused by storm surges or sea level rise; or

(ii) significantly contribute to shoreline resiliency, including the resilience and restoration of wetland; and

(B) be in the public interest; and

(2) the cost associated with the placement of the dredged material is reasonable in relation to the associated environmental, flood protection, and resiliency benefits.

(b) ADDITIONAL COSTS.—If the cost of placing the dredged material at another authorized water resource project exceeds the cost of depositing the dredged material in accordance with the Federal standard (as defined in section 335.7 of title 33, Code of Federal Regulations (as in effect on the date of enactment of this Act)), the Secretary shall not require a non-Federal entity to bear any of the increased costs associated with the placement of the dredged material.

SEC. 2018. GREAT LAKES NAVIGATION SYSTEM.

Section 210(d)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2238(d)(1)) is amended—

(1) in subparagraph (A), in the matter preceding clause (i), by striking ''For each of fiscal years 2015 through 2024'' and inserting ''For each fiscal year''; and

(2) in subparagraph (B), in the matter preceding clause (i), by striking ''For each of fiscal years 2015 through 2024'' and inserting ''For each fiscal year''.

SEC. 2019. HARBOR MAINTENANCE TRUST FUND.

The Secretary shall allocate funding made available to the Secretary from the Harbor Maintenance Trust Fund, established under section 9505 of the Internal Revenue Code of 1986, in accordance with section 210 of the Water Resources Development Act of 1986 (33 U.S.C. 2238).

TITLE III—SAFETY IMPROVEMENTS

SEC. 3001. REHABILITATION ASSISTANCE FOR NON-FEDERAL FLOOD CONTROL PROJECTS.

(a) IN GENERAL.—Section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), is amended—

(1) in subsection (a), by adding at the end the following:

''(3) DEFINITION OF NONSTRUCTURAL ALTERNATIVES.—In this subsection, 'nonstructural alternatives' includes efforts to restore or protect natural resources including streams, rivers, floodplains, wetlands, or coasts, if those efforts will reduce flood risk.''; and

(2) by adding at the end the following:

''(d) INCREASED LEVEL OF PROTECTION.—In conducting repair or restoration work under subsection (a), at the request of the non-Federal sponsor, the Secretary may increase the level of protection above the level to which the system was designed, or, if the repair and rehabilitation includes repair or rehabilitation of a pumping station, will increase the capacity of a pump, if—

''(1) the Chief of Engineers determines the improvements are in the public interest, including consideration of whether—

''(A) the authority under this section has been used more than once at the same location;

''(B) there is an opportunity to decrease significantly the risk of loss of life and property damage; or

''(C) there is an opportunity to decrease total life cycle rehabilitation costs for the project; and

''(2) the non-Federal sponsor agrees to pay the difference between the cost of repair, restoration, or rehabilitation to the original design level or original capacity and the cost of achieving the higher level of protection or capacity sought by the non-Federal sponsor.

''(e) NOTICE.—The Secretary shall notify the non-Federal sponsor of the opportunity to request implementation of nonstructural alternatives to the repair or restoration of the flood control work under subsection (a).''.

(b) PROJECTS IN COORDINATION WITH CERTAIN REHABILITATION REQUIREMENTS.—

(1) IN GENERAL.—In any case in which the Secretary has completed a study determining a project for flood damage reduction is feasible and such project is designed to protect the same geographic area as work to be performed under section 5(c) of the Act of August 18, 1941 (33 U.S.C. 701n(c)), the Secretary may, if the Secretary determines that the action is in the public interest, carry out such project with the work being performed under section 5(c) of that Act, subject to the limitations in paragraph (2).

(2) COST-SHARING.—The cost to carry out a project under paragraph (1) shall be shared in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

SEC. 3002. REHABILITATION OF EXISTING LEVEES.

Section 3017 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 3303a note; Public Law 113–121) is amended—

(1) in subsection (a), by striking ''if the Secretary determines the necessary work is technically feasible, environmentally acceptable, and economically justified'';

(2) in subsection (b)—

(A) by striking ''This section'' and inserting the following:

''(1) IN GENERAL.—This section''; and

(B) by adding at the end the following:

''(2) REQUIREMENT.—A measure carried out under subsection (a) shall be implemented in the same manner as the repair or restoration of a flood control work pursuant to section 5 of the Act of August 18, 1941 (33 U.S.C. 701n).'';

(3) in subsection (c)(1), by striking ''The non-Federal'' and inserting ''Notwithstanding subsection (b)(2), the non-Federal''; and

(4) by adding at the end the following:

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $125,000,000.''.

SEC. 3003. MAINTENANCE OF HIGH RISK FLOOD CONTROL PROJECTS.

In any case in which the Secretary has assumed, as of the date of enactment of this Act, responsibility for the maintenance of a project classified as class III under the Dam Safety Action Classification of the Corps of Engineers, the Secretary shall continue to be

responsible for the maintenance until the earlier of the date that—

(1) the project is modified to reduce that risk and the Secretary determines that the project is no longer classified as class III under the Dam Safety Action Classification of the Corps of Engineers; or

(2) is 15 years after the date of enactment of this Act.

SEC. 3004. REHABILITATION OF HIGH HAZARD POTENTIAL DAMS.

(a) DEFINITIONS.—Section 2 of the National Dam Safety Program Act (33 U.S.C. 467) is amended—

(1) by redesignating paragraphs (4), (5), (6), (7), (8), (9), (10), (11), (12), and (13) as paragraphs (5), (6), (7), (8), (9), (11), (13), (14), (15), and (16), respectively;

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

''(4) ELIGIBLE HIGH HAZARD POTENTIAL DAM.—

''(A) IN GENERAL.—The term 'eligible high hazard potential dam' means a non-Federal dam that—

''(i) is located in a State with a State dam safety program;

''(ii) is classified as 'high hazard potential' by the State dam safety agency in the State in which the dam is located;

''(iii) has an emergency action plan approved by the relevant State dam safety agency; and

''(iv) the State in which the dam is located determines—

''(I) fails to meet minimum dam safety standards of the State; and

''(II) poses an unacceptable risk to the public.

''(B) EXCLUSION.—The term 'eligible high hazard potential dam' does not include—

''(i) a licensed hydroelectric dam; or

''(ii) a dam built under the authority of the Secretary of Agriculture.'';

(3) by inserting after paragraph (9) (as redesignated by paragraph (1)) the following:

''(10) NON-FEDERAL SPONSOR.—The term 'non-Federal sponsor', in the case of a project receiving assistance under section 8A, includes—

''(A) a governmental organization; and

''(B) a nonprofit organization.'' and

(4) by inserting after paragraph (11) (as redesignated by paragraph (1)) the following:

''(12) REHABILITATION.—The term 'rehabilitation' means the repair, replacement, reconstruction, or removal of a dam that is carried out to meet applicable State dam safety and security standards.''.

(b) PROGRAM FOR REHABILITATION OF HIGH HAZARD POTENTIAL DAMS.—The National Dam Safety Program Act is amended by inserting after section 8 (33 U.S.C. 467f) the following:

''SEC. 8A. REHABILITATION OF HIGH HAZARD POTENTIAL DAMS.

''(a) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish, within FEMA, a program to provide technical, planning, design, and construction assistance in the form of grants to non-Federal sponsors for rehabilitation of eligible high hazard potential dams.

''(b) ELIGIBLE ACTIVITIES.—A grant awarded under this section for a project may be used for—

''(1) repair;

''(2) removal; or

''(3) any other structural or nonstructural measures to rehabilitate a high hazard potential dam.

''(c) AWARD OF GRANTS.—

''(1) APPLICATION.—

''(A) IN GENERAL.—A non-Federal sponsor interested in receiving a grant under this section may submit to the Administrator an application for the grant.

''(B) REQUIREMENTS.—An application submitted to the Administrator under this section shall be submitted at such time, be in such form, and contain such information as the Administrator may prescribe by regulation pursuant to section 3004(c) of the Water Resources Development Act of 2016.

''(2) GRANT.—

''(A) IN GENERAL.—The Administrator may make a grant in accordance with this section for rehabilitation of a high hazard potential dam to a non-Federal sponsor that submits an application for the grant in accordance with the regulations prescribed by the Administrator.

''(B) PROJECT GRANT AGREEMENT.—The Administrator shall enter into a project grant agreement with the non-Federal sponsor to establish the terms of the grant and the project, including the amount of the grant.

''(C) GRANT ASSURANCE.—As part of a project grant agreement under subparagraph (B), the Administrator shall require the non-Federal sponsor to provide an assurance, with respect to the dam to be rehabilitated under the project, that the owner of the dam has developed and will carry out a plan for maintenance of the dam during the expected life of the dam.

''(D) LIMITATION.—A grant provided under this section shall not exceed the lesser of—

''(i) 12.5 percent of the total amount of funds made available to carry out this section; or

''(ii) $7,500,000.

''(d) REQUIREMENTS.—

''(1) APPROVAL.—A grant awarded under this section for a project shall be approved by the relevant State dam safety agency.

''(2) NON-FEDERAL SPONSOR REQUIREMENTS.—To receive a grant under this section, the non-Federal sponsor shall—

''(A) participate in, and comply with, all applicable Federal flood insurance programs;

''(B) have in place a hazard mitigation plan that—

''(i) includes all dam risks; and

''(ii) complies with the Disaster Mitigation Act of 2000 (Public Law 106–390; 114 Stat. 1552);

''(C) commit to provide operation and maintenance of the project for the 50-year period following completion of rehabilitation;

''(D) comply with such minimum eligibility requirements as the Administrator may establish to ensure that each owner and operator of a dam under a participating State dam safety program—

''(i) acts in accordance with the State dam safety program; and

''(ii) carries out activities relating to the public in the area around the dam in accordance with the hazard mitigation plan described in subparagraph (B); and

''(E) comply with section 611(j)(9) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196(j)(9)) (as in effect on the date of enactment of this section) with respect to projects receiving assistance under this section in the same manner as recipients are required to comply in order to receive financial contributions from the Administrator for emergency preparedness purposes.

''(e) FLOODPLAIN MANAGEMENT PLANS.—

''(1) IN GENERAL.—As a condition of receipt of assistance under this section, the non-Federal entity shall demonstrate that a floodplain management plan to reduce the impacts of future flood events in the area protected by the project—

''(A) is in place; or

''(B) will be—

''(i) developed not later than 1 year after the date of execution of a project agreement for assistance under this section; and

''(ii) implemented not later than 1 year after the date of completion of construction of the project.

''(2) INCLUSIONS.—A plan under paragraph (1) shall address—

''(A) potential measures, practices, and policies to reduce loss of life, injuries, damage to property and facilities, public expenditures, and other adverse impacts of flooding in the area protected by the project;

''(B) plans for flood fighting and evacuation; and

''(C) public education and awareness of flood risks.

''(3) TECHNICAL SUPPORT.—The Administrator may provide technical support for the development and implementation of floodplain management plans prepared under this subsection.

''(f) PRIORITY SYSTEM.—The Administrator, in consultation with the Board, shall develop a risk-based priority system for use in identifying high hazard potential dams for which grants may be made under this section.

''(g) FUNDING.—

''(1) COST SHARING.—

''(A) IN GENERAL.—Any assistance provided under this section for a project shall be subject to a non-Federal cost-sharing requirement of not less than 35 percent.

''(B) IN-KIND CONTRIBUTIONS.—The non-Federal share under subparagraph (A) may be provided in the form of in-kind contributions.

''(2) ALLOCATION OF FUNDS.—The total amount of funds made available to carry out this section for each fiscal year shall be distributed as follows:

''(A) EQUAL DISTRIBUTION.—⅓ shall be distributed equally among the States in which the projects for which applications are submitted under subsection (c)(1) are located.

''(B) NEED-BASED.—⅔ shall be distributed among the States in which the projects for which applications are submitted under subsection (c)(1) are located based on the proportion that—

''(i) the number of eligible high hazard potential dams in the State; bears to

''(ii) the number of eligible high hazard potential dams in all States in which projects for which applications are submitted under subsection (c)(1).

''(h) USE OF FUNDS.—None of the funds provided in the form of a grant or otherwise made available under this section shall be used—

''(1) to rehabilitate a Federal dam;

''(2) to perform routine operation or maintenance of a dam;

''(3) to modify a dam to produce hydroelectric power;

''(4) to increase water supply storage capacity; or

''(5) to make any other modification to a dam that does not also improve the safety of the dam.

''(i) CONTRACTUAL REQUIREMENTS.—

''(1) IN GENERAL.—Subject to paragraph (2), as a condition on the receipt of a grant under this section of an amount greater than $1,000,000, a non-Federal sponsor that receives the grant shall require that each contract and subcontract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping, and related services entered into using funds from the grant be awarded in the same manner as a contract for architectural and engineering services is awarded under—

''(A) chapter 11 of title 40, United States Code; or

''(B) an equivalent qualifications-based requirement prescribed by the relevant State.

''(2) NO PROPRIETARY INTEREST.—A contract awarded in accordance with paragraph (1)

shall not be considered to confer a proprietary interest upon the United States.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $10,000,000 for fiscal years 2017 and 2018;

''(2) $25,000,000 for fiscal year 2019;

''(3) $40,000,000 for fiscal year 2020; and

''(4) $60,000,000 for each of fiscal years 2021 through 2026.''.

(c) RULEMAKING.—

(1) PROPOSED RULEMAKING.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall issue a notice of proposed rulemaking regarding applications for grants of assistance under the amendments made by subsection (b) to the National Dam Safety Program Act (33 U.S.C. 467 et seq.).

(2) FINAL RULE.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall promulgate a final rule regarding the amendments described in paragraph (1).

SEC. 3005. EXPEDITED COMPLETION OF AUTHORIZED PROJECTS FOR FLOOD DAMAGE REDUCTION.

The Secretary shall expedite the completion of the following projects for flood damage reduction and flood risk management:

(1) Chicagoland Underflow Plan, Illinois, phase 2, as authorized by section 3(a)(5) of the Water Resources Development Act of 1988 (Public Law 100–676; 102 Stat. 4013) and modified by section 319 of the Water Resources Development Act of 1996 (Public Law 104–303; 110 Stat. 3715) and section 501 of the Water Resources Development Act of 1999 (Public Law 106–53; 113 Stat. 334).

(2) Cedar River, Cedar Rapids, Iowa, as authorized by section 7002(2)(3) of the Water Resources Development Act of 2014 (Public Law 113–121; 128 Stat. 1366).

(3) Comite River, Louisiana, authorized as part of the project for flood control, Amite River and Tributaries, Louisiana, by section 101(11) of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4802) and modified by section 301(b)(5) of the Water Resources Development Act of 1996 (Public Law 104–03; 110 Stat. 3709) and section 371 of the Water Resources Development Act of 1999 (Public Law 106–53; 113 Stat. 321).

(4) Amite River and Tributaries, Louisiana, East Baton Rouge Parish Watershed, as authorized by section 101(a)(21) of the Water Resources Development Act of 1999 (Public Law 106–53; 113 Stat. 277) and modified by section 116 of division D of Public Law 108–7 (117 Stat. 140) and section 3074 of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1124).

SEC. 3006. CUMBERLAND RIVER BASIN DAM REPAIRS.

(a) IN GENERAL.—Costs incurred in carrying out any repair to correct a seepage problem at any dam in the Cumberland River Basin shall be—

(1) treated as costs for a dam safety project; and

(2) subject to cost-sharing requirements in accordance with section 1203 of the Water Resources Development Act of 1986 (33 U.S.C. 467n).

(b) APPLICATION.—Subsection (a) shall apply only to repairs for projects for which construction has not begun and appropriations have not been made as of the date of enactment of this Act.

SEC. 3007. INDIAN DAM SAFETY.

(a) DEFINITIONS.—In this section:

(1) DAM.—

(A) IN GENERAL.—The term ''dam'' has the meaning given the term in section 2 of the National Dam Safety Program Act (33 U.S.C. 467).

(B) INCLUSIONS.—The term ''dam'' includes any structure, facility, equipment, or vehicle used in connection with the operation of a dam.

(2) FUND.—The term ''Fund'' means, as applicable—

(A) the High-Hazard Indian Dam Safety Deferred Maintenance Fund established by subsection (b)(1)(A); or

(B) the Low-Hazard Indian Dam Safety Deferred Maintenance Fund established by subsection (b)(2)(A).

(3) HIGH HAZARD POTENTIAL DAM.—The term ''high hazard potential dam'' means a dam assigned to the significant or high hazard potential classification under the guidelines published by the Federal Emergency Management Agency entitled ''Federal Guidelines for Dam Safety: Hazard Potential Classification System for Dams'' (FEMA Publication Number 333).

(4) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(5) LOW HAZARD POTENTIAL DAM.—The term ''low hazard potential dam'' means a dam assigned to the low hazard potential classification under the guidelines published by the Federal Emergency Management Agency entitled ''Federal Guidelines for Dam Safety: Hazard Potential Classification System for Dams'' (FEMA Publication Number 333).

(6) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Assistant Secretary for Indian Affairs, in consultation with the Secretary of the Army.

(b) INDIAN DAM SAFETY DEFERRED MAINTENANCE FUNDS.—

(1) HIGH-HAZARD FUND.—

(A) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the ''High-Hazard Indian Dam Safety Deferred Maintenance Fund'', consisting of—

(i) such amounts as are deposited in the Fund under subparagraph (B); and

(ii) any interest earned on investment of amounts in the Fund under subparagraph (D).

(B) DEPOSITS TO FUND.—

(i) IN GENERAL.—For each of fiscal years 2017 through 2037, the Secretary of the Treasury shall deposit in the Fund $22,750,000 from the general fund of the Treasury.

(ii) AVAILABILITY OF AMOUNTS.—Amounts deposited in the Fund under clause (i) shall be used, subject to appropriation, to carry out this section.

(C) EXPENDITURES FROM FUND.—

(i) IN GENERAL.—Subject to clause (ii), for each of fiscal years 2017 through 2037, the Secretary may, to the extent provided in advance in appropriations Acts, expend from the Fund, in accordance with this section, not more than the sum of—

(I) $22,750,000; and

(II) the amount of interest accrued in the Fund.

(ii) ADDITIONAL EXPENDITURES.—The Secretary may expend more than $22,750,000 for any fiscal year referred to in clause (i) if the additional amounts are available in the Fund as a result of a failure of the Secretary to expend all of the amounts available under clause (i) in 1 or more prior fiscal years.

(D) INVESTMENTS OF AMOUNTS.—

(i) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary, required to meet current withdrawals.

(ii) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund.

(E) TRANSFERS OF AMOUNTS.—

(i) IN GENERAL.—The amounts required to be transferred to the Fund under this paragraph shall be transferred at least monthly.

(ii) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates are in excess of or less than the amounts required to be transferred.

(F) TERMINATION.—On September 30, 2037—

(i) the Fund shall terminate; and

(ii) the unexpended and unobligated balance of the Fund shall be transferred to the general fund of the Treasury.

(2) LOW-HAZARD FUND.—

(A) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the ''Low-Hazard Indian Dam Safety Deferred Maintenance Fund'', consisting of—

(i) such amounts as are deposited in the Fund under subparagraph (B); and

(ii) any interest earned on investment of amounts in the Fund under subparagraph (D).

(B) DEPOSITS TO FUND.—

(i) IN GENERAL.—For each of fiscal years 2017 through 2037, the Secretary of the Treasury shall deposit in the Fund $10,000,000 from the general fund of the Treasury.

(ii) AVAILABILITY OF AMOUNTS.—Amounts deposited in the Fund under clause (i) shall be used, subject to appropriation, to carry out this section.

(C) EXPENDITURES FROM FUND.—

(i) IN GENERAL.—Subject to clause (ii), for each of fiscal years 2017 through 2037, the Secretary may, to the extent provided in advance in appropriations Acts, expend from the Fund, in accordance with this section, not more than the sum of—

(I) $10,000,000; and

(II) the amount of interest accrued in the Fund.

(ii) ADDITIONAL EXPENDITURES.—The Secretary may expend more than $10,000,000 for any fiscal year referred to in clause (i) if the additional amounts are available in the Fund as a result of a failure of the Secretary to expend all of the amounts available under clause (i) in 1 or more prior fiscal years.

(D) INVESTMENTS OF AMOUNTS.—

(i) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary, required to meet current withdrawals.

(ii) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund.

(E) TRANSFERS OF AMOUNTS.—

(i) IN GENERAL.—The amounts required to be transferred to the Fund under this paragraph shall be transferred at least monthly.

(ii) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates are in excess of or less than the amounts required to be transferred.

(F) TERMINATION.—On September 30, 2037—

(i) the Fund shall terminate; and

(ii) the unexpended and unobligated balance of the Fund shall be transferred to the general fund of the Treasury.

(c) REPAIR, REPLACEMENT, AND MAINTENANCE OF CERTAIN INDIAN DAMS.—

(1) PROGRAM ESTABLISHMENT.—

(A) IN GENERAL.—The Secretary shall establish a program to address the deferred maintenance needs of Indian dams that—

(i) create flood risks or other risks to public or employee safety or natural or cultural resources; and

(ii) unduly impede the management and efficiency of Indian dams.

(B) FUNDING.—

(i) HIGH-HAZARD FUND.—Consistent with subsection (b)(1)(B), the Secretary shall use

or transfer to the Bureau of Indian Affairs not less than $22,750,000 of amounts in the High-Hazard Indian Dam Safety Deferred Maintenance Fund, plus accrued interest, for each of fiscal years 2017 through 2037 to carry out maintenance, repair, and replacement activities for 1 or more of the Indian dams described in paragraph (2)(A).

(ii) LOW-HAZARD FUND.—Consistent with subsection (b)(2)(B), the Secretary shall use or transfer to the Bureau of Indian Affairs not less than $10,000,000 of amounts in the Low-Hazard Indian Dam Safety Deferred Maintenance Fund, plus accrued interest, for each of fiscal years 2017 through 2037 to carry out maintenance, repair, and replacement activities for 1 or more of the Indian dams described in paragraph (2)(B).

(C) COMPLIANCE WITH DAM SAFETY POLICIES.—Maintenance, repair, and replacement activities for Indian dams under this section shall be carried out in accordance with the dam safety policies of the Director of the Bureau of Indian Affairs established to carry out the Indian Dams Safety Act of 1994 (25 U.S.C. 3801 et seq.).

(2) ELIGIBLE DAMS.—

(A) HIGH HAZARD POTENTIAL DAMS.—The dams eligible for funding under paragraph (1)(B)(i) are Indian high hazard potential dams in the United States that—

(i) are included in the safety of dams program established pursuant to the Indian Dams Safety Act of 1994 (25 U.S.C. 3801 et seq.); and

(ii)(I)(aa) are owned by the Federal Government, as listed in the Federal inventory required by Executive Order 13327 (40 U.S.C. 121 note; relating to Federal real property asset management); and

(bb) are managed by the Bureau of Indian Affairs (including dams managed under contracts or compacts pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.)); or

(II) have deferred maintenance documented by the Bureau of Indian Affairs.

(B) LOW HAZARD POTENTIAL DAMS.—The dams eligible for funding under paragraph (1)(B)(ii) are Indian low hazard potential dams in the United States that, on the date of enactment of this Act—

(i) are covered under the Indian Dams Safety Act of 1994 (25 U.S.C. 3801 et seq.); and

(ii)(I)(aa) are owned by the Federal Government, as listed in the Federal inventory required by Executive Order 13327 (40 U.S.C. 121 note; relating to Federal real property asset management); and

(bb) are managed by the Bureau of Indian Affairs (including dams managed under contracts or compacts pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.)); or

(II) have deferred maintenance documented by the Bureau of Indian Affairs.

(3) REQUIREMENTS AND CONDITIONS.—Not later than 120 days after the date of enactment of this Act and as a precondition to amounts being expended from the Fund to carry out this subsection, the Secretary, in consultation with representatives of affected Indian tribes, shall develop and submit to Congress—

(A) programmatic goals to carry out this subsection that—

(i) would enable the completion of repairing, replacing, improving, or performing maintenance on Indian dams as expeditiously as practicable, subject to the dam safety policies of the Director of the Bureau of Indian Affairs established to carry out the Indian Dams Safety Act of 1994 (25 U.S.C. 3801 et seq.);

(ii) facilitate or improve the ability of the Bureau of Indian Affairs to carry out the mission of the Bureau of Indian Affairs in operating an Indian dam; and

(iii) ensure that the results of government-to-government consultation required under paragraph (4) be addressed; and

(B) funding prioritization criteria to serve as a methodology for distributing funds under this subsection that take into account—

(i) the extent to which deferred maintenance of Indian dams poses a threat to—

(I) public or employee safety or health;

(II) natural or cultural resources; or

(III) the ability of the Bureau of Indian Affairs to carry out the mission of the Bureau of Indian Affairs in operating an Indian dam;

(ii) the extent to which repairing, replacing, improving, or performing maintenance on an Indian dam will—

(I) improve public or employee safety, health, or accessibility;

(II) assist in compliance with codes, standards, laws, or other requirements;

(III) address unmet needs; or

(IV) assist in protecting natural or cultural resources;

(iii) the methodology of the rehabilitation priority index of the Secretary, as in effect on the date of enactment of this Act;

(iv) the potential economic benefits of the expenditures on job creation and general economic development in the affected tribal communities;

(v) the ability of an Indian dam to address tribal, regional, and watershed level flood prevention needs;

(vi) the need to comply with the dam safety policies of the Director of the Bureau of Indian Affairs established to carry out the Indian Dams Safety Act of 1994 (25 U.S.C. 3801 et seq.);

(vii) the ability of the water storage capacity of an Indian dam to be increased to prevent flooding in downstream tribal and non-tribal communities; and

(viii) such other factors as the Secretary determines to be appropriate to prioritize the use of available funds that are, to the fullest extent practicable, consistent with tribal and user recommendations received pursuant to the consultation and input process under paragraph (4).

(4) TRIBAL CONSULTATION AND USER INPUT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), before expending funds on an Indian dam pursuant to paragraph (1) and not later than 60 days after the date of enactment of this Act, the Secretary shall—

(i) consult with the Director of the Bureau of Indian Affairs on the expenditure of funds;

(ii) ensure that the Director of the Bureau of Indian Affairs advises the Indian tribe that has jurisdiction over the land on which a dam eligible to receive funding under paragraph (2) is located on the expenditure of funds; and

(iii) solicit and consider the input, comments, and recommendations of the landowners served by the Indian dam.

(B) EMERGENCIES.—If the Secretary determines that an emergency circumstance exists with respect to an Indian dam, subparagraph (A) shall not apply with respect to that Indian dam.

(5) ALLOCATION AMONG DAMS.—

(A) IN GENERAL.—Subject to subparagraph (B), to the maximum extent practicable, the Secretary shall ensure that, for each of fiscal years 2017 through 2037, each Indian dam eligible for funding under paragraph (2) that has critical maintenance needs receives part of the funding under paragraph (1) to address critical maintenance needs.

(B) PRIORITY.—In allocating amounts under paragraph (1)(B), in addition to considering the funding priorities described in paragraph (3), the Secretary shall give priority to Indian dams eligible for funding under paragraph (2) that serve—

(i) more than 1 Indian tribe within an Indian reservation; or

(ii) highly populated Indian communities, as determined by the Secretary.

(C) CAP ON FUNDING.—

(i) IN GENERAL.—Subject to clause (ii), in allocating amounts under paragraph (1)(B), the Secretary shall allocate not more than $10,000,000 to any individual dam described in paragraph (2) during any consecutive 3-year period.

(ii) EXCEPTION.—Notwithstanding the cap described in clause (i), if the full amount under paragraph (1)(B) cannot be fully allocated to eligible Indian dams because the costs of the remaining activities authorized in paragraph (1)(B) of an Indian dam would exceed the cap described in clause (i), the Secretary may allocate the remaining funds to eligible Indian dams in accordance with this subsection.

(D) BASIS OF FUNDING.—Any amounts made available under this paragraph shall be non-reimbursable.

(E) APPLICABILITY OF ISDEAA.—The Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.) shall apply to activities carried out under this paragraph.

(d) TRIBAL SAFETY OF DAMS COMMITTEE.—

(1) ESTABLISHMENT OF COMMITTEE.—

(A) ESTABLISHMENT.—The Secretary of the Interior shall establish within the Bureau of Indian Affairs the Tribal Safety of Dams Committee (referred to in this paragraph as the ''Committee'').

(B) MEMBERSHIP.—

(i) COMPOSITION.—The Committee shall be composed of 15 members, of whom—

(I) 11 shall be appointed by the Secretary of the Interior from among individuals who, to the maximum extent practicable, have knowledge and expertise in dam safety issues and flood prevention and mitigation, of whom not less than 1 shall be a member of an Indian tribe in each of the Bureau of Indian Affairs regions of—

(aa) the Northwest Region;

(bb) the Pacific Region;

(cc) the Western Region;

(dd) the Navajo Region;

(ee) the Southwest Region;

(ff) the Rocky Mountain Region;

(gg) the Great Plans Region; and

(hh) the Midwest Region;

(II) 2 shall be appointed by the Secretary of the Interior from among employees of the Bureau of Indian Affairs who have knowledge and expertise in dam safety issues and flood prevention and mitigation;

(III) 1 shall be appointed by the Secretary of the Interior from among employees of the Bureau of Reclamation who have knowledge and expertise in dam safety issues and flood prevention and mitigation; and

(IV) 1 shall be appointed by the Secretary of the Army from among employees of the Corps of Engineers who have knowledge and expertise in dam safety issues and flood prevention and mitigation.

(ii) NONVOTING MEMBERS.—The members of the Committee appointed under subclauses (II) and (III) of clause (i) shall be nonvoting members.

(iii) DATE.—The appointments of the members of the Committee shall be made as soon as practicable after the date of enactment of this Act.

(C) PERIOD OF APPOINTMENT.—Members shall be appointed for the life of the Committee.

(D) VACANCIES.—Any vacancy in the Committee shall not affect the powers of the Committee, but shall be filled in the same manner as the original appointment.

(E) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Committee have been appointed, the Committee shall hold the first meeting.

(F) MEETINGS.—The Committee shall meet at the call of the Chairperson.

(G) QUORUM.—A majority of the members of the Committee shall constitute a quorum, but a lesser number of members may hold hearings.

(H) CHAIRPERSON AND VICE CHAIRPERSON.—The Committee shall select a Chairperson and Vice Chairperson from among the members.

(2) DUTIES OF THE COMMITTEE.—

(A) STUDY.—The Committee shall conduct a thorough study of all matters relating to the modernization of the Indian Dams Safety Act of 1994 (25 U.S.C. 3801 et seq.).

(B) RECOMMENDATIONS.—The Committee shall develop recommendations for legislation to improve the Indian Dams Safety Act of 1994 (25 U.S.C. 3801 et seq.).

(C) REPORT.—Not later than 1 year after the date on which the Committee holds the first meeting, the Committee shall submit a report containing a detailed statement of the findings and conclusions of the Committee, together with recommendations for legislation that the Committee considers appropriate, to—

(i) the Committee on Indian Affairs of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(3) POWERS OF THE COMMITTEE.—

(A) HEARINGS.—The Committee may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Committee considers appropriate to carry out this paragraph.

(B) INFORMATION FROM FEDERAL AGENCIES.—

(i) IN GENERAL.—The Committee may secure directly from any Federal department or agency such information as the Committee considers necessary to carry out this paragraph.

(ii) REQUEST.—On request of the Chairperson of the Committee, the head of any Federal department or agency shall furnish information described in clause (i) to the Committee.

(C) POSTAL SERVICES.—The Committee may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(D) GIFTS.—The Committee may accept, use, and dispose of gifts or donations of services or property.

(4) COMMITTEE PERSONNEL MATTERS.—

(A) COMPENSATION OF MEMBERS.—

(i) NON-FEDERAL MEMBERS.—Each member of the Committee who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Committee.

(ii) FEDERAL MEMBERS.—Each member of the Committee who is an officer or employee of the Federal Government shall serve without compensation in addition to that received for services as an officer or employee of the Federal Government.

(B) TRAVEL EXPENSES.—The members of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Committee.

(C) STAFF.—

(i) IN GENERAL.—

(I) APPOINTMENT.—The Chairperson of the Committee may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Committee to perform the duties of the Committee.

(II) CONFIRMATION.—The employment of an executive director shall be subject to confirmation by the Committee.

(ii) COMPENSATION.—The Chairperson of the Committee may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of that title.

(D) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Committee without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(E) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Committee may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(5) TERMINATION OF THE COMMITTEE.—The Committee shall terminate 90 days after the date on which the Committee submits the report under paragraph (2)(C).

(6) FUNDING.—Of the amounts authorized to be expended from either Fund, $1,000,000 shall be made available from either Fund during fiscal year 2017 to carry out this subsection, to remain available until expended.

(e) INDIAN DAM SURVEYS.—

(1) TRIBAL REPORTS.—The Secretary shall request that, not less frequently than once every 180 days, each Indian tribe submit to the Secretary a report providing an inventory of the dams located on the land of the Indian tribe.

(2) BIA REPORTS.—Not less frequently than once each year, the Secretary shall submit to Congress a report describing the condition of each dam under the partial or total jurisdiction of the Secretary.

(f) FLOOD PLAIN MANAGEMENT PILOT PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish, within the Bureau of Indian Affairs, a flood plain management pilot program (referred to in this subsection as the ''program'') to provide, at the request of an Indian tribe, guidance to the Indian tribe relating to best practices for the mitigation and prevention of floods, including consultation with the Indian tribe on—

(A) flood plain mapping; or

(B) new construction planning.

(2) TERMINATION.—The program shall terminate on the date that is 4 years after the date of enactment of this Act.

(3) FUNDING.—Of the amounts authorized to be expended from either Fund, $250,000 shall be made available from either Fund during each of fiscal years 2017, 2018, and 2019 to carry out this subsection, to remain available until expended.

TITLE IV—RIVER BASINS, WATERSHEDS, AND COASTAL AREAS

SEC. 4001. GULF COAST OYSTER BED RECOVERY PLAN.

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

(b) GULF COAST OYSTER BED RECOVERY PLAN.—The Secretary, in coordination with the Gulf States, shall develop and implement a plan to assist in the recovery of oyster beds on the coast of Gulf States that were damaged by events including—

(1) Hurricane Katrina in 2005;

(2) the Deep Water Horizon oil spill in 2010; and

(3) floods in 2011 and 2016.

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

(d) SUBMISSION.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee of Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the plan developed under subsection (b).

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $2,000,000, to remain available until expended.

SEC. 4002. COLUMBIA RIVER, PLATTE RIVER, AND ARKANSAS RIVER.

(a) ECOSYSTEM RESTORATION.—Section 536(g) of the Water Resources Development Act of 2000 (Public Law 106–541; 114 Stat. 2662; 128 Stat. 1314) is amended by striking ''$50,000,000'' and inserting ''$75,000,000''.

(b) WATERCRAFT INSPECTION STATIONS.—Section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610) is amended—

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

''(b) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated such sums as are necessary, but not more than $65,000,000, to carry out this section for each fiscal year, of which—

''(A) $20,000,000 shall be made available to carry out subsection (d)(1)(A)(i); and

''(B) $25,000,000 shall be made available to carry out clauses (ii) and (iii) of subsection (d)(1)(A).

''(2) ALLOCATION.—Any funds made available under paragraph (1) that are employed for control operations shall be allocated by the Chief of Engineers on a priority basis, based on—

''(A) the urgency and need of each area; and

''(B) the availability of local funds.''; and

(2) in subsection (d)—

(A) by striking paragraph (1) and inserting the following:

''(1) ESTABLISHMENT, OPERATION, AND MAINTENANCE.—

''(A) IN GENERAL.—In carrying out this section, the Secretary may establish, operate, and maintain watercraft inspection stations to protect—

''(i) the Columbia River Basin;

''(ii) the Platte River Basin located in the States of Colorado, Nebraska, and Wyoming; and

''(iii) the Arkansas River Basin located in the States of Arkansas, Colorado, Kansas, New Mexico, Oklahoma, and Texas.

''(B) LOCATION.—The watercraft inspection stations under subparagraph (A) shall be located in areas, as determined by the Secretary, with the highest likelihood of preventing the spread of aquatic invasive species at reservoirs operated and maintained by the Secretary.''; and

(B) in paragraph (3), by striking subparagraph (A) and inserting the following:

''(A) the Governor of each State in which a station is established under paragraph (1);''.

(c) TRIBAL HOUSING.—

(1) DEFINITION OF REPORT.—In this subsection, the term ''report'' means the final report for the Portland District, Corps of Engineers, entitled ''Columbia River Treaty Fishing Access Sites, Oregon and Washington: Fact-finding Review on Tribal Housing'' and dated November 19, 2013.

(2) ASSISTANCE AUTHORIZED.—As replacement housing for Indian families displaced due to the construction of the Bonneville Dam, on the request of the Secretary of the Interior, the Secretary may provide assistance on land transferred by the Department of the Army to the Department of the Interior pursuant to title IV of Public Law 100–581 (102 Stat. 2944; 110 Stat. 766; 110 Stat. 3762; 114 Stat. 2679; 118 Stat. 544) for the number of families estimated in the report as having received no relocation assistance.

(3) STUDY.—The Secretary shall—

(A) conduct a study to determine the number of Indian people displaced by the construction of the John Day Dam; and

(B) identify a plan for suitable housing to replace housing lost to the construction of the John Day Dam.

(d) COLUMBIA AND LOWER WILLAMETTE RIVERS BELOW VANCOUVER, WASHINGTON AND OREGON.—The Secretary shall conduct a study to determine the feasibility of modifying the project for navigation, Columbia and Lower Willamette Rivers below Vancouver, Washington and Portland, Oregon, authorized by section 101 of the River and Harbor Act of 1962 (Public Law 87–874; 76 Stat. 1177) to address safety risks.

SEC. 4003. MISSOURI RIVER.

(a) RESERVOIR SEDIMENT MANAGEMENT.—

(1) DEFINITION OF SEDIMENT MANAGEMENT PLAN.—In this subsection, the term ''sediment management plan'' means a plan for preventing sediment from reducing water storage capacity at a reservoir and increasing water storage capacity through sediment removal at a reservoir.

(2) UPPER MISSOURI RIVER BASIN PILOT PROGRAM.—The Secretary shall carry out a pilot program for the development and implementation of sediment management plans for reservoirs owned and operated by the Secretary in the Upper Missouri River Basin, on request by project beneficiaries.

(3) PLAN ELEMENTS.—A sediment management plan under paragraph (2) shall—

(A) provide opportunities for project beneficiaries and other stakeholders to participate in sediment management decisions;

(B) evaluate the volume of sediment in a reservoir and impacts on storage capacity;

(C) identify preliminary sediment management options, including sediment dikes and dredging;

(D) identify constraints;

(E) assess technical feasibility, economic justification, and environmental impacts;

(F) identify beneficial uses for sediment; and

(G) to the maximum extent practicable, use, develop, and demonstrate innovative, cost-saving technologies, including structural and nonstructural technologies and designs, to manage sediment.

(4) COST SHARE.—The beneficiaries requesting the plan shall share in the cost of development and implementation of a sediment management plan allocated in accordance with the benefits to be received.

(5) CONTRIBUTED FUNDS.—The Secretary may accept funds from non-Federal interests and other Federal agencies to develop and implement a sediment management plan under this subsection.

(6) GUIDANCE.—The Secretary shall use the knowledge gained through the development and implementation of sediment management plans under paragraph (2) to develop guidance for sediment management at other reservoirs.

(7) PARTNERSHIP WITH SECRETARY OF THE INTERIOR.—

(A) IN GENERAL.—The Secretary shall carry out the pilot program established under this subsection in partnership with the Secretary of the Interior, and the program may apply to reservoirs managed or owned by the Bureau of Reclamation on execution of a memorandum of agreement between the Secretary and the Secretary of the Interior establishing the framework for a partnership and the terms and conditions for sharing expertise and resources.

(B) LEAD AGENCY.—The Secretary that has primary jurisdiction over the reservoir shall take the lead in developing and implementing a sediment management plan for that reservoir.

(8) OTHER AUTHORITIES NOT AFFECTED.—Nothing in this subsection affects sediment management or the share of costs paid by Federal and non-Federal interests relating to sediment management under any other provision of law (including regulations).

(b) SNOWPACK AND DROUGHT MONITORING.—Section 4003(a) of the Water Resources Reform and Development Act of 2014 (Public Law 113–121; 128 Stat. 1311) is amended by adding at the end the following:

''(5) LEAD AGENCY.—The Corps of Engineers shall be the lead agency for carrying out and coordinating the activities described in paragraph (1).''.

SEC. 4004. PUGET SOUND NEARSHORE ECOSYSTEM RESTORATION.

Section 544(f) of the Water Resources Development Act of 2000 (Public Law 106–541; 114 Stat. 2675) is amended by striking ''$5,000,000'' and inserting ''$10,000,000''.

SEC. 4005. ICE JAM PREVENTION AND MITIGATION.

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

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

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

(2) universities;

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

(4) private organizations.

(c) PILOT PROGRAM.—

(1) AUTHORIZATION.—In addition to the funding authorized under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), the Secretary is authorized to expend $30,000,000 to carry out pilot projects to demonstrate technologies and designs developed in accordance with this section.

(2) PRIORITY.—In carrying out pilot projects under paragraph (1), the Secretary shall give priority to projects in the Upper Missouri River Basin.

(3) SUNSET.—The pilot program under this subsection shall terminate on December 31, 2026.

SEC. 4006. CHESAPEAKE BAY OYSTER RESTORATION.

Section 704(b)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2263(b)(1)) is amended by striking ''$60,000,000'' and inserting ''$100,000,000''.

SEC. 4007. NORTH ATLANTIC COASTAL REGION.

Section 4009 of the Water Resources Reform and Development Act of 2014 (Public Law 113–121; 128 Stat. 1316) is amended—

(1) in subsection (a), by striking ''conduct a study to determine the feasibility of carrying out projects'' and inserting ''develop a comprehensive assessment and management plan at Federal expense'';

(2) in subsection (b), by striking the subsection designation and heading and all that follows through ''In carrying out the study'' and inserting the following:

''(b) ASSESSMENT AND MANAGEMENT PLAN.—In developing the comprehensive assessment and management plan''; and

(3) in subsection (c)(1), in the matter preceding subparagraph (A), by striking ''identified in the study pursuant to subsection (a)'' and inserting ''identified in the comprehensive assessment and management plan under this section''.

SEC. 4008. RIO GRANDE.

Section 5056(f) of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1214; 128 Stat. 1315) is amended by striking ''2019'' and inserting ''2024''.

SEC. 4009. TEXAS COASTAL AREA.

In carrying out the Coastal Texas ecosystem protection and restoration study authorized by section 4091 of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1187), the Secretary shall consider studies, data, or information developed by the Gulf Coast Community Protection and Recovery District to expedite completion of the study.

SEC. 4010. UPPER MISSISSIPPI AND ILLINOIS RIVERS FLOOD RISK MANAGEMENT.

(a) IN GENERAL.—The Secretary shall conduct a study at Federal expense to determine the feasibility of carrying out projects to address systemic flood damage reduction in the upper Mississippi and Illinois River basins.

(b) PURPOSE.—The purposes of the study under subsection (a) are—

(1) to develop an integrated, comprehensive, and systems-based approach to minimize the threat to health and safety resulting from flooding by using structural and nonstructural flood risk management measures;

(2) to reduce damages and costs associated with flooding;

(3) to identify opportunities to support environmental sustainability and restoration goals of the Upper Mississippi River and Illinois River floodplain as part of any systemic flood risk management plan; and

(4) to seek opportunities to address, in concert with flood risk management measures, other floodplain specific problems, needs, and opportunities.

(c) STUDY COMPONENTS.—In carrying out the study under subsection (a), the Secretary shall—

(1) as appropriate, coordinate with the heads of other appropriate Federal agencies, the Governors of the States within the Upper Mississippi and Illinois River basins, the appropriate levee and drainage districts, nonprofit organizations, and other interested parties;

(2) recommend projects for reconstruction of existing levee systems so as to develop and maintain a comprehensive system for flood risk reduction and floodplain management;

(3) perform a systemic analysis of critical transportation systems to determine the feasibility of protecting river approaches for land-based systems, highways, and railroads;

(4) develop a basin-wide hydrologic model for the Upper Mississippi River System and update as changes occur and new data is available; and

(5) use, to the maximum extent practicable, any existing plans and data.

(d) BASIS FOR RECOMMENDATIONS.—In recommending a project under subsection (c)(2), the Secretary may justify the project based on system-wide benefits.

SEC. 4011. SALTON SEA, CALIFORNIA.

Section 3032 of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1113) is amended—

(1) in the section heading, by inserting ''**PROGRAM**'' after ''**RESTORATION**'';

(2) in subsection (b)—

(A) in the subsection heading, by striking ''PILOT PROJECTS'' and inserting ''PROGRAM'';

(B) in paragraph (1)—

(i) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively;

(ii) by inserting before subparagraph (B) (as redesignated) the following:

''(A) ESTABLISHMENT.—The Secretary shall carry out a program to implement projects to restore the Salton Sea in accordance with this section.'';

(iii) in subparagraph (B) (as redesignated by clause (i)), by striking ''the pilot''; and

(iv) in subparagraph (C) (as redesignated by clause (i))—

(I) in clause (i), in the matter preceding subclause (I), by striking ''the pilot projects referred to in subparagraph (A)'' and inserting ''the projects referred to in subparagraph (B)'';

(II) in subclause (I), by inserting '', Salton Sea Authority, or other non-Federal interest'' before the semicolon at the end; and

(III) in subclause (II), by striking ''pilot'';

(C) in paragraph (2), in the matter preceding subparagraph (A), by striking ''pilot''; and

(D) in paragraph (3)—

(i) by striking ''pilot'' each place it appears; and

(ii) by inserting '', Salton Sea Authority, or other non-Federal interest'' after ''State''; and

(3) in subsection (c), by striking ''pilot''.

SEC. 4012. ADJUSTMENT.

Section 219(f)(25) of the Water Resources Development Act of 1992 (Public Law 102–580; 113 Stat. 336) is amended—

(1) by inserting ''Berkeley'' before ''Calhoun''; and

(2) by striking ''Orangeberg, and Sumter'' and inserting ''and Orangeberg''.

SEC. 4013. COASTAL RESILIENCY.

(a) IN GENERAL.—Section 4014(b) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2803a(b)) is amended—

(1) in paragraph (1), by inserting ''Indian tribes,'' after ''nonprofit organizations,'';

(2) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

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

''(3) give priority to projects in communities the existence of which is threatened by rising sea level, including projects relating to shoreline restoration, tidal marsh restoration, dunal habitats to protect coastal infrastructure, reduction of future and existing emergency repair costs, and projects that use dredged materials;''.

(b) INTERAGENCY COORDINATION ON COASTAL RESILIENCE.—

(1) IN GENERAL.—The Secretary shall convene an interagency working group on resilience to extreme weather, which will coordinate research, data, and Federal investments related to sea level rise, resiliency, and vulnerability to extreme weather, including coastal resilience.

(2) CONSULTATION.—The interagency working group convened under paragraph (1) shall—

(A) participate in any activity carried out by an organization authorized by a State to study and issue recommendations on how to address the impacts on Federal assets of recurrent flooding and sea level rise, including providing consultation regarding policies, programs, studies, plans, and best practices relating to recurrent flooding and sea level rise in areas with significant Federal assets; and

(B) share physical, biological, and socioeconomic data among such State organizations, as appropriate.

SEC. 4014. REGIONAL INTERGOVERNMENTAL COLLABORATION ON COASTAL RESILIENCE.

(a) REGIONAL ASSESSMENTS.—

(1) IN GENERAL.—The Secretary may conduct regional assessments of coastal and back bay protection and of Federal and State policies and programs related to coastal water resources, including—

(A) an assessment of the probability and the extent of coastal flooding and erosion, including back bay and estuarine flooding;

(B) recommendations for policies and other measures related to regional Federal, State, local, and private participation in shoreline and back-bay protection projects;

(C) an evaluation of the performance of existing Federal coastal storm damage reduction, ecosystem restoration, and navigation projects, including recommendations for the improvement of those projects;

(D) an assessment of the value and impacts of implementation of regional, systems-based, watershed-based, and interstate approaches if practicable;

(E) recommendations for the demonstration of methodologies for resilience through the use of natural and nature-based infrastructure approaches, as appropriate; and

(F) recommendations regarding alternative sources of funding for new and existing projects.

(2) COOPERATION.—In carrying out paragraph (1), the Secretary shall cooperate with—

(A) heads of appropriate Federal agencies;

(B) States that have approved coastal management programs and appropriate agencies of those States;

(C) local governments; and

(D) the private sector.

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

(1) to the maximum extent practicable, use existing research done by Federal, State, regional, local, and private entities to eliminate redundancies and related costs;

(2) receive from any of the entities described in subsection (a)(2)—

(A) contributed funds; or

(B) research that may be eligible for credit as work-in-kind under applicable Federal law; and

(3) enable each District or combination of Districts of the Corps of Engineers that jointly participate in carrying out an assessment under this section to consider regionally appropriate engineering, biological, ecological, social, economic, and other factors in carrying out the assessment.

(c) REPORTS.—The Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives all reports and recommendations prepared under this section, together with any necessary supporting documentation.

SEC. 4015. SOUTH ATLANTIC COASTAL STUDY.

(a) IN GENERAL.—The Secretary shall conduct a study of the coastal areas located within the geographical boundaries of the South Atlantic Division of the Corps of Engineers to identify the risks and vulnerabilities of those areas to increased hurricane and storm damage as a result of sea level rise.

(b) REQUIREMENTS.—In carrying out the study under subsection (a), the Secretary shall—

(1) conduct a comprehensive analysis of current hurricane and storm damage reduction measures with an emphasis on regional sediment management practices to sustainably maintain or enhance current levels of storm protection;

(2) identify risks and coastal vulnerabilities in the areas affected by sea level rise;

(3) recommend measures to address the vulnerabilities described in paragraph (2); and

(4) develop a long-term strategy for—

(A) addressing increased hurricane and storm damages that result from rising sea levels; and

(B) identifying opportunities to enhance resiliency, increase sustainability, and lower risks in—

(i) populated areas;

(ii) areas of concentrated economic development; and

(iii) areas with vulnerable environmental resources.

(c) CONSULTATION.—The Secretary shall coordinate, as appropriate, with the heads of other Federal departments and agencies, the Governors of the affected States, regional governmental agencies, and units of local government to address coastal impacts resulting from sea level rise.

(d) REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report recommending specific and detailed actions to address risks and vulnerabilities of the areas described in subsection (a) to increased hurricane and storm damage as a result of sea level rise.

SEC. 4016. KANAWHA RIVER BASIN.

The Secretary shall conduct studies to determine the feasibility of implementing projects for flood risk management, ecosystem restoration, navigation, water supply, recreation, and other water resource related purposes within the Kanawha River Basin, West Virginia, Virginia, and North Carolina.

SEC. 4017. CONSIDERATION OF FULL ARRAY OF MEASURES FOR COASTAL RISK REDUCTION.

(a) DEFINITIONS.—In this section:

(1) NATURAL FEATURE.—The term ''natural feature'' means a feature that is created through the action of physical, geological, biological, and chemical processes over time.

(2) NATURE-BASED FEATURE.—The term ''nature-based feature'' means a feature that is created by human design, engineering, and construction to protect, and in concert with, natural processes to provide risk reduction in coastal areas.

(b) REQUIREMENT.—In developing projects for coastal risk reduction, the Secretary shall consider, as appropriate—

(1) natural features;

(2) nature-based features;

(3) nonstructural measures; and

(4) structural measures.

(c) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than February 1, 2020, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the implementation of subsection (b).

(2) CONTENTS.—The report under paragraph (1) shall include, at a minimum, the following:

(A) A description of guidance or instructions issued, and other measures taken, by the Secretary and the Chief of Engineers to implement subsection (b).

(B) An assessment of the costs, benefits, impacts, and trade-offs associated with measures recommended by the Secretary for coastal risk reduction and the effectiveness of those measures.

(C) A description of any statutory, fiscal, or regulatory barriers to the appropriate consideration and use of a full array of measures for coastal risk reduction.

SEC. 4018. WATERFRONT COMMUNITY REVITALIZATION AND RESILIENCY.

(a) FINDINGS.—Congress finds that—

(1) many communities in the United States were developed along waterfronts;

(2) water proximity and access is a recognized economic driver;

(3) water shortages faced by parts of the United States underscore the need to manage water sustainably and restore water quality;

(4) interest in waterfront revitalization and development has grown, while the circumstances driving waterfront development have changed;

(5) waterfront communities face challenges to revitalizing and leveraging water resources, such as outdated development patterns, deteriorated water infrastructure, industrial contamination of soil and sediment, and lack of public access to the waterfront, which are often compounded by overarching economic distress in the community;

(6) public investment in waterfront community development and infrastructure should reflect changing ecosystem conditions and extreme weather projections to ensure strategic, resilient investments;

(7) individual communities have unique priorities, concerns, and opportunities related to waterfront restoration and community revitalization; and

(8) the Secretary of Commerce has unique expertise in Great Lakes and ocean coastal resiliency and economic development.

(b) DEFINITIONS.—In this section:

(1) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(2) RESILIENT WATERFRONT COMMUNITY.—The term ''resilient waterfront community'' means a unit of local government or Indian tribe that is—

(A)(i) bound in part by—

(I) a Great Lake; or

(II) an ocean; or

(ii) bordered or traversed by a riverfront or an inland lake;

(B) self-nominated as a resilient waterfront community; and

(C) designated by the Secretary as a resilient waterfront community on the basis of the development by the community of an eligible resilient waterfront community plan, with eligibility determined by the Secretary after considering the requirements of paragraphs (2) and (3) of subsection (c).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(c) RESILIENT WATERFRONT COMMUNITIES DESIGNATION.—

(1) DESIGNATION.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall designate resilient waterfront communities based on the extent to which a community meets the criteria described in paragraph (2).

(B) COLLABORATION.—For inland lake and riverfront communities, in making the designation described in subparagraph (A), the Secretary shall work with the Administrator of the Environmental Protection Agency and the heads of other Federal agencies, as the Secretary determines to be necessary.

(2) RESILIENT WATERFRONT COMMUNITY PLAN.—A resilient waterfront community plan is a community-driven vision and plan that is developed—

(A) voluntarily at the discretion of the community—

(i) to respond to local needs; or

(ii) to take advantage of new water-oriented opportunities;

(B) with the leadership of the relevant governmental entity or Indian tribe with the active participation of—

(i) community residents;

(ii) utilities; and

(iii) interested business and nongovernmental stakeholders;

(C) as a new document or by amending or compiling community planning documents, as necessary, at the discretion of the Secretary;

(D) in consideration of all applicable Federal and State coastal zone management planning requirements;

(E) to address economic competitive strengths; and

(F) to complement and incorporate the objectives and recommendations of applicable regional economic plans.

(3) COMPONENTS OF A RESILIENT WATERFRONT COMMUNITY PLAN.—A resilient waterfront community plan shall—

(A) consider all, or a portion of, the waterfront area and adjacent land and water to which the waterfront is connected ecologically, economically, or through local governmental or tribal boundaries;

(B) describe a vision and plan for the community to develop as a vital and resilient waterfront community, integrating consideration of—

(i) the economic opportunities resulting from water proximity and access, including—

(I) water-dependent industries;

(II) water-oriented commerce; and

(III) recreation and tourism;

(ii) the community relationship to the water, including—

(I) quality of life;

(II) public health;

(III) community heritage; and

(IV) public access, particularly in areas in which publicly funded ecosystem restoration is underway;

(iii) ecosystem challenges and projections, including unresolved and emerging impacts to the health and safety of the waterfront and projections for extreme weather and water conditions;

(iv) infrastructure needs and opportunities, to facilitate strategic and sustainable capital investments in—

(I) docks, piers, and harbor facilities;

(II) protection against storm surges, waves, and flooding;

(III) stormwater, sanitary sewer, and drinking water systems, including green infrastructure and opportunities to control nonpoint source runoff; and

(IV) other community facilities and private development; and

(v) such other factors as are determined by the Secretary to align with metrics or indicators for resiliency, considering environmental and economic changes.

(4) DURATION.—After the designation of a community as a resilient waterfront community under paragraph (1), a resilient waterfront community plan developed in accordance with paragraphs (2) and (3) may be—

(A) effective for the 10-year period beginning on the date on which the Secretary approves the resilient waterfront community plan; and

(B) updated by the resilient waterfront community and submitted to the Secretary for the approval of the Secretary before the expiration of the 10-year period.

(d) RESILIENT WATERFRONT COMMUNITIES NETWORK.—

(1) IN GENERAL.—The Secretary shall develop and maintain a resilient waterfront communities network to facilitate the sharing of best practices among waterfront communities.

(2) PUBLIC RECOGNITION.—In consultation with designated resilient waterfront communities, the Secretary shall provide formal public recognition of the designated resilient waterfront communities to promote tourism, investment, or other benefits.

(e) WATERFRONT COMMUNITY REVITALIZATION ACTIVITIES.—

(1) IN GENERAL.—To support a community in leveraging other sources of public and private investment, the Secretary may use existing authority to support—

(A) the development of a resilient waterfront community plan, including planning and feasibility analysis; and

(B) the implementation of strategic components of a resilient waterfront community plan after the resilient waterfront community plan has been approved by the Secretary.

(2) NON-FEDERAL PARTNERS.—

(A) LEAD NON-FEDERAL PARTNERS.—A unit of local government or an Indian tribe shall be eligible to be considered as a lead non-Federal partner if the unit of local government or Indian tribe is—

(i) bound in part by—

(I) a Great Lake; or

(II) an ocean; or

(ii) bordered or traversed by a riverfront or an inland lake.

(B) NON-FEDERAL IMPLEMENTATION PARTNERS.—Subject to paragraph (4)(C), a lead non-Federal partner may contract with an eligible non-Federal implementation partner for implementation activities described in paragraph (4)(B).

(3) PLANNING ACTIVITIES.—

(A) IN GENERAL.—Technical assistance may be provided for the development of a resilient waterfront community plan.

(B) ELIGIBLE PLANNING ACTIVITIES.—In developing a resilient waterfront community plan, a resilient waterfront community may—

(i) conduct community visioning and outreach;

(ii) identify challenges and opportunities;

(iii) develop strategies and solutions;

(iv) prepare plan materials, including text, maps, design, and preliminary engineering;

(v) collaborate across local agencies and work with regional, State, and Federal agencies to identify, understand, and develop responses to changing ecosystem and economic circumstances; and

(vi) conduct other planning activities that the Secretary considers necessary for the development of a resilient waterfront community plan that responds to revitalization and resiliency issues confronted by the resilient waterfront community.

(4) IMPLEMENTATION ACTIVITIES.—

(A) IN GENERAL.—Implementation assistance may be provided—

(i) to initiate implementation of a resilient waterfront community plan and facilitate high-quality development, including leveraging local and private sector investment; and

(ii) to address strategic community priorities that are identified in the resilient waterfront community plan.

(B) ASSISTANCE.—Assistance may be provided to advance implementation activities, such as—

(i) site preparation;

(ii) environmental review;

(iii) engineering and design;

(iv) acquiring easements or land for uses such as green infrastructure, public amenities, or assembling development sites;

(v) updates to zoning codes;

(vi) construction of—

(I) public waterfront or boating amenities; and

(II) public spaces;

(vii) infrastructure upgrades to improve coastal resiliency;

(viii) economic and community development marketing and outreach; and

(ix) other activities at the discretion of the Secretary.

(C) IMPLEMENTATION PARTNERS.—

(i) IN GENERAL.—To assist in the completion of implementation activities, a lead

non-Federal partner may contract or otherwise collaborate with a non-Federal implementation partner, including—

(I) a nonprofit organization;

(II) a public utility;

(III) a private entity;

(IV) an institution of higher education;

(V) a State government; or

(VI) a regional organization.

(ii) LEAD NON-FEDERAL PARTNER RESPONSIBILITY.—The lead non-Federal partner shall ensure that assistance and resources received by the lead non-Federal partner to advance the resilient waterfront community plan of the lead non-Federal partner and for related activities are used for the purposes of, and in a manner consistent with, any initiative advanced by the Secretary for the purpose of promoting waterfront community revitalization and resiliency.

(5) USE OF NON-FEDERAL RESOURCES.—

(A) IN GENERAL.—A resilient waterfront community receiving assistance under this subsection shall provide non-Federal funds toward completion of planning or implementation activities.

(B) NON-FEDERAL RESOURCES.—Non-Federal funds may be provided by—

(i) 1 or more units of local or tribal government;

(ii) a State government;

(iii) a nonprofit organization;

(iv) a private entity;

(v) a foundation;

(vi) a public utility; or

(vii) a regional organization.

(f) INTERAGENCY AWARENESS.—At regular intervals, the Secretary shall provide a list of resilient waterfront communities to the applicable States and the heads of national and regional offices of interested Federal agencies, including at a minimum—

(1) the Secretary of Transportation;

(2) the Secretary of Agriculture;

(3) the Administrator of the Environmental Protection Agency;

(4) the Administrator of the Federal Emergency Management Agency;

(5) the Assistant Secretary of the Army for Civil Works;

(6) the Secretary of the Interior; and

(7) the Secretary of Housing and Urban Development.

(g) NO NEW REGULATORY AUTHORITY.—Nothing in this section may be construed as establishing new authority for any Federal agency.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $25,000,000 for each of fiscal years 2017 through 2021.

(i) FUNDING.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section $800,000, to remain available until expended.

SEC. 4019. TABLE ROCK LAKE, ARKANSAS AND MISSOURI.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary—

(1) shall include a 60-day public comment period for the Table Rock Lake Master Plan and Table Rock Lake Shoreline Management Plan revision; and

(2) shall finalize the revision for the Table Rock Lake Master Plan and Table Rock Lake Shoreline Management Plan during the 2-year period beginning on the date of enactment of this Act.

(b) SHORELINE USE PERMITS.—During the period described in subsection (a)(2), the Secretary shall lift or suspend the moratorium on the issuance of new, and modifications to existing, shoreline use permits based on the existing Table Rock Lake Master Plan and Table Rock Lake Shoreline Management Plan.

(c) OVERSIGHT COMMITTEE.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary shall establish an oversight committee (referred to in this subsection as the ''Committee'').

(2) PURPOSES.—The purposes of the Committee shall be—

(A) to review any permit to be issued under the existing Table Rock Lake Master Plan at the recommendation of the District Engineer; and

(B) to advise the District Engineer on revisions to the new Table Rock Lake Master Plan and Table Rock Lake Shoreline Management Plan.

(3) MEMBERSHIP.—Membership in the Committee shall not exceed 6 members and shall include—

(A) not more than 1 representative each from the State of Missouri and the State of Arkansas;

(B) not more than 1 representative each from local economic development organizations with jurisdiction over Table Rock Lake; and

(C) not more than 1 representative each representing the boating and conservation interests of Table Rock Lake.

(4) STUDY.—The Secretary shall—

(A) carry out a study on the need to revise permit fees relating to Table Rock Lake to better reflect the cost of issuing those fees and achieve cost savings;

(B) submit to Congress a report on the results of the study described in subparagraph (A); and

(C) begin implementation of the new permit fee structure based on the findings of the study described in subparagraph (A).

SEC. 4020. PEARL RIVER BASIN, MISSISSIPPI.

The Secretary shall expedite review and decision on the recommendation for the project for flood damage reduction authorized by section 401(e)(3) of the Water Resources Development Act of 1986 (100 Stat. 4132), as amended by section 3104 of the Water Resources Development Act of 2007 (121 Stat. 1134), submitted to the Secretary under section 211 of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13) (as in effect on the day before the date of enactment of the Water Resources Reform and Development Act of 2014).

TITLE V—DEAUTHORIZATIONS

SEC. 5001. DEAUTHORIZATIONS.

(a) VALDEZ, ALASKA.—

(1) IN GENERAL.—Subject to paragraph (2), the portions of the project for navigation, Valdez, Alaska, identified as Tract G, Harbor Subdivision, shall not be subject to navigation servitude beginning on the date of enactment of this Act.

(2) ENTRY BY FEDERAL GOVERNMENT.—The Federal Government may enter on the property referred to in paragraph (1) to carry out any required operation and maintenance of the general navigation features of the project described in paragraph (1).

(b) RED RIVER BELOW DENISON DAM, ARKANSAS, LOUISIANA, AND TEXAS.—The portion of the project for flood protection on Red River Below Denison Dam, Arkansas, Louisiana and Texas, authorized by section 10 of the Flood Control Act of 1946 (60 Stat. 647, chapter 596), consisting of the portion of the West Agurs Levee that begins at lat. 32°32'50.86'' N., by long. 93°46'16.82'' W., and ends at lat. 32° 31'22.79'' N., by long. 93° 45' 2.47'' W., is no longer authorized beginning on the date of enactment of this Act.

(c) SUTTER BASIN, CALIFORNIA.—

(1) IN GENERAL.—The separable element constituting the locally preferred plan increment reflected in the report of the Chief of Engineers dated March 12, 2014, and authorized for construction under section 7002(2)(8) of the Water Resources Reform and Development Act of 2014 (Public Law 113–121; 128 Stat. 1366) is no longer authorized beginning on the date of enactment of this Act.

(2) SAVINGS PROVISIONS.—The deauthorization under paragraph (1) does not affect—

(A) the national economic development plan separable element reflected in the report of the Chief of Engineers dated March 12, 2014, and authorized for construction under section 7002(2)(8) of the Water Resources Reform and Development Act of 2014 (Public Law 113–121; 128 Stat. 1366); or

(B) previous authorizations providing for the Sacramento River and major and minor tributaries project, including—

(i) section 2 of the Act of March 1, 1917 (39 Stat. 949; chapter 144);

(ii) section 12 of the Act of December 22, 1944 (58 Stat. 900; chapter 665);

(iii) section 204 of the Flood Control Act of 1950 (64 Stat. 177; chapter 188); and

(iv) any other Acts relating to the authorization for the Sacramento River and major and minor tributaries project along the Feather River right bank between levee stationing 1483+33 and levee stationing 2368+00.

(d) STONINGTON HARBOR, CONNECTICUT.—The portion of the project for navigation, Stonington Harbor, Connecticut, authorized by the Act of May 23, 1828 (4 Stat. 288; chapter 73) that consists of the inner stone breakwater that begins at coordinates N. 682,146.42, E. 1231,378.69, running north 83.587 degrees west 166.79' to a point N. 682,165.05, E. 1,231,212.94, running north 69.209 degrees west 380.89' to a point N. 682,300.25, E. 1,230,856.86, is no longer authorized as a Federal project beginning on the date of enactment of this Act.

(e) GREEN RIVER AND BARREN RIVER, KENTUCKY.—

(1) IN GENERAL.—Beginning on the date of enactment of this Act, commercial navigation at the locks and dams identified in the report of the Chief of Engineers entitled ''Green River Locks and Dams 3, 4, 5, and 6 and Barren River Lock and Dam 1, Kentucky'' and dated April 30, 2015, shall no longer be authorized, and the land and improvements associated with the locks and dams shall be—

(A) disposed of consistent with paragraph (2); and

(B) subject to such terms and conditions as the Secretary determines to be necessary and appropriate in the public interest.

(2) DISPOSITION.—

(A) GREEN RIVER LOCK AND DAM 3.—The Secretary shall convey to the Rochester Dam Regional Water Commission all right, title, and interest of the United States in and to Green River Lock and Dam 3, located in Ohio County and Muhlenberg County, Kentucky, together with any improvements on the land.

(B) GREEN RIVER LOCK AND DAM 4.—The Secretary shall convey to Butler County, Kentucky, all right, title, and interest of the United States in and to Green River Lock and Dam 4, located in Butler County, Kentucky, together with any improvements on the land.

(C) GREEN RIVER LOCK AND DAM 5.—The Secretary shall convey to the State of Kentucky, a political subdivision of the State of Kentucky, or a nonprofit, nongovernmental organization all right, title, and interest of the United States in and to Green River Lock and Dam 5 for the express purposes of—

(i) removing the structure from the river at the earliest feasible time; and

(ii) making the land available for conservation and public recreation, including river access.

(D) GREEN RIVER LOCK AND DAM 6.—

(i) IN GENERAL.—The Secretary shall transfer to the Secretary of the Interior administrative jurisdiction over the portion of Green

River Lock and Dam 6, Edmonson County, Kentucky, that is located on the left descending bank of the Green River, together with any improvements on the land, for inclusion in Mammoth Cave National Park.

(ii) TRANSFER TO THE STATE OF KENTUCKY.—The Secretary shall transfer to the State of Kentucky all right, title, and interest of the United States in and to the portion of Green River Lock and Dam 6, Edmonson County, Kentucky, that is located on the right descending bank of the Green River, together with any improvements on the land, for use by the Department of Fish and Wildlife Resources of the State of Kentucky for the purposes of—

(I) removing the structure from the river at the earliest feasible time; and

(II) making the land available for conservation and public recreation, including river access.

(E) BARREN RIVER LOCK AND DAM 1.—The Secretary shall convey to the State of Kentucky, all right, title, and interest of the United States in and to Barren River Lock and Dam 1, located in Warren County, Kentucky, together with any improvements on the land, for use by the Department of Fish and Wildlife Resources of the State of Kentucky for the purposes of—

(i) removing the structure from the river at the earliest feasible time; and

(ii) making the land available for conservation and public recreation, including river access.

(3) CONDITIONS.—

(A) IN GENERAL.—The exact acreage and legal description of any land to be disposed of, transferred, or conveyed under this subsection shall be determined by a survey satisfactory to the Secretary.

(B) QUITCLAIM DEED.—A conveyance under subparagraph (A), (B), (D), or (E) of paragraph (2) shall be accomplished by quitclaim deed and without consideration.

(C) ADMINISTRATIVE COSTS.—The Secretary shall be responsible for all administrative costs associated with a transfer or conveyance under this subsection, including the costs of a survey carried out under subparagraph (A).

(D) REVERSION.—If the Secretary determines that the land transferred or conveyed under this subsection is not used by a non-Federal entity for a purpose that is consistent with the purpose of the transfer or conveyance, all right, title, and interest in and to the land, including any improvements on the land, shall revert, at the discretion of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the land.

(f) ESSEX RIVER, MASSACHUSETTS.—

(1) IN GENERAL.—The portions of the project for navigation, Essex River, Massachusetts, authorized by the first section of the Act of July 13, 1892 (27 Stat. 96, chapter 158), and modified by the first section of the Act of March 3, 1899 (30 Stat. 1133, chapter 425), and the first section of the Act of March 2, 1907 (34 Stat. 1075, chapter 2509), that do not lie within the areas described in paragraph (2) are no longer authorized beginning on the date of enactment of this Act.

(2) AREAS DESCRIBED.—The areas described in this paragraph are—

(A) beginning at a point N. 3056139.82, E. 851780.21;

(B) running southwesterly about 156.88 feet to a point N. 3055997.75, E. 851713.67;

(C) running southwesterly about 64.59 feet to a point N. 3055959.37, E. 851661.72;

(D) running southwesterly about 145.14 feet to a point N. 3055887.10, E. 851535.85;

(E) running southwesterly about 204.91 feet to a point N. 3055855.12, E. 851333.45;

(F) running northwesterly about 423.50 feet to a point N. 3055976.70, E. 850927.78;

(G) running northwesterly about 58.77 feet to a point N. 3056002.99, E. 850875.21;

(H) running northwesterly about 240.57 feet to a point N. 3056232.82, E. 850804.14;

(I) running northwesterly about 203.60 feet to a point N. 3056435.41, E. 850783.93;

(J) running northwesterly about 78.63 feet to a point N. 3056499.63, E. 850738.56;

(K) running northwesterly about 60.00 feet to a point N. 3056526.30, E. 850684.81;

(L) running southwesterly about 85.56 feet to a point N. 3056523.33, E. 850599.31;

(M) running southwesterly about 36.20 feet to a point N. 3056512.37, E. 850564.81;

(N) running southwesterly about 80.10 feet to a point N. 3056467.08, E. 850498.74;

(O) running southwesterly about 169.05 feet to a point N. 3056334.36, E. 850394.03;

(P) running northwesterly about 48.52 feet to a point N. 3056354.38, E. 850349.83;

(Q) running northeasterly about 83.71 feet to a point N. 3056436.35, E. 850366.84;

(R) running northeasterly about 212.38 feet to a point N. 3056548.70, E. 850547.07;

(S) running northeasterly about 47.60 feet to a point N. 3056563.12, E. 850592.43;

(T) running northeasterly about 101.16 feet to a point N. 3056566.62, E. 850693.53;

(U) running southeasterly about 80.22 feet to a point N. 3056530.97, E. 850765.40;

(V) running southeasterly about 99.29 feet to a point N. 3056449.88, E. 850822.69;

(W) running southeasterly about 210.12 feet to a point N. 3056240.79, E. 850843.54;

(X) running southeasterly about 219.46 feet to a point N. 3056031.13, E. 850908.38;

(Y) running southeasterly about 38.23 feet to a point N. 3056014.02, E. 850942.57;

(Z) running southeasterly about 410.93 feet to a point N. 3055896.06, E. 851336.21;

(AA) running northeasterly about 188.43 feet to a point N. 3055925.46, E. 851522.33;

(BB) running northeasterly about 135.47 feet to a point N. 3055992.91, E. 851639.80;

(CC) running northeasterly about 52.15 feet to a point N. 3056023.90, E. 851681.75; and

(DD) running northeasterly about 91.57 feet to a point N. 3056106.82, E. 851720.59.

(g) HANNIBAL SMALL BOAT HARBOR, HANNIBAL, MISSOURI.—The project for navigation at Hannibal Small Boat Harbor on the Mississippi River, Hannibal, Missouri, authorized by section 101 of the River and Harbor Act of 1950 (Public Law 81–516; 64 Stat. 166, chapter 188), is no longer authorized beginning on the date of enactment of this Act, and any maintenance requirements associated with the project are terminated.

(h) PORT OF CASCADE LOCKS, OREGON.—

(1) TERMINATION OF PORTIONS OF EXISTING FLOWAGE EASEMENT.—

(A) DEFINITION OF FLOWAGE EASEMENT.—In this paragraph, the term ''flowage easement'' means the flowage easements identified as tracts 302E-1 and 304E-1 on the easement deeds recorded as instruments in Hood River County, Oregon, as follows:

(i) A flowage easement dated October 3, 1936, recorded December 1, 1936, book 25 at page 531 (records of Hood River County, Oregon), in favor of United States (302E-1-Perpetual Flowage Easement from October 5, 1937, October 5, 1936, and October 3, 1936) (previously acquired as tracts OH-36 and OH-41 and a portion of tract OH-47).

(ii) A flowage easement recorded October 17, 1936, book 25 at page 476 (records of Hood River County, Oregon), in favor of the United States, that affects that portion below the 94-foot contour line above main sea level (304 E-1-Perpetual Flowage Easement from August 10, 1937 and October 3, 1936) (previously acquired as tract OH-42 and a portion of tract OH-47).

(B) TERMINATION.—With respect to the properties described in paragraph (2), beginning on the date of enactment of this Act, the flowage easements are terminated above elevation 82.4 feet (NGVD29), the ordinary high water mark.

(2) AFFECTED PROPERTIES.—The properties described in this paragraph, as recorded in Hood River, County, Oregon, are as follows:

(A) Lots 3, 4, 5, and 7 of the ''Port of Cascade Locks Business Park'' subdivision, instrument #2014-00436.

(B) Parcels 1, 2, and 3 of Hood River County Partition plat No. 2008-25P.

(3) FEDERAL LIABILITIES; CULTURAL, ENVIRONMENTAL, OTHER REGULATORY REVIEWS.—

(A) FEDERAL LIABILITY.—The United States shall not be liable for any injury caused by the termination of the easement under this subsection.

(B) CULTURAL AND ENVIRONMENTAL REGULATORY ACTIONS.—Nothing in this subsection establishes any cultural or environmental regulation relating to the properties described in paragraph (2).

(4) EFFECT ON OTHER RIGHTS.—Nothing in this subsection affects any remaining right or interest of the Corps of Engineers in the properties described in paragraph (2).

(i) DECLARATIONS OF NON-NAVIGABILITY FOR PORTIONS OF THE DELAWARE RIVER, PHILADELPHIA, PENNSYLVANIA.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), unless the Secretary determines, after consultation with local and regional public officials (including local and regional project planning organizations), that there are substantive objections, the following portions of the Delaware River, bounded by the former bulkhead and pierhead lines established by the Secretary of War and successors, are declared to be non-navigable waters of the United States:

(A) Piers 70 South through 38 South, encompassing an area bounded by the southern line of Moore Street extended to the northern line of Catherine Street extended, including the following piers: Piers 70, 68, 67, 64, 61-63, 60, 57, 55, 46, 48, 40, and 38.

(B) Piers 24 North through 72 North, encompassing an area bounded by the southern line of Callowhill Street extended to the northern line of East Fletcher Street extended, including the following piers: 24, 25, 27-35, 35.5, 36, 37, 38, 39, 49, 51-52, 53-57, 58-65, 66, 67, 69, 70-72, and Rivercenter.

(2) DETERMINATION.—The Secretary shall make the determination under paragraph (1) separately for each portion of the Delaware River described in subparagraphs (A) and (B) of paragraph (1), using reasonable discretion, by not later than 150 days after the date of submission of appropriate plans for that portion.

(3) LIMITS ON APPLICABILITY.—

(A) IN GENERAL.—Paragraph (1) applies only to those parts of the areas described in that paragraph that are or will be bulkheaded and filled or otherwise occupied by permanent structures, including marina and recreation facilities.

(B) OTHER FEDERAL LAWS.—Any work described in subparagraph (A) shall be subject to all applicable Federal law (including regulations), including—

(i) sections 9 and 10 of the Act of March 3, 1899 (commonly known as the ''River and Harbors Appropriation Act of 1899'') (33 U.S.C. 401, 403);

(ii) section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344); and

(iii) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(j) SALT CREEK, GRAHAM, TEXAS.—

(1) IN GENERAL.—The project for flood control, environmental restoration, and recreation, Salt Creek, Graham, Texas, authorized by section 101(a)(30) of the Water Resources Development Act of 1999 (Public Law 106–53; 113 Stat. 278-279), is no longer authorized as a Federal project beginning on the date of enactment of this Act.

(2) CERTAIN PROJECT-RELATED CLAIMS.—The non-Federal sponsor for the project described in paragraph (1) shall hold and save the United States harmless from any claim that has arisen, or that may arise, in connection with the project.

(3) TRANSFER.—The Secretary is authorized to transfer any land acquired by the Federal Government for the project on behalf of the non-Federal sponsor that remains in Federal ownership on or after the date of enactment of this Act to the non-Federal sponsor.

(4) REVERSION.—If the Secretary determines that the land that is integral to the project described in paragraph (1) ceases to be owned by the public, all right, title, and interest in and to the land and improvements shall revert, at the discretion of the Secretary, to the United States.

SEC. 5002. CONVEYANCES.

(a) PEARL RIVER, MISSISSIPPI AND LOUISIANA.—

(1) IN GENERAL.—The project for navigation, Pearl River, Mississippi and Louisiana, authorized by the first section of the Act of August 30, 1935 (49 Stat. 1033, chapter 831) and section 101 of the River and Harbor Act of 1966 (Public Law 89–789; 80 Stat. 1405), is no longer authorized as a Federal project beginning on the date of enactment of this Act.

(2) TRANSFER.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the Secretary is authorized to convey to a State or local interest, without consideration, all right, title, and interest of the United States in and to—

(i) any land in which the Federal Government has a property interest for the project described in paragraph (1); and

(ii) improvements to the land described in clause (i).

(B) RESPONSIBILITY FOR COSTS.—The transferee shall be responsible for the payment of all costs and administrative expenses associated with any transfer carried out pursuant to subparagraph (A), including costs associated with any land survey required to determine the exact acreage and legal description of the land and improvements to be transferred.

(C) OTHER TERMS AND CONDITIONS.—A transfer under subparagraph (A) shall be subject to such other terms and conditions as the Secretary determines to be necessary and appropriate to protect the interests of the United States.

(3) REVERSION.—If the Secretary determines that the land and improvements conveyed under paragraph (2) ceases to be owned by the public, all right, title, and interest in and to the land and improvements shall revert, at the discretion of the Secretary, to the United States.

(b) SARDIS LAKE, MISSISSIPPI.—

(1) IN GENERAL.—The Secretary is authorized to convey to the lessee, at full fair market value, all right, title and interest of the United Sates in and to the property identified in the leases numbered DACW38-1-15-7, DACW38-1-15-33, DACW38-1-15-34, and DACW38-1-15-38, subject to such terms and conditions as the Secretary determines to be necessary and appropriate to protect the interests of the United States.

(2) EASEMENT AND RESTRICTIVE COVENANT.—The conveyance under paragraph (1) shall include—

(A) a restrictive covenant to require the approval of the Secretary for any substantial change in the use of the property; and

(B) a flowage easement.

(c) PENSACOLA DAM AND RESERVOIR, GRAND RIVER, OKLAHOMA.—

(1) IN GENERAL.—Notwithstanding the Act of June 28, 1938 (52 Stat. 1215, chapter 795), as amended by section 3 of the Act of August 18, 1941 (55 Stat. 645, chapter 377), and notwithstanding section 3 of the Act of July 31, 1946 (60 Stat. 744, chapter 710), the Secretary shall convey, by quitclaim deed and without consideration, to the Grand River Dam Authority, an agency of the State of Oklahoma, for flood control purposes, all right, title, and interest of the United States in and to real property under the administrative jurisdiction of the Secretary acquired in connection with the Pensacola Dam project, together with any improvements on the property.

(2) FLOOD CONTROL PURPOSES.—If any interest in the real property described in paragraph (1) ceases to be managed for flood control or other public purposes and is conveyed to a non-public entity, the transferee, as part of the conveyance, shall pay to the United States the fair market value for the interest.

(3) NO EFFECT.—Nothing in this subsection—

(A) amends, modifies, or repeals any existing authority vested in the Federal Energy Regulatory Commission; or

(B) amends, modifies, or repeals any authority of the Secretary or the Chief of Engineers pursuant to section 7 of the Act of December 22, 1944 (33 U.S.C. 709).

(d) JOE POOL LAKE, TEXAS.—The Secretary shall accept from the Trinity River Authority of Texas, if received by December 31, 2016, $31,233,401 as payment in full of amounts owed to the United States, including any accrued interest, for the approximately 61,747.1 acre-feet of water supply storage space in Joe Pool Lake, Texas (previously known as Lakeview Lake), for which payment has not commenced under Article 5.a (relating to project investment costs) of contract number DACW63–76–C–0106 as of the date of enactment of this Act.

(e) WEBER BASIN PROJECT, UTAH.—

(1) IN GENERAL.—The Secretary of the Interior shall allow for the prepayment of repayment obligations under the repayment contract numbered 14-06-400-33 between the United States and the Weber Basin Water Conservancy District (referred to in this subsection as the ''District''), dated December 12, 1952, and supplemented and amended on June 30, 1961, on April 15, 1966, on September 20, 1968, and on May 9, 1985, including any other amendments and all related applicable contracts to the repayment contract, providing for repayment of Weber Basin Project construction costs allocated to irrigation and municipal and industrial purposes for which repayment is provided pursuant to the repayment contract under terms and conditions similar to the terms and conditions used in implementing the prepayment provisions in section 210 of the Central Utah Project Completion Act (Public Law 102–575; 106 Stat. 4624) for prepayment of Central Utah Project, Bonneville Unit repayment obligations.

(2) AUTHORIZATIONS AND REQUIREMENTS.—The prepayment authorized under paragraph (1) —

(A) shall result in the United States recovering the net present value of all repayment streams that would have been payable to the United States if this section was not in effect;

(B) may be provided in several installments;

(C) may not be adjusted on the basis of the type of prepayment financing used by the District; and

(D) shall be made in a manner that provides that total repayment is made not later than September 30, 2026.

TITLE VI—WATER RESOURCES INFRASTRUCTURE

SEC. 6001. AUTHORIZATION OF FINAL FEASIBILITY STUDIES.

The following final feasibility studies for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plan, and subject to the conditions, described in the respective reports designated in this section:

(1) NAVIGATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. TX	Brazos Island Harbor	November 3, 2014	Federal: $116,116,000 Non-Federal: $135,836,000 Total: $251,952,000
2. LA	Calcasieu Lock	December 2, 2014	Federal: $16,700,000 Non-Federal: $0 Total: $16,700,000
3. NH, ME	Portsmouth Harbor and Piscataqua River	February 8, 2015	Federal: $15,580,000 Non-Federal: $5,190,000 Total: $20,770,000
4. KY	Green River Locks and Dams 3, 4, 5, and 6 and Barren River Lock and Dam 1 Disposition	April 30, 2015	Federal: $0 Non-Federal: $0 Total: $0

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
5. FL	Port Everglades	June 25, 2015	Federal: $220,200,000 Non-Federal: $102,500,000 Total: $322,700,000
6. AK	Little Diomede	August 10, 2015	Federal: $26,015,000 Non-Federal: $2,945,000 Total: $28,960,000
7. SC	Charleston Harbor	September 8, 2015	Federal: $224,300,000 Non-Federal: $269,000,000 Total: $493,300,000
8. AK	Craig Harbor	March 16, 2016	Federal: $29,062,000 Non-Federal: $3,255,000 Total: $32,317,000
9. PA	Upper Ohio River, Allegheny and Beaver Counties	September 12, 2016	Federal: $1,324,235,500 Non-Federal: $1,324,235,500 Total: $2,648,471,000

(2) FLOOD RISK MANAGEMENT.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. TX	Leon Creek Watershed, San Antonio	June 30, 2014	Federal: $18,314,000 Non-Federal: $9,861,000 Total: $28,175,000
2. MO, KS	Armourdale and Central Industrial District Levee Units, Missouri River and Tributaries at Kansas City	January 27, 2015	Federal: $207,036,000 Non-Federal: $111,481,000 Total: $318,517,000
3. KS	City of Manhattan	April 30, 2015	Federal: $15,440,100 Non-Federal: $8,313,900 Total: $23,754,000
4. KS	Upper Turkey Creek Basin	December 22, 2015	Federal: $24,584,000 Non-Federal: $13,238,000 Total: $37,822,000
5. NC	Princeville	February 23, 2016	Federal: $14,001,000 Non-Federal: $7,539,000 Total: $21,540,000
6. CA	West Sacramento	April 26, 2016	Federal: $776,517,000 Non-Federal: $414,011,000 Total: $1,190,528,000
7. CA	American River Watershed Common Features	April 26, 2016	Federal: $876,478,000 Non-Federal: $689,272,000 Total: $1,565,750,000
8. TN	Mill Creek, Nashville	October 15, 2015	Federal: $17,759,000 Non-Federal: $10,745,000 Total: $28,504,000

(3) HURRICANE AND STORM DAMAGE RISK REDUCTION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Initial Costs and Estimated Renourishment Costs
1. SC	Edisto Beach, Colleton County	September 5, 2014	Initial Federal: $13,733,850 Initial Non-Federal: $7,395,150 Initial Total: $21,129,000 Renourishment Federal: $16,371,000 Renourishment Non-Federal: $16,371,000 Renourishment Total: $32,742,000
2. FL	Flagler County	December 23, 2014	Initial Federal: $9,218,300 Initial Non-Federal: $4,963,700 Initial Total: $14,182,000 Renourishment Federal: $15,390,000 Renourishment Non-Federal: $15,390,000 Renourishment Total: $30,780,000
3. NC	Bogue Banks, Carteret County	December 23, 2014	Initial Federal: $24,263,000 Initial Non-Federal: $13,064,000 Initial Total: $37,327,000 Renourishment Federal: $114,728,000 Renourishment Non-Federal: $114,728,000 Renourishment Total: $229,456,000
4. NJ	Hereford Inlet to Cape May Inlet, New Jersey Shoreline Protection Project, Cape May County	January 23, 2015	Initial Federal: $14,040,000 Initial Non-Federal: $7,560,000 Initial Total: $21,600,000 Renourishment Federal: $41,215,000 Renourishment Non-Federal: $41,215,000 Renourishment Total: $82,430,000
5. LA	West Shore Lake Pontchartrain	June 12, 2015	Federal: $466,760,000 Non-Federal: $251,330,000 Total: $718,090,000
6. CA	Encinitas-Solana Beach Coastal Storm Damage Reduction	April 29, 2016	Initial Federal: $20,166,000 Initial Non-Federal: $10,858,000 Initial Total: $31,024,000 Renourishment Federal: $68,215,000 Renourishment Non-Federal: $68,215,000 Renourishment Total: $136,430,000
7. LA	Southwest Coastal Louisiana	July 29, 2016	Federal: $2,011,279,000 Non-Federal: $1,082,997,000 Total: $3,094,276,000

(4) FLOOD RISK MANAGEMENT AND ENVIRONMENTAL RESTORATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. IL, WI	Upper Des Plaines River and Tributaries	June 8, 2015	Federal: $199,393,000 Non-Federal: $107,694,000 Total: $307,087,000
2. CA	South San Francisco Bay Shoreline	December 18, 2015	Federal: $69,521,000 Non-Federal: $104,379,000 Total: $173,900,000

(5) ENVIRONMENTAL RESTORATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. FL	Central Everglades Planning Project, Comprehensive Everglades Restoration Plan, Central and Southern Florida Project	December 23, 2014	Federal: $976,375,000 Non-Federal: $974,625,000 Total: $1,951,000,000
2. OR	Lower Willamette River Environmental Dredging	December 14, 2015	Federal: $19,143,000 Non-Federal: $10,631,000 Total: $29,774,000
3. WA	Skokomish River	December 14, 2015	Federal: $12,782,000 Non-Federal: $6,882,000 Total: $19,664,000
4. CA	LA River Ecosystem Restoration	December 18, 2015	Federal: $375,773,000 Non-Federal: $980,835,000 Total: $1,356,608,000

(6) SPECIAL RULE.—The portion of the Mill Creek Flood Risk Management project authorized by paragraph (2) that consists of measures within the Mill Creek Basin shall be carried out pursuant to section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

SEC. 6002. AUTHORIZATION OF PROJECT MODIFICATIONS RECOMMENDED BY THE SECRETARY.

The following project modifications for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the recommendations of the Director of Civil Works, as specified in the reports referred to in this section:

A. State	B. Name	C. Date of Director's Report	D. Updated Authorization Project Costs
1. KS, MO	Turkey Creek Basin	November 4, 2015	Estimated Federal: $97,067,750 Estimated Non-Federal: $55,465,250 Total: $152,533,000
2. MO	Blue River Basin	November 6, 2015	Estimated Federal: $34,860,000 Estimated Non-Federal: $11,620,000 Total: $46,480,000
3. FL	Picayune Strand	March 9, 2016	Estimated Federal: $308,983,000 Estimated Non-Federal: $308,983,000 Total: $617,967,000
4. KY	Ohio River Shoreline	March 11, 2016	Estimated Federal: $20,309,900 Estimated Non-Federal: $10,936,100 Total: $31,246,000
5. TX	Houston Ship Channel	May 13, 2016	Estimated Federal: $381,032,000 Estimated Non-Federal: $127,178,000 Total: $508,210,000
6. AZ	Rio de Flag, Flagstaff	June 22, 2016	Estimated Federal: $65,514,650 Estimated Non-Federal: $35,322,350 Total: $100,837,000
7. MO	Swope Park Industrial Area, Blue River	April 21, 2016	Estimated Federal: $20,205,250 Estimated Non-Federal: $10,879,750 Total: $31,085,000

SEC. 6003. AUTHORIZATION OF STUDY AND MODIFICATION PROPOSALS SUBMITTED TO CONGRESS BY THE SECRETARY.

(a) ARCTIC DEEP DRAFT PORT DEVELOPMENT PARTNERSHIPS.—Section 2105 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2243) is amended—

(1) by striking ''(25 U.S.C. 450b))'' each place it appears and inserting ''(25 U.S.C. 5304)) and a Native village, Regional Corporation, or Village Corporation (as those terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602))''; and

(2) by adding at the end the following:

''(e) CONSIDERATION OF NATIONAL SECURITY INTERESTS.—In carrying out a study of the feasibility of an Arctic deep draft port, the Secretary—

''(1) shall consult with the Secretary of Homeland Security and the Secretary of Defense to identify national security benefits associated with an Arctic deep draft port; and

''(2) if appropriate, as determined by the Secretary, may determine a port described in paragraph (1) is feasible based on the benefits described in that paragraph.''.

(b) OUACHITA-BLACK RIVERS, ARKANSAS AND LOUISIANA.—The Secretary shall conduct a study to determine the feasibility of modifying the project for navigation, Ouachita-Black Rivers, authorized by section 101 of the River and Harbor Act of 1960 (Public Law 86–645; 74 Stat. 481) to include bank stabilization and water supply as project purposes.

(c) CACHE CREEK BASIN, CALIFORNIA.—

(1) IN GENERAL.—The Secretary shall prepare a general reevaluation report on the project for flood control, Cache Creek Basin, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4112).

(2) REQUIREMENTS.—In preparing the report under paragraph (1), the Secretary shall

identify specific needed modifications to existing project authorities—

(A) to increase basin capacity;

(B) to decrease the long-term maintenance; and

(C) to provide opportunities for ecosystem benefits for the Sacramento River flood control project.

(d) COYOTE VALLEY DAM, CALIFORNIA.—The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, environmental restoration, and water supply by modifying the Coyote Valley Dam, California.

(e) DEL ROSA DRAINAGE AREA, CALIFORNIA.—The Secretary shall conduct a study to determine the feasibility of carrying out projects for flood control and ecosystem restoration in the cities of San Bernardino and Highland, San Bernardino County, California.

(f) MERCED COUNTY, CALIFORNIA.—The Secretary shall prepare a general reevaluation report on the project for flood control, Merced County streams project, California, authorized by section 10 of the Act of December 22, 1944 (58 Stat. 900; chapter 665), to investigate the flood risk management opportunities and improve levee performance along Black Rascal Creek and Bear Creek.

(g) MISSION-ZANJA DRAINAGE AREA, CALIFORNIA.—The Secretary shall conduct a study to determine the feasibility of carrying out projects for flood control and ecosystem restoration in the cities of Redlands, Loma Linda, and San Bernardino, California, and unincorporated counties of San Bernardino County, California.

(h) SANTA ANA RIVER BASIN, CALIFORNIA.—The Secretary shall conduct a study to determine the feasibility of modifying the project for flood damage reduction by modifying the San Jacinto and Bautista Creek Improvement Project, part of the Santa Ana River Basin Project in Riverside County, California.

(i) DELAWARE BAY COASTLINE, DELAWARE AND NEW JERSEY-ROOSEVELT INLET-LEWES BEACH, DELAWARE.—The Secretary shall conduct a study to determine the feasibility of modifying the project for shoreline protection and ecosystem restoration, Delaware Bay Coastline, Delaware and New Jersey-Roosevelt Inlet-Lewes Beach, Delaware, authorized by section 101(a)(13) of the Water Resources Development Act of 1999 (Public Law 106–53; 113 Stat. 276), to extend the authorized project limit from the current eastward terminus to a distance of 8,000 feet east of the Roosevelt Inlet east jetty.

(j) MISPILLION INLET, CONCH BAR, DELAWARE.—The Secretary shall conduct a study to determine the feasibility of carrying out a project for navigation and shoreline protection at Mispillion Inlet and Conch Bar, Sussex County, Delaware.

(k) DAYTONA BEACH FLOOD PROTECTION, FLORIDA.—The Secretary shall conduct a study to determine the feasibility of carrying out projects for flood control in the city of Daytona Beach, Florida.

(l) BRUNSWICK HARBOR, GEORGIA.—The Secretary shall conduct a study to determine the feasibility of modifying the project for navigation, Brunswick Harbor, Georgia, authorized by section 101(a)(19) of the Water Resources and Development Act of 1999 (Public Law 106–53; 113 Stat. 277)—

(1) to widen the existing bend in the Federal navigation channel at the intersection of Cedar Hammock and Brunswick Point Cut Ranges; and

(2) to extend the northwest side of the existing South Brunswick River Turning Basin.

(m) SAVANNAH RIVER BELOW AUGUSTA, GEORGIA.—The Secretary shall conduct a study to determine the feasibility of modifying the project for navigation, Savannah River below Augusta, Georgia, authorized by the first section of the Act of July 3, 1930 (46 Stat. 924, chapter 847), to include aquatic ecosystem restoration, water supply, recreation, sediment management, and flood control as project purposes.

(n) DUBUQUE, IOWA.—The Secretary shall conduct a study to determine the feasibility of modifying the project for flood protection, Dubuque, Iowa, authorized by section 208 of the Flood Control Act of 1965 (Public Law 89–298; 79 Stat. 1086), to increase the level of flood protection and reduce flood damages.

(o) MISSISSIPPI RIVER SHIP CHANNEL, GULF TO BATON ROUGE, LOUISIANA.—The Secretary shall conduct a study to determine the feasibility of modifying the project for navigation, Mississippi River Ship Channel, Gulf to Baton Rouge, Louisiana, authorized by section 201(a) of the Harbor Development and Navigation Improvement Act of 1986 (Public Law 99–662; 100 Stat. 4090), to deepen the channel approaches and the associated area on the left descending bank of the Mississippi River between mile 98.3 and mile 100.6 Above Head of Passes (AHP) to a depth equal to the Channel.

(p) ST. TAMMANY PARISH GOVERNMENT COMPREHENSIVE COASTAL MASTER PLAN, LOUISIANA.—The Secretary shall conduct a study to determine the feasibility of carrying out projects described in the St. Tammany Parish Comprehensive Coastal Master Plan for flood control, shoreline protection, and ecosystem restoration in St. Tammany Parish, Louisiana.

(q) CAYUGA INLET, ITHACA, NEW YORK.—The Secretary shall conduct a study to determine the feasibility of modifying the project for flood protection, Great Lakes Basin, authorized by section 203 of the Flood Control Act of 1960 (Public Law 86–645; 74 Stat. 488) to include sediment management as a project purpose on the Cayuga Inlet, Ithaca, New York.

(r) CHAUTAUQUA COUNTY, NEW YORK.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of carrying out projects for flood risk management, navigation, environmental dredging, and ecosystem restoration on the Cattaraugus, Silver Creek, and Chautauqua Lake tributaries in Chautauqua County, New York.

(2) EVALUATION OF POTENTIAL SOLUTIONS.—In conducting the study under paragraph (1), the Secretary shall evaluate potential solutions to flooding from all sources, including flooding that results from ice jams.

(s) DELAWARE RIVER BASIN, NEW YORK, NEW JERSEY, PENNSYLVANIA, DELAWARE.—The Secretary shall conduct a study to determine the feasibility of modifying the operations of the projects for flood control, Delaware River Basin, New York, New Jersey, Pennsylvania, and Delaware, authorized by section 10 of the Flood Control Act of 1946 (60 Stat. 644, chapter 596), and section 203 of the Flood Control Act of 1962 (Public Law 87–874; 76 Stat. 1182), to enhance opportunities for ecosystem restoration and water supply.

(t) CINCINNATI, OHIO.—

(1) REVIEW.—The Secretary shall review the Central Riverfront Park Master Plan, dated December 1999, and the Ohio Riverfront Study, Cincinnati, Ohio, dated August 2002, to determine the feasibility of carrying out flood risk reduction, ecosystem restoration, and recreation components beyond the ecosystem restoration and recreation components that were undertaken pursuant to section 5116 of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1238) as a second phase of that project.

(2) AUTHORIZATION.—The project authorized under section 5116 of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1238) is modified to authorize the Secretary to undertake the additional flood risk reduction and ecosystem restoration components described in paragraph (1), at a total cost of $30,000,000, if the Secretary determines that the additional flood risk reduction, ecosystem restoration, and recreation components, considered together, are feasible.

(u) TULSA AND WEST TULSA, ARKANSAS RIVER, OKLAHOMA.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of modifying the projects for flood risk management, Tulsa and West Tulsa, Oklahoma, authorized by section 3 of the Act of August 18, 1941 (55 Stat. 645; chapter 377).

(2) REQUIREMENTS.—

(A) IN GENERAL.—In carrying out the study under paragraph (1), the Secretary shall address project deficiencies, uncertainties, and significant data gaps, including material, construction, and subsurface, which render the project at risk of overtopping, breaching, or system failure.

(B) ADDRESSING DEFICIENCIES.—In addressing deficiencies under subparagraph (A), the Secretary shall incorporate current design standards and efficiency improvements, including the replacement of mechanical and electrical components at pumping stations, if the incorporation does not significantly change the scope, function, or purpose of the project.

(3) PRIORITIZATION TO ADDRESS SIGNIFICANT RISKS.—In any case in which a levee or levee system (as defined in section 9002 of the Water Resources Reform and Development Act of 2007 (33 U.S.C. 3301)) is classified as a Class I or II under the levee safety action classification tool developed by the Corps of Engineers, the Secretary shall expedite the project for budget consideration.

(v) JOHNSTOWN, PENNSYLVANIA.—The Secretary shall conduct a study to determine the feasibility of modifying the project for flood control, Johnstown, Pennsylvania, authorized by the Act of June 22, 1936 (49 Stat. 1570, chapter 688; 50 Stat. 880) (commonly known as the ''Flood Control Act of 1936''), to include aquatic ecosystem restoration, recreation, sediment management, and increase the level of flood control.

(w) CHACON CREEK, TEXAS.—Notwithstanding any other provision of law (including any resolution of a Committee of Congress), the study conducted by the Secretary described in the resolution adopted by the Committee on Transportation and Infrastructure of the House of Representatives on May 21, 2003, relating to flood damage reduction, environmental restoration and protection, water conservation and supply, water quality, and related purposes in the Rio Grande Watershed below Falcon Dam, shall include the area above Falcon Dam.

(x) CORPUS CHRISTI SHIP CHANNEL, TEXAS.—The Secretary shall conduct a study to determine the feasibility of modifying the project for navigation and ecosystem restoration, Corpus Christi Ship Channel, Texas, authorized by section 1001(40) of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1056), to develop and evaluate alternatives that address navigation problems directly affecting the Corpus Christi Ship Channel, La Quinta Channel, and La Quinta Channel Extension, including deepening the La Quinta Channel, 2 turning basins, and the wye at La Quinta Junction.

(y) TRINITY RIVER AND TRIBUTARIES, TEXAS.—

(1) REVIEW.—Not later than 180 days after the date of enactment of this Act, the Secretary shall review the economic analysis of the Center for Economic Development and Research of the University of North Texas

entitled ''Estimated Economic Benefits of the Modified Central City Project (Trinity River Vision) in Fort Worth, Texas'' and dated November 2014.

(2) AUTHORIZATION.—The project for flood control and other purposes on the Trinity River and tributaries, Texas, authorized by the River and Harbor Act of 1965 (Public Law 89–298; 79 Stat. 1091), as modified by section 116 the Energy and Water Development Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 2944), is further modified to authorize the Secretary to carry out projects described in the recommended plan of the economic analysis described in paragraph (1), if the Secretary determines, based on the review referred to in paragraph (1), that—

(A) the economic analysis and the process by which the economic analysis was developed complies with Federal law (including regulations) applicable to economic analyses for water resources development projects; and

(B) based on the economic analysis, the recommended plan in the supplement to the final environmental impact statement for the Central City Project, Upper Trinity River entitled ''Final Supplemental No. 1'' is economically justified.

(3) LIMITATION.—The Federal share of the cost of the recommended plan described in paragraph (2) shall not exceed $520,000,000, of which not more than $5,500,000 may be expended to carry out recreation features of the project.

(z) CHINCOTEAGUE ISLAND, VIRGINIA.—The Secretary shall conduct a study to determine the feasibility of carrying out projects for ecosystem restoration and flood control, Chincoteague Island, Virginia, authorized by section 8 of Public Law 89–195 (16 U.S.C. 459f–7) (commonly known as the ''Assateague Island National Seashore Act'') for—

(1) assessing the current and future function of the barrier island, inlet, and coastal bay system surrounding Chincoteague Island;

(2) developing an array of options for resource management; and

(3) evaluating the feasibility and cost associated with sustainable protection and restoration areas.

(aa) BURLEY CREEK WATERSHED, WASHINGTON.—The Secretary shall conduct a study to determine the feasibility of carrying out projects for flood control and aquatic ecosystem restoration in the Burley Creek Watershed, Washington.

SEC. 6004. EXPEDITED COMPLETION OF REPORTS.

The Secretary shall expedite completion of the reports for the following projects, in accordance with section 2045 of the Water Resources Development Act of 2007 (33 U.S.C. 2348), and, if the Secretary determines that a project is justified in the completed report, proceed directly to project preconstruction, engineering, and design in accordance with section 910 of the Water Resources Development Act of 1986 (33 U.S.C. 2287):

(1) The project for navigation, St. George Harbor, Alaska.

(2) The project for flood risk management, Rahway River Basin, New Jersey.

(3) The Hudson-Raritan Estuary Comprehensive Restoration Project.

(4) The project for navigation, Mobile Harbor, Alabama.

SEC. 6005. EXTENSION OF EXPEDITED CONSIDERATION IN SENATE.

Section 7004(b)(4) of the Water Resources Reform and Development Act of 2014 (Public Law 113–121; 128 Stat. 1374) is amended by striking ''2018'' and inserting ''2020''.

SEC. 6006. GAO STUDY ON CORPS OF ENGINEERS METHODOLOGY AND PERFORMANCE METRICS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a study of the methodologies and performance metrics used by the Corps of Engineers to calculate benefit-to-cost ratios and evaluate construction projects.

(b) CONSIDERATIONS.—The study under subsection (a) shall address—

(1) whether and to what extent the current methodologies and performance metrics place small and rural geographic areas at a competitive disadvantage;

(2) whether the value of property for which damage would be prevented as a result of a flood risk management project is the best measurement for the primary input in benefit-to-cost calculations for flood risk management projects;

(3) any recommendations for approaches to modify the metrics used to improve benefit-to-cost ratio results for small and rural geographic areas; and

(4) whether a reevaluation of existing approaches and the primary criteria used to calculate the economic benefits of a Corps of Engineers construction project could provide greater construction project completion results for small and rural geographic areas without putting a strain on the budget of the Corps of Engineers.

SEC. 6007. INVENTORY ASSESSMENT.

Not later than 1 year after the date of enactment of this Act, the Secretary shall complete the assessment and inventory required under section 6002(a) of the Water Resources Reform and Development Act of 2014 (Public Law 113–121; 128 Stat. 1349).

SEC. 6008. SAINT LAWRENCE SEAWAY MODERNIZATION.

(a) DEFINITIONS.—In this section:

(1) GREAT LAKES REGION.—The term ''Great Lakes region'' means the region comprised of the Great Lakes States.

(2) GREAT LAKES STATES.—The term ''Great Lakes States'' means each of the States of Illinois, Indiana, Michigan, Minnesota, Ohio, Pennsylvania, New York, and Wisconsin.

(3) SEAWAY.—The term ''Seaway'' means the Saint Lawrence Seaway.

(b) STUDY.—

(1) IN GENERAL.—The Comptroller General, in cooperation with appropriate Federal, State, and local authorities, shall conduct a study to—

(A) assess the condition of the Seaway; and

(B) evaluate options available in the 21st century for modernizing the Seaway as a globally significant transportation corridor.

(2) SCOPE OF STUDY.—In conducting the study under paragraph (1), the Comptroller General shall—

(A) assess the condition of the Seaway and the capacity of the Seaway to drive commerce and other economic activity in the Great Lakes region;

(B) detail the importance of the Seaway to the functioning of the United States economy, with an emphasis on the domestic manufacturing sector, including the domestic steel manufacturing industry;

(C) evaluate options—

(i) to modernize physical navigation infrastructure, facilities, and related assets not operated or maintained by the Secretary along the corridor of the Seaway, including an assessment of alternative means for the Great Lakes region to finance large-scale initiatives;

(ii) to increase exports of domestically produced goods and study the trade balance and regional economic impact of the possible increase in imports of agricultural products, steel, aggregates, and other goods commonly transported through the Seaway;

(iii) increase economic activity and development in the Great Lakes region by advancing the multimodal transportation and economic network in the region;

(iv) ensure the competitiveness of the Seaway as a transportation corridor in an increasingly integrated global transportation network; and

(v) attract tourists to the Great Lakes region by improving attractions and removing barriers to tourism and travel throughout the Seaway; and

(D) evaluate the existing and potential financing authorities of the Seaway as compared to other Federal agencies and instrumentalities with development responsibilities.

(3) DEADLINE.—The Comptroller General shall complete the study under paragraph (1) as soon as practicable and not later than 2 years after the date of enactment of this Act.

(4) COORDINATION.—The Comptroller General shall conduct the study under paragraph (1) with input from representatives of the Saint Lawrence Seaway Development Corporation, the Economic Development Administration, the Coast Guard, the Corps of Engineers, the Department of Homeland Security, and State and local entities (including port authorities throughout the Seaway).

(5) REPORT.—The Comptroller General shall submit to Congress a report on the results of the study under paragraph (1) not later than the earlier of—

(A) the date that is 180 days after the date on which the study is completed; or

(B) the date that is 30 months after the date of enactment of this Act.

SEC. 6009. YAZOO BASIN, MISSISSIPPI.

The authority of the Secretary to carry out the project for flood damage reduction, bank stabilization, and sediment and erosion control known as the ''Yazoo Basin, Mississippi, Mississippi Delta Headwaters Project, MS'', authorized by title I of Public Law 98–8 (97 Stat. 22), as amended, shall not be limited by language in reports accompanying appropriations bills.

TITLE VII—SAFE DRINKING WATER AND CLEAN WATER INFRASTRUCTURE

SEC. 7001. DEFINITION OF ADMINISTRATOR.

In this title, the term ''Administrator'' means the Administrator of the Environmental Protection Agency.

SEC. 7002. SENSE OF THE SENATE ON APPROPRIATIONS LEVELS AND FINDINGS ON ECONOMIC IMPACTS.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should provide robust funding for the State drinking water treatment revolving loan funds established under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12) and the State water pollution control revolving funds established under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.).

(b) FINDINGS.—Congress finds, based on an analysis sponsored by the Water Environment Federation and the WateReuse Association of the nationwide impact of State revolving loan fund spending using the IMPLAN economic model developed by the Federal Government, that, in addition to the public health and environmental benefits, the Federal investment in safe drinking water and clean water provides the following benefits:

(1) Generation of significant Federal tax revenue, as evidenced by the following:

(A) Every dollar of a Federal capitalization grant returns $0.21 to the general fund of the Treasury in the form of Federal taxes and, when additional spending from the State revolving loan funds is considered to be the result of leveraging the Federal investment, every dollar of a Federal capitalization grant returns $0.93 in Federal tax revenue.

(B) A combined $34,700,000,000 in capitalization grants for the clean water and state drinking water state revolving loan funds described in subsection (a) over a period of 5 years would generate $7,430,000,000 in Federal tax revenue and, when additional spending from the State revolving loan funds is considered to be the result of leveraging the Federal investment, the Federal investment will result in $32,300,000,000 in Federal tax revenue during that 5-year period.

(2) An increase in employment, as evidenced by the following:

(A) Every $1,000,000 in State revolving loan fund spending generates 16 ½ jobs.

(B) $34,700,000,000 in Federal capitalization grants for State revolving loan funds over a period of 5 years would result in 506,000 jobs.

(3) An increase in economic output:

(A) Every $1,000,000 in State revolving loan fund spending results in $2,950,000 in output for the economy of the United States.

(B) $34,700,000,000 in Federal capitalization grants for State revolving loan funds over a period of 5 years will generate $102,700,000,000 in total economic output.

Subtitle A—Drinking Water

SEC. 7101. PRECONSTRUCTION WORK.

Section 1452(a)(2) of the Safe Drinking Water Act (42 U.S.C. 300j–12(a)(2)) is amended—

(1) by designating the first, second, third, fourth, and fifth sentences as subparagraphs (A), (B), (D), (E), and (F), respectively;

(2) in subparagraph (B) (as designated by paragraph (1)) by striking ''(not'' and inserting ''(including expenditures for planning, design, and associated preconstruction activities, including activities relating to the siting of the facility, but not''; and

(3) by inserting after subparagraph (B) (as designated by paragraph (1)) the following:

''(C) SALE OF BONDS.—Funds may also be used by a public water system as a source of revenue (restricted solely to interest earnings of the applicable State loan fund) or security for payment of the principal and interest on revenue or general obligation bonds issued by the State to provide matching funds under subsection (e), if the proceeds of the sale of the bonds will be deposited in the State loan fund.''.

SEC. 7102. PRIORITY SYSTEM REQUIREMENTS.

Section 1452(b)(3) of the Safe Drinking Water Act (42 U.S.C. 300j–12(b)(3)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (D);

(2) by striking subparagraph (A) and inserting the following:

''(A) DEFINITION OF RESTRUCTURING.—In this paragraph, the term 'restructuring' means changes in operations (including ownership, cooperative partnerships, asset management, consolidation, and alternative water supply).

''(B) PRIORITY SYSTEM.—An intended use plan shall provide, to the maximum extent practicable, that priority for the use of funds be given to projects that—

''(i) address the most serious risk to human health;

''(ii) are necessary to ensure compliance with this title (including requirements for filtration);

''(iii) assist systems most in need on a per-household basis according to State affordability criteria; and

''(iv) improve the sustainability of systems.

''(C) WEIGHT GIVEN TO APPLICATIONS.—After determining project priorities under subparagraph (B), an intended use plan shall provide that the State shall give greater weight to an application for assistance by a community water system if the application includes such information as the State determines to be necessary and contains—

''(i) a description of utility management best practices undertaken by a treatment works applying for assistance, including—

''(I) an inventory of assets, including any lead service lines, and a description of the condition of the assets;

''(II) a schedule for replacement of assets;

''(III) a financing plan that factors in all lifecycle costs indicating sources of revenue from ratepayers, grants, bonds, other loans, and other sources to meet the costs; and

''(IV) a review of options for restructuring the public water system;

''(ii) demonstration of consistency with State, regional, and municipal watershed plans;

''(iii) a water conservation plan consistent with guidelines developed for those plans by the Administrator under section 1455(a); and

''(iv) approaches to improve the sustainability of the system, including—

''(I) water efficiency or conservation, including the rehabilitation or replacement of existing leaking pipes;

''(II) use of reclaimed water;

''(III) actions to increase energy efficiency; and

''(IV) implementation of plans to protect source water identified in a source water assessment under section 1453.''; and

(3) in subparagraph (D) (as redesignated by paragraph (1)), by striking ''periodically'' and inserting ''at least biennially''.

SEC. 7103. ADMINISTRATION OF STATE LOAN FUNDS.

Section 1452(g)(2) of the Safe Drinking Water Act (42 U.S.C. 300j–12(g)(2)) is amended—

(1) in the first sentence, by striking ''up to 4 percent of the funds allotted to the State under this section'' and inserting '', for each fiscal year, an amount that does not exceed the sum of the amount of any fees collected by the State for use in covering reasonable costs of administration of programs under this section, regardless of the source, and an amount equal to the greatest of $400,000, ⅕ percent of the current valuation of the fund, or 4 percent of all grant awards to the fund under this section for the fiscal year,''; and

(2) by striking ''1419,'' and all that follows through ''1993.'' and inserting ''1419.''.

SEC. 7104. OTHER AUTHORIZED ACTIVITIES.

Section 1452(k) of the Safe Drinking Water Act (42 U.S.C. 300j–12(k)) is amended—

(1) in paragraph (1)(D), by inserting before the period at the end the following: ''and the implementation of plans to protect source water identified in a source water assessment under section 1453''; and

(2) in paragraph (2)(E), by inserting after ''wellhead protection programs'' the following: ''and implement plans to protect source water identified in a source water assessment under section 1453''.

SEC. 7105. NEGOTIATION OF CONTRACTS.

Section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12) is amended by adding at the end the following:

''(s) NEGOTIATION OF CONTRACTS.—For communities with populations of more than 10,000 individuals, a contract to be carried out using funds directly made available by a capitalization grant under this section for program management, construction management, feasibility studies, preliminary engineering, design, engineering, surveying, mapping, or architectural or related services shall be negotiated in the same manner as—

''(1) a contract for architectural and engineering services is negotiated under chapter 11 of title 40, United States Code; or

''(2) an equivalent State qualifications-based requirement (as determined by the Governor of the State).''.

SEC. 7106. ASSISTANCE FOR SMALL AND DISADVANTAGED COMMUNITIES.

(a) IN GENERAL.—Part E of the Safe Drinking Water Act (42 U.S.C. 300j et seq.) is amended by adding at the end the following:

''SEC. 1459A. ASSISTANCE FOR SMALL AND DISADVANTAGED COMMUNITIES.

''(a) DEFINITION OF UNDERSERVED COMMUNITY.—In this section:

''(1) IN GENERAL.—The term 'underserved community' means a local political subdivision that, as determined by the Administrator, has an inadequate drinking water or wastewater system.

''(2) INCLUSIONS.—The term 'underserved community' includes a local political subdivision that either, as determined by the Administrator—

''(A) does not have household drinking water or wastewater services; or

''(B) has a drinking water system that fails to meet health-based standards under this Act, including—

''(i) a maximum contaminant level for a primary drinking water contaminant;

''(ii) a treatment technique violation; and

''(iii) an action level exceedance.

''(b) ESTABLISHMENT.—

''(1) IN GENERAL.—The Administrator shall establish a program under which grants are provided to eligible entities for use in carrying out projects and activities the primary purposes of which are to assist public water systems in meeting the requirements of this Act.

''(2) INCLUSIONS.—Projects and activities under paragraph (1) include—

''(A) infrastructure investments necessary to comply with the requirements of this Act,

''(B) assistance that directly and primarily benefits the disadvantaged community on a per-household basis, and

''(C) programs to provide household water quality testing, including testing for unregulated contaminants.

''(c) ELIGIBLE ENTITIES.—An entity eligible to receive a grant under this section—

''(1) is—

''(A) a public water system as defined in section 1401;

''(B) a system that is located in an area governed by an Indian Tribe (as defined in section 1401); or

''(C) a State, on behalf of an underserved community; and

''(2) serves a community that, under affordability criteria established by the State under section 1452(d)(3), is determined by the State—

''(A) to be a disadvantaged community;

''(B) to be a community that may become a disadvantaged community as a result of carrying out an eligible activity; or

''(C) to serve a community with a population of less than 10,000 individuals that the Administrator determines does not have the capacity to incur debt sufficient to finance the project under subsection (b).

''(d) PRIORITY.—In prioritizing projects for implementation under this section, the Administrator shall give priority to systems that serve underserved communities.

''(e) LOCAL PARTICIPATION.—In prioritizing projects for implementation under this section, the Administrator shall consult with, and consider the priorities of, affected States, Indian Tribes, and local governments.

''(f) TECHNICAL, MANAGERIAL, AND FINANCIAL CAPABILITY.—The Administrator may provide assistance to increase the technical, managerial, and financial capability of an eligible entity receiving a grant under this section if the Administrator determines that the eligible entity lacks appropriate technical, managerial, and financial capability.

''(g) COST SHARING.—Before carrying out any project under this section, the Administrator shall enter into a binding agreement

with 1 or more non-Federal interests that shall require the non-Federal interests—

''(1) to pay not less than 45 percent of the total costs of the project, which may include services, materials, supplies, or other in-kind contributions;

''(2) to provide any land, easements, rights-of-way, and relocations necessary to carry out the project; and

''(3) to pay 100 percent of any operation, maintenance, repair, replacement, and rehabilitation costs associated with the project.

''(h) WAIVER.—The Administrator may waive the requirement to pay the non-Federal share of the cost of carrying out an eligible activity using funds from a grant provided under this section if the Administrator determines that an eligible entity is unable to pay, or would experience significant financial hardship if required to pay, the non-Federal share.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $230,000,000 for fiscal year 2017; and

''(2) $300,000,000 for each of fiscal years 2018 through 2021.''.

(b) FUNDING.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Administrator to provide grants to eligible entities under section 1459A of the Safe Drinking Water Act (as added by subsection (a)), $20,000,000, to remain available until expended.

SEC. 7107. REDUCING LEAD IN DRINKING WATER.

(a) IN GENERAL.—Part E of the Safe Drinking Water Act (42 U.S.C. 300j et seq.) (as amended by section 7106) is amended by adding at the end the following:

''SEC. 1459B. REDUCING LEAD IN DRINKING WATER.

''(a) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a community water system;

''(B) a system located in an area governed by an Indian Tribe;

''(C) a nontransient noncommunity water system;

''(D) a qualified nonprofit organization, as determined by the Administrator; and

''(E) a municipality or State, interstate, or intermunicipal agency.

''(2) LEAD REDUCTION PROJECT.—

''(A) IN GENERAL.—The term 'lead reduction project' means a project or activity the primary purpose of which is to reduce the level of lead in water for human consumption by—

''(i) replacement of publicly owned lead service lines;

''(ii) testing, planning, or other relevant activities, as determined by the Administrator, to identify and address conditions (including corrosion control) that contribute to increased lead levels in water for human consumption;

''(iii) assistance to low-income homeowners to replace privately owned service lines, pipes, fittings, or fixtures that contain lead; and

''(iv) education of consumers regarding measures to reduce exposure to lead from drinking water or other sources.

''(B) LIMITATION.—The term 'lead reduction project' does not include a partial lead service line replacement if, at the conclusion of the service line replacement, drinking water is delivered to a household through a publicly or privately owned portion of a lead service line.

''(3) LOW-INCOME.—The term 'low-income', with respect to an individual provided assistance under this section, has such meaning as may be given the term by the head of the municipality or State, interstate, or intermunicipal agency with jurisdiction over the area to which assistance is provided.

''(4) MUNICIPALITY.—The term 'municipality' means—

''(A) a city, town, borough, county, parish, district, association, or other public entity established by, or pursuant to, applicable State law; and

''(B) an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)).

''(b) GRANT PROGRAM.—

''(1) ESTABLISHMENT.—The Administrator shall establish a grant program to provide assistance to eligible entities for lead reduction projects in the United States.

''(2) PRECONDITION.—As a condition of receipt of assistance under this section, before receiving the assistance the eligible entity shall take steps to identify—

''(A) the source of lead in water for human consumption; and

''(B) the means by which the proposed lead reduction project would reduce lead levels in the applicable water system.

''(3) PRIORITY APPLICATION.—In providing grants under this subsection, the Administrator shall give priority to an eligible entity that—

''(A) the Administrator determines, based on affordability criteria established by the State under section 1452(d)(3), to be a disadvantaged community; and

''(B) proposes to—

''(i) carry out a lead reduction project at a public water system or nontransient noncommunity water system that has exceeded the lead action level established by the Administrator at any time during the 3-year period preceding the date of submission of the application of the eligible entity;

''(ii) address lead levels in water for human consumption at a school, daycare, or other facility that primarily serves children or other vulnerable human subpopulation; or

''(iii) address such priority criteria as the Administrator may establish, consistent with the goal of reducing lead levels of concern.

''(4) COST SHARING.—

''(A) IN GENERAL.—Subject to subparagraph (B), the non-Federal share of the total cost of a project funded by a grant under this subsection shall be not less than 20 percent.

''(B) WAIVER.—The Administrator may reduce or eliminate the non-Federal share under subparagraph (A) for reasons of affordability, as the Administrator determines to be appropriate.

''(5) LOW-INCOME ASSISTANCE.—

''(A) IN GENERAL.—Subject to subparagraph (B), an eligible entity may use a grant provided under this subsection to provide assistance to low-income homeowners to carry out lead reduction projects.

''(B) LIMITATION.—The amount of a grant provided to a low-income homeowner under this paragraph shall not exceed the cost of replacement of the privately owned portion of the service line.

''(6) SPECIAL CONSIDERATION FOR LEAD SERVICE LINE REPLACEMENT.—In carrying out lead service line replacement using a grant under this subsection, an eligible entity shall—

''(A) notify customers of the replacement of any publicly owned portion of the lead service line;

''(B) in the case of a homeowner who is not low-income, offer to replace the privately owned portion of the lead service line at the cost of replacement;

''(C) in the case of a low-income homeowner, offer to replace the privately owned portion of the lead service line and any pipes, fitting, and fixtures that contain lead at a cost that is equal to the difference between—

''(i) the cost of replacement; and

''(ii) the amount of low-income assistance available to the homeowner under paragraph (5);

''(D) notify each customer that a planned replacement of any publicly owned portion of a lead service line that is funded by a grant made under this subsection will not be carried out unless the customer agrees to the simultaneous replacement of the privately owned portion of the lead service line; and

''(E) demonstrate that the eligible entity has considered options for reducing lead in drinking water, including an evaluation of options for corrosion control.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $60,000,000 for each of fiscal years 2017 through 2021.''.

(b) FUNDING.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Administrator to provide grants to eligible entities under this section under section 1459B of the Safe Drinking Water Act (as added by subsection (a)), $20,000,000, to remain available until expended.

SEC. 7108. REGIONAL LIAISONS FOR MINORITY, TRIBAL, AND LOW-INCOME COMMUNITIES.

(a) IN GENERAL.—The Administrator shall appoint not fewer than 1 employee in each regional office of the Environmental Protection Agency to serve as a liaison to minority, tribal, and low-income communities in the relevant region.

(b) PUBLIC IDENTIFICATION.—The Administrator shall identify each regional liaison selected under subsection (a) on the website of—

(1) the relevant regional office of the Environmental Protection Agency; and

(2) the Office of Environmental Justice of the Environmental Protection Agency.

SEC. 7109. NOTICE TO PERSONS SERVED.

(a) EXCEEDANCE OF LEAD ACTION LEVEL.—Section 1414(c) of the Safe Drinking Water Act (42 U.S.C. 300g–3(c)) is amended—

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

''(D) Notice of any exceedance of a lead action level or any other prescribed level of lead in a regulation issued under section 1412, including the concentrations of lead found in a monitoring activity.'';

(2) in paragraph (2)—

(A) in subparagraph (C)—

(i) in clause (iii)—

(I) by striking ''Administrator or'' and inserting ''Administrator, the Director of the Centers for Disease Control and Prevention, and, if applicable,''; and

(II) by inserting ''and the appropriate State and county health agencies'' after ''1413'';

(B) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(C) by inserting after subparagraph (C) the following:

''(D) EXCEEDANCE OF LEAD ACTION LEVEL.—Regulations issued under subparagraph (A) shall specify notification procedures for an exceedance of a lead action level or any other prescribed level of lead in a regulation issued under section 1412.'';

(3) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

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

''(3) NOTIFICATION OF THE PUBLIC RELATING TO LEAD.—

''(A) EXCEEDANCE OF LEAD ACTION LEVEL.—Not later than 15 days after the date of an exceedance of a lead action level or any other prescribed level of lead in a regulation issued under section 1412, the Administrator shall notify the public of the concentrations

of lead found in the monitoring activity conducted by the public water system if the public water system or the State does not notify the public of the concentrations of lead found in a monitoring activity.

''(B) RESULTS OF LEAD MONITORING.—

''(i) IN GENERAL.—The Administrator may provide notice of any result of lead monitoring conducted by a public water system to—

''(I) any person that is served by the public water system; or

''(II) the local or State health department of a locality or State in which the public water system is located.

''(ii) FORM OF NOTICE.—The Administrator may provide the notice described in clause (i) by—

''(I) press release; or

''(II) other form of communication, including local media.

''(C) PRIVACY.—Notice to the public shall protect the privacy of individual customer information.''; and

(5) by adding at the end the following:

''(6) STRATEGIC PLAN.—Not later than 120 days after the date of enactment of this paragraph, the Administrator, in collaboration with States and owners and operators of public water systems, shall establish a strategic plan for how the Administrator, a State with primary enforcement responsibility, and the owners and operators of public water systems shall conduct targeted outreach, education, technical assistance, and risk communication to populations affected by lead in a public water system.''.

(b) CONFORMING AMENDMENTS.—Section 1414(c) of the Safe Drinking Water Act (42 U.S.C. 300g–3(c)) is amended—

(1) in paragraph (1)(C), by striking ''paragraph (2)(E)'' and inserting ''paragraph (2)(F)'';

(2) in paragraph (2)(B)(i)(II), by striking ''subparagraph (D)'' and inserting ''subparagraph (E)''; and

(3) in paragraph (4)(B) (as redesignated by subsection (a)(3)), in the first sentence, by striking ''(D)'' and inserting ''(E)''.

SEC. 7110. ELECTRONIC REPORTING OF DRINKING WATER DATA.

Section 1414 of the Safe Drinking Water Act (42 U.S.C. 300g–3) is amended by adding at the end the following:

''(j) ELECTRONIC REPORTING OF COMPLIANCE MONITORING DATA.—

''(1) IN GENERAL.—The Administrator shall require electronic submission of available compliance monitoring data, if practicable—

''(A) by public water systems (or a certified laboratory on behalf of a public water system)—

''(i) to the Administrator; or

''(ii) with respect to a public water system in a State that has primary enforcement responsibility under section 1413, to that State; and

''(B) by each State that has primary enforcement responsibility under section 1413 to the Administrator, as a condition on the receipt of funds under this Act.

''(2) CONSIDERATIONS.—In determining whether the requirement referred to in paragraph (1) is practicable, the Administrator shall consider—

''(A) the ability of a public water system (or a certified laboratory on behalf of a public water system) or a State to meet the requirements of sections 3.1 through 3.2000 of title 40, Code of Federal Regulations (or successor regulations);

''(B) information system compatibility;

''(C) the size of the public water system; and

''(D) the size of the community served by the public water system.''.

SEC. 7111. LEAD TESTING IN SCHOOL AND CHILD CARE DRINKING WATER.

(a) IN GENERAL.—Section 1464 of the Safe Drinking Water Act (42 U.S.C. 300j–24) is amended by striking subsection (d) and inserting the following:

''(d) VOLUNTARY SCHOOL AND CHILD CARE LEAD TESTING GRANT PROGRAM.—

''(1) DEFINITIONS.—In this subsection:

''(A) CHILD CARE PROGRAM.—The term 'child care program' has the meaning given the term 'early childhood education program' in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

''(B) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' means—

''(i) a local educational agency (as defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801));

''(ii) a tribal education agency (as defined in section 3 of the National Environmental Education Act (20 U.S.C. 5502)); and

''(iii) an operator of a child care program facility licensed under State law.

''(2) ESTABLISHMENT.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Water Resources Development Act of 2016, the Administrator shall establish a voluntary school and child care lead testing grant program to make grants available to States to assist local educational agencies in voluntary testing for lead contamination in drinking water at schools and child care programs under the jurisdiction of the local educational agencies.

''(B) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—The Administrator may make grants directly available to local educational agencies for the voluntary testing described in subparagraph (A) in—

''(i) any State that does not participate in the voluntary school and child care lead testing grant program established under that subparagraph; and

''(ii) any direct implementation area.

''(3) APPLICATION.—To be eligible to receive a grant under this subsection, a State or local educational agency shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.

''(4) LIMITATION ON USE OF FUNDS.—Not more than 4 percent of grant funds accepted under this subsection shall be used to pay the administrative costs of carrying out this subsection.

''(5) GUIDANCE; PUBLIC AVAILABILITY.—As a condition of receiving a grant under this subsection, the State or local educational agency shall ensure that each local educational agency to which grant funds are distributed shall—

''(A) expend grant funds in accordance with—

''(i) the guidance of the Environmental Protection Agency entitled '3Ts for Reducing Lead in Drinking Water in Schools: Revised Technical Guidance' and dated October 2006 (or any successor guidance); or

''(ii) applicable State regulations or guidance regarding reducing lead in drinking water in schools and child care programs that is not less stringent than the guidance referred to in clause (i); and

''(B)(i) make available in the administrative offices, and to the maximum extent practicable, on the Internet website, of the local educational agency for inspection by the public (including teachers, other school personnel, and parents) a copy of the results of any voluntary testing for lead contamination in school and child care program drinking water that is carried out with grant funds under this subsection; and

''(ii) notify parent, teacher, and employee organizations of the availability of the results described in clause (i).

''(6) MAINTENANCE OF EFFORT.—If resources are available to a State or local educational agency from any other Federal agency, a State, or a private foundation for testing for lead contamination in drinking water, the State or local educational agency shall demonstrate that the funds provided under this subsection will not displace those resources.

''(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $20,000,000 for each of fiscal years 2017 through 2021.''.

(b) REPEAL.—Section 1465 of the Safe Drinking Water Act (42 U.S.C. 300j–25) is repealed.

SEC. 7112. WATERSENSE PROGRAM.

The Safe Drinking Water Act (42 U.S.C. 300j et seq.) is amended by adding after Part F the following:

''PART G—ADDITIONAL PROVISIONS

''SEC. 1471. WATERSENSE PROGRAM.

''(a) ESTABLISHMENT OF WATERSENSE PROGRAM.—

''(1) IN GENERAL.—There is established within the Agency a voluntary WaterSense program to identify and promote water-efficient products, buildings, landscapes, facilities, processes, and services that, through voluntary labeling of, or other forms of communications regarding, products, buildings, landscapes, facilities, processes, and services while meeting strict performance criteria, sensibly—

''(A) reduce water use;

''(B) reduce the strain on public and community water systems and wastewater and stormwater infrastructure;

''(C) conserve energy used to pump, heat, transport, and treat water; and

''(D) preserve water resources for future generations.

''(2) INCLUSIONS.—The Administrator shall, consistent with this section, identify water-efficient products, buildings, landscapes, facilities, processes, and services, including categories such as—

''(A) irrigation technologies and services;

''(B) point-of-use water treatment devices;

''(C) plumbing products;

''(D) reuse and recycling technologies;

''(E) landscaping and gardening products, including moisture control or water enhancing technologies;

''(F) xeriscaping and other landscape conversions that reduce water use;

''(G) whole house humidifiers; and

''(H) water-efficient buildings or facilities.

''(b) DUTIES.—The Administrator, coordinating as appropriate with the Secretary of Energy, shall—

''(1) establish—

''(A) a WaterSense label to be used for items meeting the certification criteria established in accordance with this section; and

''(B) the procedure, including the methods and means, and criteria by which an item may be certified to display the WaterSense label;

''(2) enhance public awareness regarding the WaterSense label through outreach, education, and other means;

''(3) preserve the integrity of the WaterSense label by—

''(A) establishing and maintaining feasible performance criteria so that products, buildings, landscapes, facilities, processes, and services labeled with the WaterSense label perform as well or better than less water-efficient counterparts;

''(B) overseeing WaterSense certifications made by third parties;

''(C) as determined appropriate by the Administrator, using testing protocols, from

the appropriate, applicable, and relevant consensus standards, for the purpose of determining standards compliance; and

''(D) auditing the use of the WaterSense label in the marketplace and preventing cases of misuse; and

''(4) not more than 6 years after adoption or major revision of any WaterSense specification, review and, if appropriate, revise the specification to achieve additional water savings;

''(5) in revising a WaterSense specification—

''(A) provide reasonable notice to interested parties and the public of any changes, including effective dates, and an explanation of the changes;

''(B) solicit comments from interested parties and the public prior to any changes;

''(C) as appropriate, respond to comments submitted by interested parties and the public; and

''(D) provide an appropriate transition time prior to the applicable effective date of any changes, taking into account the timing necessary for the manufacture, marketing, training, and distribution of the specific water-efficient product, building, landscape, process, or service category being addressed; and

''(6) not later than December 31, 2018, consider for review and revision any WaterSense specification adopted before January 1, 2012.

''(c) TRANSPARENCY.—The Administrator shall, to the maximum extent practicable and not less than annually, regularly estimate and make available to the public the production and relative market shares and savings of water, energy, and capital costs of water, wastewater, and stormwater attributable to the use of WaterSense-labeled products, buildings, landscapes, facilities, processes, and services.

''(d) DISTINCTION OF AUTHORITIES.—In setting or maintaining specifications for Energy Star pursuant to section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a), and WaterSense under this section, the Secretary of Energy and Administrator shall coordinate to prevent duplicative or conflicting requirements among the respective programs.

''(e) NO WARRANTY.—A WaterSense label shall not create an express or implied warranty.''.

SEC. 7113. WATER SUPPLY COST SAVINGS.

(a) FINDINGS.—Congress finds that—

(1) the United States is facing a drinking water infrastructure funding crisis;

(2) the Environmental Protection Agency projects a shortfall of approximately $384,000,000,000 in funding for drinking water infrastructure from 2015 to 2035 and this funding challenge is particularly acute in rural communities in the United States;

(3) there are approximately 52,000 community water systems in the United States, of which nearly 42,000 are small community water systems;

(4) the Drinking Water Needs Survey conducted by the Environmental Protection Agency in 2011 placed the shortfall in drinking water infrastructure funding for small communities, which consist of 3,300 or fewer persons, at $64,500,000,000;

(5) small communities often cannot finance the construction and maintenance of drinking water systems because the cost per resident for the investment would be prohibitively expensive;

(6) drought conditions have placed significant strains on existing surface water supplies;

(7) many communities across the United States are considering the use of groundwater and community well systems to provide drinking water; and

(8) approximately 42,000,000 people in the United States receive drinking water from individual wells and millions more rely on community well systems for drinking water.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that providing rural communities with the knowledge and resources necessary to fully use alternative drinking water systems, including wells and community well systems, can provide safe and affordable drinking water to millions of people in the United States.

(c) DRINKING WATER TECHNOLOGY CLEARINGHOUSE.—The Administrator and the Secretary of Agriculture shall—

(1) update existing programs of the Environmental Protection Agency and the Department of Agriculture designed to provide drinking water technical assistance to include information on cost-effective, innovative, and alternative drinking water delivery systems, including systems that are supported by wells; and

(2) disseminate information on the cost effectiveness of alternative drinking water delivery systems, including wells and well systems, to communities and not-for-profit organizations seeking Federal funding for drinking water systems serving 500 or fewer persons.

(d) WATER SYSTEM ASSESSMENT.—Notwithstanding any other provision of law, in any application for a grant or loan from the Federal Government or a State that is using Federal assistance for a drinking water system serving 500 or fewer persons, a unit of local government or not-for-profit organization shall self-certify that the unit of local government or organization has considered, as an alternative drinking water supply, drinking water delivery systems sourced by publicly owned—

(1) individual wells;

(2) shared wells; and

(3) community wells.

(e) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this Act, the Administrator and the Secretary of Agriculture shall submit to Congress a report that describes—

(1) the use of innovative and alternative drinking water systems described in this section;

(2) the range of cost savings for communities using innovative and alternative drinking water systems described in this section; and

(3) the use of drinking water technical assistance programs operated by the Administrator and the Secretary of Agriculture.

SEC. 7114. SMALL SYSTEM TECHNICAL ASSISTANCE.

Section 1452(q) of the Safe Drinking Water Act (42 U.S.C. 300j–12(q)) is amended by striking ''appropriated'' and all that follows through ''2003'' and inserting ''made available for each of fiscal years 2016 through 2021''.

SEC. 7115. DEFINITION OF INDIAN TRIBE.

Section 1401(14) of the Safe Drinking Water Act (42 U.S.C. 300(f)(14)) is amended by striking ''section 1452'' and inserting ''sections 1452, 1459A, and 1459B''.

SEC. 7116. TECHNICAL ASSISTANCE FOR TRIBAL WATER SYSTEMS.

(a) TECHNICAL ASSISTANCE.—Section 1442(e)(7) of the Safe Drinking Water Act (42 U.S.C. 300j–1(e)(7)) is amended by striking ''Tribes'' and inserting ''tribes, including grants to provide training and operator certification services under section 1452(i)(5)''.

(b) INDIAN TRIBES.—Section 1452(i) of the Safe Drinking Water Act (42 U.S.C. 300j–12(i)) is amended—

(1) in paragraph (1), in the first sentence, by striking ''Tribes and Alaska Native villages'' and inserting ''tribes, Alaska Native villages, and, for the purpose of carrying out paragraph (5), intertribal consortia or tribal organizations''; and

(2) by adding at the end the following:

''(5) TRAINING AND OPERATOR CERTIFICATION.—

''(A) IN GENERAL.—The Administrator may use funds made available under this subsection and section 1442(e)(7) to make grants to intertribal consortia or tribal organizations for the purpose of providing operations and maintenance training and operator certification services to Indian tribes.

''(B) ELIGIBLE TRIBAL ORGANIZATIONS.—An intertribal consortium or tribal organization eligible for a grant under subparagraph (A) is an intertribal consortium or tribal organization that—

''(i) is the most qualified to provide training and technical assistance to Indian tribes; and

''(ii) Indian tribes determine to be the most beneficial and effective.''.

SEC. 7117. REQUIREMENT FOR THE USE OF AMERICAN MATERIALS.

Section 1452(a) of the Safe Drinking Water Act (42 U.S.C. 300j–12(a)) is amended by adding at the end the following:

''(4) REQUIREMENT FOR THE USE OF AMERICAN MATERIALS.—

''(A) DEFINITION OF IRON AND STEEL PRODUCTS.—In this paragraph, the term 'iron and steel products' means the following products made, in part, of iron or steel:

''(i) Lined or unlined pipe and fittings.

''(ii) Manhole covers and other municipal castings.

''(iii) Hydrants.

''(iv) Tanks.

''(v) Flanges.

''(vi) Pipe clamps and restraints.

''(vii) Valves.

''(viii) Structural steel.

''(ix) Reinforced precast concrete.

''(x) Construction materials.

''(B) REQUIREMENT.—Except as provided in subparagraph (C), funds made available by a State loan fund authorized under this section may not be used for a project for the construction, alteration, maintenance, or repair of a public water system unless all the iron and steel products used in the project are produced in the United States.

''(C) EXCEPTION.—Subparagraph (B) shall not apply in any case or category of cases in which the Administrator finds that—

''(i) applying subparagraph (B) would be inconsistent with the public interest;

''(ii) iron and steel products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

''(iii) inclusion of iron and steel products produced in the United States will increase the cost of the overall product by more than 25 percent.

''(D) PUBLIC NOTICE; WRITTEN JUSTIFICATION.—

''(i) PUBLIC NOTICE.—If the Administrator receives a request for a waiver under this paragraph, the Administrator shall—

''(I) make available to the public on an informal basis, including on the public website of the Administrator—

''(aa) a copy of the request; and

''(bb) any information available to the Administrator regarding the request; and

''(II) provide notice of, and opportunity for informal public comment on, the request for a period of not less than 15 days before making a finding under subparagraph (C).

''(ii) WRITTEN JUSTIFICATION.—If, after the period provided under clause (i), the Administrator makes a finding under subparagraph (C), the Administrator shall publish in the Federal Register a written justification as to why subparagraph (B) is being waived.

''(E) APPLICATION.—This paragraph shall be applied in a manner consistent with United States obligations under international agreements.

''(F) MANAGEMENT AND OVERSIGHT.—The Administrator may use not more than 0.25 percent of any funds made available to carry out this title for management and oversight of the requirements of this paragraph.''.

Subtitle B—Clean Water

SEC. 7201. SEWER OVERFLOW CONTROL GRANTS.

Section 221 of the Federal Water Pollution Control Act (33 U.S.C. 1301) is amended—

(1) in subsection (a), by striking the subsection designation and heading and all that follows through ''subject to subsection (g), the Administrator may'' in paragraph (2) and inserting the following:

''(a) AUTHORITY.—The Administrator may—

''(1) make grants to States for the purpose of providing grants to a municipality or municipal entity for planning, designing, and constructing—

''(A) treatment works to intercept, transport, control, or treat municipal combined sewer overflows and sanitary sewer overflows; and

''(B) measures to manage, reduce, treat, or recapture stormwater or subsurface drainage water; and

''(2) subject to subsection (g),'';

(2) in subsection (b)—

(A) in paragraph (1), by striking the semicolon at the end and inserting ''; or'';

(B) by striking paragraphs (2) and (3); and

(C) by redesignating paragraph (4) as paragraph (2);

(3) by striking subsections (e) through (g) and inserting the following:

''(e) ADMINISTRATIVE REQUIREMENTS.—

''(1) IN GENERAL.—Subject to paragraph (2), a project that receives grant assistance under subsection (a) shall be carried out subject to the same requirements as a project that receives assistance from a State water pollution control revolving fund established pursuant to title VI.

''(2) DETERMINATION OF GOVERNOR.—The requirement described in paragraph (1) shall not apply to a project that receives grant assistance under subsection (a) to the extent that the Governor of the State in which the project is located determines that a requirement described in title VI is inconsistent with the purposes of this section.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, to remain available until expended—

''(1) $250,000,000 for fiscal year 2017;

''(2) $300,000,000 for fiscal year 2018;

''(3) $350,000,000 for fiscal year 2019;

''(4) $400,000,000 for fiscal year 2020; and

''(5) $500,000,000 for fiscal year 2021.

''(g) ALLOCATION OF FUNDS.—

''(1) FISCAL YEAR 2017 AND 2018.—For each of fiscal years 2017 and 2018, subject to subsection (h), the Administrator shall use the amounts made available to carry out this section to provide grants to municipalities and municipal entities under subsection (a)(2)—

''(A) in accordance with the priority criteria described in subsection (b); and

''(B) with additional priority given to proposed projects that involve the use of—

''(i) nonstructural, low-impact development;

''(ii) water conservation, efficiency, or reuse; or

''(iii) other decentralized stormwater or wastewater approaches to minimize flows into the sewer systems.

''(2) FISCAL YEAR 2019 AND THEREAFTER.—For fiscal year 2019 and each fiscal year thereafter, subject to subsection (h), the Administrator shall use the amounts made available to carry out this section to provide grants to States under subsection (a)(1) in accordance with a formula that—

''(A) shall be established by the Administrator, after providing notice and an opportunity for public comment; and

''(B) allocates to each State a proportional share of the amounts based on the total needs of the State for municipal combined sewer overflow controls and sanitary sewer overflow controls, as identified in the most recent survey—

''(i) conducted under section 210; and

''(ii) included in a report required under section 516(b)(1)(B).''; and

(4) by striking subsection (i).

SEC. 7202. SMALL AND MEDIUM TREATMENT WORKS.

(a) IN GENERAL.—Title II of the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.) is amended by adding at the end the following:

''SEC. 222. TECHNICAL ASSISTANCE FOR SMALL AND MEDIUM TREATMENT WORKS.

''(a) DEFINITIONS.—In this section:

''(1) MEDIUM TREATMENT WORKS.—The term 'medium treatment works' means a publicly owned treatment works serving not fewer than 10,001 and not more than 100,000 individuals.

''(2) QUALIFIED NONPROFIT MEDIUM TREATMENT WORKS TECHNICAL ASSISTANCE PROVIDER.—The term 'qualified nonprofit medium treatment works technical assistance provider' means a qualified nonprofit technical assistance provider of water and wastewater services to medium-sized communities that provides technical assistance (including circuit rider technical assistance programs, multi-State, regional assistance programs, and training and preliminary engineering evaluations) to owners and operators of medium treatment works, which may include State agencies.

''(3) QUALIFIED NONPROFIT SMALL TREATMENT WORKS TECHNICAL ASSISTANCE PROVIDER.—The term 'qualified nonprofit small treatment works technical assistance provider' means a nonprofit organization that, as determined by the Administrator—

''(A) is the most qualified and experienced in providing training and technical assistance to small treatment works; and

''(B) the small treatment works in the State finds to be the most beneficial and effective.

''(4) SMALL TREATMENT WORKS.—The term 'small treatment works' means a publicly owned treatment works serving not more than 10,000 individuals.

''(b) TECHNICAL ASSISTANCE.—The Administrator may use amounts made available to carry out this section to provide grants or cooperative agreements to qualified nonprofit small treatment works technical assistance providers and grants or cooperative agreements to qualified nonprofit medium treatment works technical assistance providers to provide to owners and operators of small and medium treatment works onsite technical assistance, circuit-rider technical assistance programs, multi-State, regional technical assistance programs, and onsite and regional training, to assist the treatment works in achieving compliance with this Act or obtaining financing under this Act for eligible projects.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) for grants for small treatment works technical assistance, $15,000,000 for each of fiscal years 2017 through 2021; and

''(2) for grants for medium treatment works technical assistance, $10,000,000 for each of fiscal years 2017 through 2021.''.

(b) WATER POLLUTION CONTROL REVOLVING LOAN FUNDS.—

(1) IN GENERAL.—Section 603 of the Federal Water Pollution Control Act (33 U.S.C. 1383) is amended—

(A) in subsection (d)—

(i) in the matter preceding paragraph (1), by inserting ''and as provided in subsection (e)'' after ''State law'';

(ii) by redesignating subsections (e) through (i) as subsections (f) through (j), respectively; and

(iii) by inserting after subsection (d) the following:

''(e) ADDITIONAL USE OF FUNDS.—A State may use an additional 2 percent of the funds annually allotted to the State under this section for qualified nonprofit small treatment works technical assistance providers and qualified nonprofit medium treatment works technical assistance providers (as those terms are defined in section 222) to provide technical assistance to small treatment works and medium treatment works (as those terms are defined in section 222) in the State.''.

(2) CONFORMING AMENDMENT.—Section 221(d) of the Federal Water Pollution Control Act (33 U.S.C. 1301(d)) is amended by striking ''section 603(h)'' and inserting ''section 603(i)''.

SEC. 7203. INTEGRATED PLANS.

(a) INTEGRATED PLANS.—Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

''(s) INTEGRATED PLAN PERMITS.—

''(1) DEFINITIONS.—In this subsection:

''(A) GREEN INFRASTRUCTURE.—The term 'green infrastructure' means the range of measures that use plant or soil systems, permeable pavement or other permeable surfaces or substrates, stormwater harvest and reuse, or landscaping to store, infiltrate, or evapotranspirate stormwater and reduce flows to sewer systems or to surface waters.

''(B) INTEGRATED PLAN.—The term 'integrated plan' has the meaning given in Part III of the Integrated Municipal Stormwater and Wastewater Planning Approach Framework, issued by the Environmental Protection Agency and dated June 5, 2012.

''(C) MUNICIPAL DISCHARGE.—

''(i) IN GENERAL.—The term 'municipal discharge' means a discharge from a treatment works (as defined in section 212) or a discharge from a municipal storm sewer under subsection(p).

''(ii) INCLUSION.—The term 'municipal discharge' includes a discharge of wastewater or storm water collected from multiple municipalities if the discharge is covered by the same permit issued under this section.

''(2) INTEGRATED PLAN.—

''(A) IN GENERAL.—The Administrator (or a State, in the case of a permit program approved under subsection (b)) shall inform a municipal permittee or multiple municipal permittees of the opportunity to develop an integrated plan.

''(B) SCOPE OF PERMIT INCORPORATING INTEGRATED PLAN.—A permit issued under this subsection that incorporates an integrated plan may integrate all requirements under this Act addressed in the integrated plan, including requirements relating to—

''(i) a combined sewer overflow;

''(ii) a capacity, management, operation, and maintenance program for sanitary sewer collection systems;

''(iii) a municipal stormwater discharge;

''(iv) a municipal wastewater discharge; and

''(v) a water quality-based effluent limitation to implement an applicable wasteload allocation in a total maximum daily load.

''(3) COMPLIANCE SCHEDULES.—

''(A) IN GENERAL.—A permit for a municipal discharge by a municipality that incorporates an integrated plan may include a schedule of compliance, under which actions taken to meet any applicable water quality-based effluent limitation may be implemented over more than 1 permit term if the compliance schedules are authorized by State water quality standards.

''(B) INCLUSION.—Actions subject to a compliance schedule under subparagraph (A) may include green infrastructure if implemented as part of a water quality-based effluent limitation.

''(C) REVIEW.—A schedule of compliance may be reviewed each time the permit is renewed.

''(4) EXISTING AUTHORITIES RETAINED.—

''(A) APPLICABLE STANDARDS.—Nothing in this subsection modifies any obligation to comply with applicable technology and water quality-based effluent limitations under this Act.

''(B) FLEXIBILITY.—Nothing in this subsection reduces or eliminates any flexibility available under this Act, including the authority of—

''(i) a State to revise a water quality standard after a use attainability analysis under section 131.10(g) of title 40, Code of Federal Regulations (as in effect on the date of enactment of this subsection), subject to the approval of the Administrator under section 303(c); and

''(ii) the Administrator or a State to authorize a schedule of compliance that extends beyond the date of expiration of a permit term if the schedule of compliance meets the requirements of section 122.47 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this subsection).

''(5) CLARIFICATION OF STATE AUTHORITY.—

''(A) IN GENERAL.—Nothing in section 301(b)(1)(C) precludes a State from authorizing in the water quality standards of the State the issuance of a schedule of compliance to meet water quality-based effluent limitations in permits that incorporate provisions of an integrated plan.

''(B) TRANSITION RULE.—In any case in which a discharge is subject to a judicial order or consent decree as of the date of enactment of the Water Resources Development Act of 2016 resolving an enforcement action under this Act, any schedule of compliance issued pursuant to an authorization in a State water quality standard shall not revise or otherwise affect a schedule of compliance in that order or decree unless the order or decree is modified by agreement of the parties and the court.''.

(b) MUNICIPAL OMBUDSMAN.—

(1) ESTABLISHMENT.—There is established within the Office of the Administrator an Office of the Municipal Ombudsman.

(2) GENERAL DUTIES.—The duties of the municipal ombudsman shall include the provision of—

(A) technical assistance to municipalities seeking to comply with the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) and the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

(B) information to the Administrator to help the Administrator ensure that agency policies are implemented by all offices of the Environmental Protection Agency, including regional offices.

(3) ACTIONS REQUIRED.—The municipal ombudsman shall work with appropriate offices at the headquarters and regional offices of the Environmental Protection Agency to ensure that the municipality seeking assistance is provided information—

(A) about available Federal financial assistance for which the municipality is eligible;

(B) about flexibility available under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) and, if applicable, the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

(C) regarding the opportunity to develop an integrated plan, as defined in section 402(s)(1)(B) of the Federal Water Pollution Control Act (as added by subsection (a)).

(4) PRIORITY.—In carrying out paragraph (3), the municipal ombudsman shall give priority to any municipality that demonstrates affordability concerns relating to compliance with the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) or the Safe Drinking Water Act (42 U.S.C. 300f et seq.).

(5) INFORMATION SHARING.—The municipal ombudsman shall publish on the website of the Environmental Protection Agency—

(A) general information relating to—

(i) the technical assistance referred to in paragraph (2)(A);

(ii) the financial assistance referred to in paragraph (3)(A);

(iii) the flexibility referred to in paragraph 3(B); and

(iv) any resources related to integrated plans developed by the Administrator; and

(B) a copy of each permit, order, or judicial consent decree that implements or incorporates an integrated plan.

(c) MUNICIPAL ENFORCEMENT.—Section 309 of the Federal Water Pollution Control Act (33 U.S.C. 1319) is amended by adding at the end the following:

''(h) IMPLEMENTATION OF INTEGRATED PLANS THROUGH ENFORCEMENT TOOLS.—

''(1) IN GENERAL.—In conjunction with an enforcement action under subsection (a) or (b) relating to municipal discharges, the Administrator shall inform a municipality of the opportunity to develop an integrated plan, as defined in section 402(s).

''(2) MODIFICATION.—Any municipality under an administrative order under subsection (a) or settlement agreement (including a judicial consent decree) under subsection (b) that has developed an integrated plan consistent with section 402(s) may request a modification of the administrative order or settlement agreement based on that integrated plan.''.

(d) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available a report on each integrated plan developed and implemented through a permit, order, or judicial consent decree since the date of publication of the ''Integrated Municipal Stormwater and Wastewater Planning Approach Framework'' issued by the Environmental Protection Agency and dated June 5, 2012, including a description of the control measures, levels of control, estimated costs, and compliance schedules for the requirements implemented through an integrated plan.

SEC. 7204. GREEN INFRASTRUCTURE PROMOTION.

Title V of the Federal Water Pollution Control Act (33 U.S.C. 1361 et seq.) is amended—

(1) by redesignating section 519 (33 U.S.C. 1251 note) as section 520; and

(2) by inserting after section 518 (33 U.S.C. 1377) the following:

''SEC. 519. ENVIRONMENTAL PROTECTION AGENCY GREEN INFRASTRUCTURE PROMOTION.

''(a) IN GENERAL.—The Administrator shall ensure that the Office of Water, the Office of Enforcement and Compliance Assurance, the Office of Research and Development, and the Office of Policy of the Environmental Protection Agency promote the use of green infrastructure in and coordinate the integration of green infrastructure into, permitting programs, planning efforts, research, technical assistance, and funding guidance.

''(b) DUTIES.—The Administrator shall ensure that the Office of Water—

''(1) promotes the use of green infrastructure in the programs of the Environmental Protection Agency; and

''(2) coordinates efforts to increase the use of green infrastructure with—

''(A) other Federal departments and agencies;

''(B) State, tribal, and local governments; and

''(C) the private sector.

''(c) REGIONAL GREEN INFRASTRUCTURE PROMOTION.—The Administrator shall direct each regional office of the Environmental Protection Agency, as appropriate based on local factors, and consistent with the requirements of this Act, to promote and integrate the use of green infrastructure within the region that includes—

''(1) outreach and training regarding green infrastructure implementation for State, tribal, and local governments, tribal communities, and the private sector; and

''(2) the incorporation of green infrastructure into permitting and other regulatory programs, codes, and ordinance development, including the requirements under consent decrees and settlement agreements in enforcement actions.

''(d) GREEN INFRASTRUCTURE INFORMATION-SHARING.—The Administrator shall promote green infrastructure information-sharing, including through an Internet website, to share information with, and provide technical assistance to, State, tribal, and local governments, tribal communities, the private sector, and the public regarding green infrastructure approaches for—

''(1) reducing water pollution;

''(2) protecting water resources;

''(3) complying with regulatory requirements; and

''(4) achieving other environmental, public health, and community goals.''.

SEC. 7205. FINANCIAL CAPABILITY GUIDANCE.

(a) DEFINITIONS.—In this section:

(1) AFFORDABILITY.—The term ''affordability'' means, with respect to payment of a utility bill, a measure of whether an individual customer or household can pay the bill without undue hardship or unreasonable sacrifice in the essential lifestyle or spending patterns of the individual or household, as determined by the Administrator.

(2) FINANCIAL CAPABILITY.—The term ''financial capability'' means the financial capability of a community to make investments necessary to make water quality or drinking water improvements.

(3) GUIDANCE.—The term ''guidance'' means the guidance published by the Administrator entitled ''Combined Sewer Overflows—Guidance for Financial Capability Assessment and Schedule Development'' and dated February 1997, as applicable to the combined sewer overflows and sanitary sewer overflows guidance published by the Administrator entitled ''Financial Capability Assessment Framework'' and dated November 24, 2014.

(b) USE OF MEDIAN HOUSEHOLD INCOME.—The Administrator shall not use median household income as the sole indicator of affordability for a residential household.

(c) REVISED GUIDANCE.—

(1) IN GENERAL.—Not later than 1 year after the date of completion of the National Academy of Public Administration study to establish a definition and framework for community affordability required by Senate Report 114–70, accompanying S. 1645 (114th Congress), the Administrator shall revise the guidance described in subsection (a)(3).

(2) USE OF GUIDANCE.—Beginning on the date on which the revised guidance referred to in paragraph (1) is finalized, the Administrator shall use the revised guidance in lieu of the guidance described in subsection (a)(3).

(d) CONSIDERATION AND CONSULTATION.—

(1) CONSIDERATION.—In revising the guidance, the Administrator shall consider—

(A) the recommendations of the study referred to in subsection (c) and any other relevant study, as determined by the Administrator;

(B) local economic conditions, including site-specific local conditions that should be taken into consideration in analyzing financial capability;

(C) other essential community investments;

(D) potential adverse impacts on distressed populations, including the percentage of low-income ratepayers within the service area of a utility and impacts in communities with disparate economic conditions throughout the entire service area of a utility;

(E) the degree to which rates of low-income consumers would be affected by water infrastructure investments and the use of rate structures to address the rates of low-income consumers;

(F) an evaluation of an array of factors, the relative importance of which may vary across regions and localities; and

(G) the appropriate weight for economic, public health, and environmental benefits associated with improved water quality.

(2) CONSULTATION.—Any revised guidance issued to replace the guidance shall be developed in consultation with stakeholders.

(e) PUBLICATION AND SUBMISSION.—

(1) IN GENERAL.—On completion of the revision of the guidance, the Administrator shall publish in the Federal Register and submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the revised guidance.

(2) EXPLANATION.—If the Administrator makes a determination not to follow 1 or more recommendations of the study referred to in subsection (c)(1), the Administrator shall include in the publication and submission under paragraph (1) an explanation of that decision.

(f) EFFECT.—Nothing in this section preempts or interferes with any obligation to comply with any Federal law, including the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

SEC. 7206. CHESAPEAKE BAY GRASS SURVEY.

There is authorized to be appropriated to the Administrator for the Chesapeake Bay Grass Survey $150,000 for fiscal year 2017 and each fiscal year thereafter.

SEC. 7207. GREAT LAKES HARMFUL ALGAL BLOOM COORDINATOR.

The Administrator, acting as the chair of the Great Lakes Interagency Task Force, shall appoint a coordinator to work with appropriate Federal agencies and State, local, tribal, and foreign governments to coordinate efforts to address the issue of harmful algal blooms in the Great Lakes.

Subtitle C—Innovative Financing and Promotion of Innovative Technologies

SEC. 7301. WATER INFRASTRUCTURE PUBLIC-PRIVATE PARTNERSHIP PILOT PROGRAM.

Section 5014(c) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2201 note; Public Law 113–121) is amended by striking ''Any activity undertaken under this section is authorized only to the extent'' and inserting ''Nothing in this section obligates the Secretary to expend funds unless''.

SEC. 7302. WATER INFRASTRUCTURE FINANCE AND INNOVATION.

(a) AUTHORITY TO PROVIDE ASSISTANCE.—Section 5023(b)(2) of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3902(b)(2)) is amended by striking ''carry out'' and inserting ''provide financial assistance to carry out''.

(b) PROJECTS ELIGIBLE FOR ASSISTANCE.—

(1) IN GENERAL.—Section 5026 of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3905) is amended—

(A) in paragraph (6)—

(i) by striking ''desalination project'' and inserting ''desalination project, including chloride control''; and

(ii) by striking ''or a water recycling project'' and inserting ''a water recycling project, or a project to provide alternative water supplies to reduce aquifer depletion'';

(B) by redesignating paragraphs (7), (8), and (9) as paragraphs (8), (9), and (10), respectively;

(C) by inserting after paragraph (6) the following:

''(7) A project to prevent, reduce, or mitigate the effects of drought, including projects that enhance the resilience of drought-stricken watersheds.''; and

(D) in paragraph (10) (as redesignated by subparagraph (B)), by striking ''or (7)'' and inserting ''(7), or (8)''.

(2) CONFORMING AMENDMENTS.—

(A) Section 5023(b) of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3902(b)) is amended—

(i) in paragraph (2), by striking ''and (8)'' and inserting ''(7), and (9)''; and

(ii) in paragraph (3), by striking ''paragraph (7) or (9)'' and inserting ''paragraph (8) or (10)''.

(B) Section 5024(b) of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3903(b)) is amended by striking ''paragraph (8) or (9)'' and inserting ''paragraph (9) or (10)''.

(C) Section 5027(3) of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3906(3)) is amended by striking ''section 5026(7)'' and inserting ''section 5026(8)''.

(D) Section 5028 of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3907) is amended—

(i) in subsection (a)(1)(E)—

(I) by striking ''section 5026(9)'' and inserting ''section 5026(10)''; and

(II) by striking ''section 5026(8)'' and inserting ''section 5026(9)''; and

(ii) in subsection (b)(3), by striking ''section 5026(8)'' and inserting ''section 5026(9)''.

(c) DETERMINATION OF ELIGIBILITY AND PROJECT SELECTION.—Section 5028(b)(2)(F) of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3907(b)(2)(F)) is amended—

(1) in clause (i), by striking ''or'' at the end; and

(2) by striking clause (ii) and inserting the following:

''(ii) helps maintain or protect the environment;

''(iii) resists hazards due to a natural disaster;

''(iv) continues to serve the primary function of the water resources infrastructure project following a natural disaster;

''(v) reduces the magnitude or duration of a disruptive event to a water resources infrastructure project; or

''(vi) has the absorptive, adaptive, and recoverable capacities to withstand a potentially disruptive event.''.

(d) TERMS AND CONDITIONS.—Section 5029(b) of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3908(b)) is amended—

(1) in paragraph (7)—

(A) by striking ''The Secretary'' and inserting the following:

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary''; and

(B) by adding at the end the following:

''(B) FINANCING FEES.—On request of an eligible entity, the Secretary or the Administrator, as applicable, shall allow the fees under subparagraph (A) to be financed as part of the loan.''; and

(2) by adding at the end the following:

''(10) CREDIT.—Any eligible project costs incurred and the value of any integral in-kind contributions made before receipt of assistance under this subtitle shall be credited toward the 51 percent of project costs to be provided by sources of funding other than a secured loan under this subtitle (as described in paragraph (2)(A).''.

(e) REMOVAL OF PILOT DESIGNATION.—

(1) Subtitle C of title V of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 3901 et seq.) is amended by striking the subtitle designation and heading and inserting the following:

''Subtitle C—Innovative Financing Projects''.

(2) Section 5023 of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3092) is amended by striking ''pilot'' each place it appears.

(3) Section 5034 of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3913) is amended by striking the section designation and heading and inserting the following:

''SEC. 5034. REPORTS ON PROGRAM IMPLEMENTATION.''.

(4) The table of contents for the Water Resources Reform and Development Act of 2014 (Public Law 113–121) is amended—

(A) by striking the item relating to subtitle C of title V and inserting the following:

''Subtitle C—Innovative Financing Projects''.; and

(B) by striking the item relating to section 5034 and inserting the following:

''Sec. 5034. Reports on program implementation.''.

(f) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) appropriations made available to carry out the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.) should be in addition to robust funding for the State water pollution control revolving funds established under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) and State drinking water treatment revolving loan funds established under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12); and

(2) the appropriations made available for the funds referred to in paragraph (1) should not decrease for any fiscal year.

SEC. 7303. WATER INFRASTRUCTURE INVESTMENT TRUST FUND.

(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the ''Water Infrastructure Investment Trust Fund'' (referred to in this section as the ''Fund''), consisting of such amounts as may be appropriated to or deposited in such fund as provided in this section.

(b) TRANSFERS TO TRUST FUND.—The Secretary of the Treasury (referred to in this section as the ''Secretary'') shall deposit in the Fund amounts equal to the fees received before January 1, 2022, under subsection (f)(2).

(c) EXPENDITURES.—Amounts in the Fund, including interest earned and advances to the Fund and proceeds from investment under subsection (d), shall be available for expenditure, without further appropriation, as follows:

(1) 50 percent of the amounts shall be available to the Administrator for making capitalization grants under section 601 of the Federal Water Pollution Control Act (33 U.S.C. 1381).

(2) 50 percent of the amounts shall be available to the Administrator for making capitalization grants under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12).

(d) INVESTMENT.—Amounts in the Fund shall be invested in accordance with section 9702 of title 31, United States Code, and any interest on, and proceeds from, any such investment shall be available for expenditure in accordance with this section.

(e) LIMITATION ON EXPENDITURES.—Amounts in the Fund may not be made available for a fiscal year under subsection (c) unless the sum of the funds appropriated to the Clean Water State Revolving Fund and the Safe Drinking Water State Revolving Fund through annual capitalization grants is not less than the average of the sum of the annual amounts provided in capitalization grants under section 601 of the Federal Water Pollution Control Act (33 U.S.C. 1381) and section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12) for the 5-fiscal-year period immediately preceding such fiscal year.

(f) VOLUNTARY LABELING SYSTEM.—

(1) IN GENERAL.—The Administrator, in consultation with the Administrator of the Food and Drug Administration, manufacturers, producers, and importers, shall develop and implement a program under which the Administrator provides a label designed in consultation with manufacturers, producers, and importers suitable for placement on products to inform consumers that the manufacturer, producer, or importer of the product, and other stakeholders, participates in the Fund.

(2) FEE.—The Administrator shall provide a label for a fee of 3 cents per unit.

(g) EPA STUDY ON WATER PRICING.—

(1) STUDY.—The Administrator, with participation by the States, shall conduct a study to—

(A) assess the affordability gap faced by low-income populations located in urban and rural areas in obtaining services from clean water and drinking water systems; and

(B) analyze options for programs to provide incentives for rate adjustments at the local level to achieve ''full cost'' or ''true value'' pricing for such services, while protecting low-income ratepayers from undue burden.

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on the Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives a report on the results of the study.

SEC. 7304. INNOVATIVE WATER TECHNOLOGY GRANT PROGRAM.

(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term ''eligible entity'' means—

(1) a public utility, including publicly owned treatment works and clean water systems;

(2) a unit of local government, including a municipality or a joint powers authority;

(3) a private entity, including a farmer or manufacturer;

(4) an institution of higher education;

(5) a research institution or foundation;

(6) a State;

(7) a regional organization; or

(8) a nonprofit organization.

(b) GRANT PROGRAM AUTHORIZED.—The Administrator shall carry out a grant program for purposes described in subsection (c) to accelerate the development of innovative water technologies that address pressing water challenges.

(c) GRANTS.—In carrying out the program under subsection (b), the Administrator shall make to eligible entities grants that—

(1) finance projects to develop, deploy, test, and improve emerging water technologies;

(2) fund entities that provide technical assistance to deploy innovative water technologies more broadly, especially—

(A) to increase adoption of innovative water technologies in—

(i) municipal drinking water and wastewater treatment systems;

(ii) areas served by private wells; or

(iii) water supply systems in arid areas that are experiencing, or have recently experienced, prolonged drought conditions; and

(B) in a manner that reduces ratepayer or community costs over time, including the cost of future capital investments; or

(3) support technologies that, as determined by the Administrator—

(A) improve water quality of a water source;

(B) improve the safety and security of a drinking water delivery system;

(C) minimize contamination of drinking water and drinking water sources, including contamination by lead, bacteria, chlorides, and nitrates;

(D) improve the quality and timeliness and decrease the cost of drinking water quality tests, especially technologies that can be deployed within water systems and at individual faucets to provide accurate real-time tests of water quality, especially with respect to lead, bacteria, and nitrate content;

(E) increase water supplies in arid areas that are experiencing, or have recently experienced, prolonged drought conditions;

(F) treat edge-of-field runoff to improve water quality;

(G) treat agricultural, municipal, and industrial wastewater;

(H) recycle or reuse water;

(I) manage urban storm water runoff;

(J) reduce sewer or stormwater overflows;

(K) conserve water;

(L) improve water quality by reducing salinity;

(M) mitigate air quality impacts associated with declining water resources;

(N) address treatment byproduct and brine disposal alternatives; or

(O) address urgent water quality and human health needs.

(d) PRIORITY FUNDING.—In making grants under this section, the Administrator shall give priority to projects that have the potential—

(1) to provide substantial cost savings across a sector;

(2) to significantly improve human health or the environment; or

(3) to provide additional water supplies with minimal environmental impact.

(e) COST-SHARING.—The Federal share of the cost of activities carried out using a grant made under this section shall be not more than 65 percent.

(f) LIMITATION.—The maximum amount of a grant provided to a project under this section shall be $5,000,000.

(g) REPORT.—Each year, the Administrator shall submit to Congress and make publicly available on the website of the Administrator a report that describes any advancements during the previous year in development of innovative water technologies made as a result of funding provided under this section.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for each fiscal year.

(i) FUNDING.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Administrator to provide grants to eligible entities under this section $10,000,000, to remain available until expended.

SEC. 7305. WATER RESOURCES RESEARCH ACT AMENDMENTS.

(a) CONGRESSIONAL FINDINGS AND DECLARATIONS.—Section 102 of the Water Resources Research Act of 1984 (42 U.S.C. 10301) is amended—

(1) by redesignating paragraphs (7) through (9) as paragraphs (8) through (10), respectively;

(2) in paragraph (8) (as so redesignated), by striking ''and'' at the end; and

(3) by inserting after paragraph (6) the following:

''(7) additional research is required to increase the effectiveness and efficiency of new and existing treatment works through alternative approaches, including—

''(A) nonstructural alternatives;

''(B) decentralized approaches;

''(C) water use efficiency and conservation; and

''(D) actions to reduce energy consumption or extract energy from wastewater;''.

(b) WATER RESOURCES RESEARCH AND TECHNOLOGY INSTITUTES.—Section 104 of the Water Resources Research Act of 1984 (42 U.S.C. 10303) is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (B)(ii), by striking ''water-related phenomena'' and inserting ''water resources''; and

(B) in subparagraph (D), by striking the period at the end and inserting ''; and'';

(2) in subsection (c)—

(A) by striking ''From the'' and inserting the following:

''(1) IN GENERAL.—From the''; and

(B) by adding at the end the following:

''(2) REPORT.—Not later than December 31 of each fiscal year, the Secretary shall submit to the Committee on Environment and Public Works of the Senate, the Committee on the Budget of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on the Budget of the House of Representatives a report regarding the compliance of each funding recipient with this subsection for the immediately preceding fiscal year.'';

(3) by striking subsection (e) and inserting the following:

''(e) EVALUATION OF WATER RESOURCES RESEARCH PROGRAM.—

''(1) IN GENERAL.—The Secretary shall conduct a careful and detailed evaluation of each institute at least once every 3 years to determine—

''(A) the quality and relevance of the water resources research of the institute;

''(B) the effectiveness of the institute at producing measured results and applied water supply research; and

''(C) whether the effectiveness of the institute as an institution for planning, conducting, and arranging for research warrants continued support under this section.

''(2) PROHIBITION ON FURTHER SUPPORT.—If, as a result of an evaluation under paragraph (1), the Secretary determines that an institute does not qualify for further support under this section, no further grants to the institute may be provided until the qualifications of the institute are reestablished to the satisfaction of the Secretary.'';

(4) in subsection (f)(1), by striking ''$12,000,000 for each of fiscal years 2007 through 2011'' and inserting ''$7,500,000 for each of fiscal years 2017 through 2021''; and

(5) in subsection (g)(1), in the first sentence, by striking ''$6,000,000 for each of fiscal years 2007 through 2011'' and inserting ''$1,500,000 for each of fiscal years 2017 through 2021''.

SEC. 7306. REAUTHORIZATION OF WATER DESALINATION ACT OF 1996.

(a) AUTHORIZATION OF RESEARCH AND STUDIES.—Section 3 of the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104–298) is amended—

(1) in subsection (a)—

(A) in paragraph (6), by striking ''and'' at the end;

(B) in paragraph (7), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(8) development of metrics to analyze the costs and benefits of desalination relative to other sources of water (including costs and benefits related to associated infrastructure, energy use, environmental impacts, and diversification of water supplies); and

''(9) development of design and siting specifications that avoid, minimize, or offset adverse social, economic, and environmental impacts.''; and

(2) by adding at the end the following:

''(e) PRIORITIZATION.—In carrying out this section, the Secretary shall prioritize funding for research—

''(1) to reduce energy consumption and lower the cost of desalination, including chloride control;

''(2) to reduce the environmental impacts of seawater desalination and develop technology and strategies to minimize those impacts;

''(3) to improve existing reverse osmosis and membrane technology;

''(4) to carry out basic and applied research on next generation desalination technologies, including improved energy recovery systems and renewable energy-powered desalination systems that could significantly reduce desalination costs;

''(5) to develop portable or modular desalination units capable of providing temporary emergency water supplies for domestic or military deployment purposes; and

''(6) to develop and promote innovative desalination technologies, including chloride control, identified by the Secretary.''.

(b) DESALINATION DEMONSTRATION AND DEVELOPMENT.—Section 4 of the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104–298) is amended by adding at the end the following:

''(c) PRIORITIZATION.—In carrying out demonstration and development activities under this section, the Secretary shall prioritize projects—

''(1) for the benefit of drought-stricken States and communities;

''(2) for the benefit of States that have authorized funding for research and development of desalination technologies and projects;

''(3) that can reduce reliance on imported water supplies that have an impact on species listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

''(4) that demonstrably leverage the experience of international partners with considerable expertise in desalination, such as the State of Israel.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 8 of the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104–298) is amended—

(1) in the first sentence of subsection (a)—

(A) by striking ''$5,000,000'' and inserting ''$8,000,000''; and

(B) by striking ''2013'' and inserting ''2021''; and

(2) in subsection (b), by striking ''for each of fiscal years 2012 through 2013'' and inserting ''for each of fiscal years 2017 through 2021''.

(d) CONSULTATION.—Section 9 of the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104–298) is amended—

(1) by striking the section designation and heading and all that follows through ''In carrying out'' in the first sentence and inserting the following:

''SEC. 9. CONSULTATION AND COORDINATION.

''(a) CONSULTATION.—In carrying out'';

(2) in the second sentence, by striking ''The authorization'' and inserting the following:

''(c) OTHER DESALINATION PROGRAMS.—The authorization''; and

(3) by inserting after subsection (a) (as designated by paragraph (1)) the following:

''(b) COORDINATION OF FEDERAL DESALINATION RESEARCH AND DEVELOPMENT.—The White House Office of Science and Technology Policy shall develop a coordinated strategic plan that—

''(1) establishes priorities for future Federal investments in desalination;

''(2) coordinates the activities of Federal agencies involved in desalination, including the Bureau of Reclamation, the Corps of Engineers, the United States Army Tank Automotive Research, Development and Engineering Center, the National Science Foundation, the Office of Naval Research of the Department of Defense, the National Laboratories of the Department of Energy, the United States Geological Survey, the Environmental Protection Agency, and the National Oceanic and Atmospheric Administration;

''(3) strengthens research and development cooperation with international partners, such as the State of Israel, in the area of desalination technology; and

''(4) promotes public-private partnerships to develop a framework for assessing needs for, and to optimize siting and design of, future ocean desalination projects.''.

SEC. 7307. NATIONAL DROUGHT RESILIENCE GUIDELINES.

(a) IN GENERAL.—The Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Administrator, and other appropriate Federal agency heads along with State, local, and tribal governments, shall jointly develop nonregulatory national drought resilience guidelines relating to drought preparedness planning and investments for communities, water utilities, and other water users and providers, in a manner consistent with the Presidential Memorandum entitled ''Building National Capabilities for Long-Term Drought Resilience'' (81 Fed. Reg. 16053 (March 21, 2016)).

(b) CONSULTATION.—In developing the national drought resilience guidelines, the Administrator and other Federal agency heads referred to in subsection (a) shall consult with—

(1) State and local governments;

(2) water utilities;

(3) scientists;

(4) institutions of higher education;

(5) relevant private entities; and

(6) other stakeholders.

(c) CONTENTS.—The national drought resilience guidelines developed under this section shall, to the maximum extent practicable, provide recommendations for a period of 10 years that—

(1) address a broad range of potential actions, including—

(A) analysis of the impacts of the changing frequency and duration of drought on the future effectiveness of water management tools;

(B) the identification of drought-related water management challenges in a broad range of fields, including—

(i) public health and safety;

(ii) municipal and industrial water supply;

(iii) agricultural water supply;

(iv) water quality;

(v) ecosystem health; and

(vi) water supply planning;

(C) water management tools to reduce drought-related impacts, including—

(i) water use efficiency through gallons per capita reduction goals, appliance efficiency standards, water pricing incentives, and other measures;

(ii) water recycling;

(iii) groundwater clean-up and storage;

(iv) new technologies, such as behavioral water efficiency; and

(v) stormwater capture and reuse;

(D) water-related energy and greenhouse gas reduction strategies; and

(E) public education and engagement; and

(2) include recommendations relating to the processes that Federal, State, and local governments and water utilities should consider when developing drought resilience preparedness and plans, including—

(A) the establishment of planning goals;

(B) the evaluation of institutional capacity;

(C) the assessment of drought-related risks and vulnerabilities, including the integration of climate-related impacts;

(D) the establishment of a development process, including an evaluation of the cost-effectiveness of potential strategies;

(E) the inclusion of private entities, technical advisors, and other stakeholders in the development process;

(F) implementation and financing issues; and

(G) evaluation of the plan, including any updates to the plan.

SEC. 7308. INNOVATION IN STATE WATER POLLUTION CONTROL REVOLVING LOAN FUNDS.

(a) IN GENERAL.—Subsection (j)(1)(B) (as redesignated by section 7202(b)(1)(A)(ii)) of section 603 of the Federal Water Pollution Control Act (33 U.S.C. 1383) is amended—

(1) in clause (iii), by striking ''or'' at the end;

(2) in clause (iv), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(v) to encourage the use of innovative water technologies related to any of the issues identified in clauses (i) through (iv) or, as determined by the State, any other eligible project and activity eligible for assistance under subsection (c)''.

(b) INNOVATIVE WATER TECHNOLOGIES.—Section 603 of the Federal Water Pollution Control Act (33 U.S.C. 1383) (as amended by section 7202(b)(1)) is amended by adding at the end the following:

''(k) TECHNICAL ASSISTANCE.—The Administrator may provide technical assistance to facilitate and encourage the provision of financial assistance for innovative water technologies.

''(l) REPORT.—Not later than 1 year after the date of enactment of the Water Resources Development Act of 2016, and not less frequently than every 5 years thereafter, the Administrator shall submit to Congress a report that describes—

''(1) the amount of financial assistance provided by State water pollution control revolving funds to deploy innovative water technologies;

''(2) the barriers impacting greater use of innovative water technologies; and

''(3) the cost-saving potential to cities and future infrastructure investments from emerging technologies.''.

SEC. 7309. INNOVATION IN DRINKING WATER STATE REVOLVING LOAN FUNDS.

Section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12) (as amended by section 7105) is amended—

(1) in subsection (d)—

(A) by striking the heading and inserting ''ADDITIONAL ASSISTANCE.—'';

(B) in paragraph (1)—

(i) by striking ''Notwithstanding'' and inserting the following:

''(A) IN GENERAL.—Notwithstanding''; and

(ii) by adding at the end the following:

''(B) INNOVATIVE WATER TECHNOLOGY.—Notwithstanding any other provision of this section, in the case of a State that makes a loan under subsection (a)(2) to carry out an eligible activity through the use of an innovative water technology (including technologies to improve water treatment to ensure compliance with this title and technologies to identify and mitigate sources of drinking water contamination, including lead contamination), the State may provide additional subsidization, including forgiveness of principal that is not more than 50 percent of the cost of the portion of the project associated with the innovative technology.'';

(C) in paragraph (2)—

(i) by striking ''For each fiscal year'' and inserting the following:

''(A) IN GENERAL.—For each fiscal year''; and

(ii) by adding at the end the following:

''(B) INNOVATIVE WATER TECHNOLOGY.—For each fiscal year, not more than 20 percent of the loan subsidies that may be made by a State under paragraph (1) may be used to provide additional subsidization under subparagraph (B) of that paragraph.''; and

(D) in paragraph (3), in the first sentence, by inserting '', or portion of a service area,'' after ''service area''; and

(2) by adding at the end the following:

''(t) TECHNICAL ASSISTANCE.—The Administrator may provide technical assistance to facilitate and encourage the provision of financial assistance for the deployment of innovative water technologies.

''(u) REPORT.—Not later than 1 year after the date of enactment of the Water Resources Development Act of 2016, and not less frequently than every 5 years thereafter, the Administrator shall submit to Congress a report that describes—

''(1) the amount of financial assistance provided by State loan funds to deploy innovative water technologies;

''(2) the barriers impacting greater use of innovative water technologies; and

''(3) the cost-saving potential to cities and future infrastructure investments from emerging technologies.''.

Subtitle D—Drinking Water Disaster Relief and Infrastructure Investments

SEC. 7401. DRINKING WATER INFRASTRUCTURE.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE STATE.—The term ''eligible State'' means a State for which the President has declared an emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) relating to the public health threats associated with the presence of lead or other contaminants in a public drinking water supply system.

(2) ELIGIBLE SYSTEM.—The term ''eligible system'' means a public drinking water supply system that has been the subject of an emergency declaration referred to in paragraph (1).

(b) STATE REVOLVING LOAN FUND ASSISTANCE.—

(1) IN GENERAL.—An eligible system shall be—

(A) considered to be a disadvantaged community under section 1452(d) of the Safe Drinking Water Act (42 U.S.C. 300j–12(d)); and

(B) eligible to receive loans with additional subsidization under that Act (42 U.S.C. 300f et seq.), including forgiveness of principal under section 1452(d)(1) of that Act (42 U.S.C. 300j–12(d)(1)).

(2) AUTHORIZATION.—

(A) IN GENERAL.—Using funds provided under subsection (e)(1)(A), an eligible State may provide assistance to an eligible system within the eligible State, for the purpose of addressing lead or other contaminants in drinking water, including repair and replacement of public and private drinking water infrastructure.

(B) INCLUSION.—Assistance provided under subparagraph (A) may include additional subsidization under the Safe Drinking Water Act (42 U.S.C. 300f et seq.), as described in paragraph (1)(B).

(C) EXCLUSION.—Assistance provided under subparagraph (A) shall not include assistance for a project that is financed (directly or indirectly), in whole or in part, with proceeds of any obligation issued after the date of enactment of this Act—

(i) the interest of which is exempt from the tax imposed under chapter 1 of the Internal Revenue Code of 1986; or

(ii) with respect to which credit is allowable under subpart I or J of part IV of subchapter A of chapter 1 of such Code.

(3) LIMITATION.—Section 1452(d)(2) of the Safe Drinking Water Act (42 U.S.C. 300j–12(d)(2)) shall not apply to—

(A) any funds provided under subsection (e)(1)(A); or

(B) any other loan provided to an eligible system.

(c) WATER INFRASTRUCTURE FINANCING.—

(1) SECURED LOANS.—

(A) IN GENERAL.—Using funds provided under subsection (e)(2)(A), the Administrator may make a secured loan under the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.) to—

(i) an eligible State to carry out a project eligible under paragraphs (2) through (9) of section 5026 of that Act (33 U.S.C. 3905) to address lead or other contaminants in drinking water in an eligible system, including repair and replacement of public and private drinking water infrastructure; and

(ii) any eligible entity under section 5025 of that Act (33 U.S.C. 3904) for a project eligible under paragraphs (2) through (9) of section 5026 of that Act (33 U.S.C. 3905).

(B) AMOUNT.—Notwithstanding section 5029(b)(2) of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3908(b)(2)), the amount of a secured loan provided under subparagraph (A)(i) may be equal to not more than 80 percent of the reasonably anticipated costs of the projects.

(2) FEDERAL INVOLVEMENT.—Notwithstanding section 5029(b)(9) of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3908(b)(9)), any costs for a project to address lead or other contaminants in drinking water in an eligible system that are not covered by a secured loan under paragraph (1) may be covered using amounts in the State revolving loan fund under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12).

(d) NONDUPLICATION OF WORK.—An activity carried out pursuant to this section shall not duplicate the work or activity of any other Federal or State department or agency.

(e) FUNDING.—

(1) ADDITIONAL DRINKING WATER STATE REVOLVING FUND CAPITALIZATION GRANTS.—

(A) IN GENERAL.—The Secretary of the Treasury shall make available to the Administrator a total of $100,000,000 to provide additional grants to eligible States pursuant to section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12), to be available for a period of 18 months beginning on the date on which the funds are made available, for the purposes described in subsection (b)(2), and after the end of the 18-month period, until expended for the purposes described in subparagraph (C).

(B) SUPPLEMENTED INTENDED USE PLANS.—From funds made available under subparagraph (A), the Administrator shall obligate to an eligible State such amounts as are necessary to meet the needs identified in a supplemented intended use plan by not later than 30 days after the date on which the eligible State submits to the Administrator a supplemented intended use plan under section 1452(b) of the Safe Drinking Water Act (42 U.S.C. 300j–12(b)) that includes preapplication information regarding projects to be funded using the additional assistance, including, with respect to each such project—

(i) a description of the project;

(ii) an explanation of the means by which the project will address a situation causing a declared emergency in the eligible State;

(iii) the estimated cost of the project; and

(iv) the projected start date for construction of the project.

(C) UNOBLIGATED AMOUNTS.—Of any amounts made available to the Administrator under subparagraph (A) that are unobligated on the date that is 18 months after the date on which the amounts are made available—

(i) 50 percent shall be available to provide additional grants under section 1459A of the Safe Drinking Water Act (as added by section 7106); and

(ii) 50 percent shall be available to provide additional grants under section 1459B of the Safe Drinking Water Act (as added by section 7107).

(D) APPLICABILITY.—Section 1452(b)(1) of the Safe Drinking Water Act (42 U.S.C. 300j–12(b)(1)) shall not apply to a supplement to an intended use plan under subparagraph (B).

(2) WIFIA FUNDING.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Treasury shall make available to the Administrator $70,000,000 to provide credit subsidies, in consultation with the Director of the Office of Management and Budget, for secured loans under subsection (c)(1)(A) with a goal of providing secured loans totaling at least $700,000,000.

(B) USE.—Secured loans provided pursuant to subparagraph (A) shall be available to carry out activities described in subsection (c)(1)(A).

(C) EXCLUSION.—Of the amounts made available under subparagraph (A), $20,000,000 shall not be used to provide assistance for a project that is financed (directly or indirectly), in whole or in part, with proceeds of any obligation issued after the date of enactment of this Act—

(i) the interest of which is exempt from the tax imposed under chapter 1 of the Internal Revenue Code of 1986; or

(ii) with respect to which credit is allowable under subpart I or J of part IV of subchapter A of chapter 1 of such Code.

(3) APPLICABILITY.—Unless explicitly waived, all requirements under the Safe Drinking Water Act (42 U.S.C. 300f et seq.) and the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.) shall apply to funding provided under this subsection.

(f) HEALTH EFFECTS EVALUATION.—

(1) IN GENERAL.—Pursuant to section 104(i)(1)(E) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9604(i)(1)(E)), and on receipt of a request of an appropriate State or local health official of an eligible State, the Director of the Agency for Toxic Substances and Disease Registry of the National Center for Environmental Health shall in coordination with other agencies, as appropriate, conduct voluntary surveillance activities to evaluate any adverse health effects on individuals exposed to lead from drinking water in the affected communities.

(2) CONSULTATIONS.—Pursuant to section 104(i)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9604(i)(4)), and on receipt of a request of an appropriate State or local

health official of an eligible State, the Director of the Agency for Toxic Substances and Disease Registry of the National Center for Environmental Health shall provide consultations regarding health issues described in paragraph (1).

SEC. 7402. LOAN FORGIVENESS.

The matter under the heading ''STATE AND TRIBAL ASSISTANCE GRANTS'' under the heading ''ENVIRONMENTAL PROTECTION AGENCY'' in title II of division G of the Consolidated Appropriations Act, 2016 (Public Law 114–113), is amended in paragraph (1), by striking the semicolon at the end and inserting the following: ''or, if a Federal or State emergency declaration has been issued due to a threat to public health from heightened exposure to lead in a municipal drinking water supply, before the date of enactment of this Act: *Provided further*, That in a State in which such an emergency declaration has been issued, the State may use more than 20 percent of the funds made available under this title to the State for Drinking Water State Revolving Fund capitalization grants to provide additional subsidy to eligible recipients;''.

SEC. 7403. REGISTRY FOR LEAD EXPOSURE AND ADVISORY COMMITTEE.

(a) DEFINITIONS.—In this section:

(1) CITY.—The term ''City'' means a city exposed to lead contamination in the local drinking water system.

(2) COMMITTEE.—The term ''Committee'' means the Advisory Committee established under subsection (c).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(b) LEAD EXPOSURE REGISTRY.—The Secretary shall establish within the Agency for Toxic Substances and Disease Registry or another relevant agency at the discretion of the Secretary, or establish through a grant award or contract, a lead exposure registry to collect data on the lead exposure of residents of a City on a voluntary basis.

(c) ADVISORY COMMITTEE.—

(1) MEMBERSHIP.—

(A) IN GENERAL.—The Secretary shall establish an Advisory Committee in coordination with the Director of the Centers for Disease Control and Prevention and other relevant agencies as determined by the Secretary consisting of Federal members and non-Federal members, and which shall include—

(i) an epidemiologist;

(ii) a toxicologist;

(iii) a mental health professional;

(iv) a pediatrician;

(v) an early childhood education expert;

(vi) a special education expert;

(vii) a dietician; and

(viii) an environmental health expert.

(B) REQUIREMENTS.—Membership in the Committee shall not exceed 15 members and not less than ½ of the members shall be Federal members.

(2) CHAIR.—The Secretary shall designate a chair from among the Federal members appointed to the Committee.

(3) TERMS.—Members of the Committee shall serve for a term of not more than 3 years and the Secretary may reappoint members for consecutive terms.

(4) APPLICATION OF FACA.—The Committee shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(5) RESPONSIBILITIES.—The Committee shall, at a minimum—

(A) review the Federal programs and services available to individuals and communities exposed to lead;

(B) review current research on lead poisoning to identify additional research needs;

(C) review and identify best practices, or the need for best practices, regarding lead screening and the prevention of lead poisoning;

(D) identify effective services, including services relating to healthcare, education, and nutrition for individuals and communities affected by lead exposure and lead poisoning, including in consultation with, as appropriate, the lead exposure registry as established in subsection (b); and

(E) undertake any other review or activities that the Secretary determines to be appropriate.

(6) REPORT.—Annually for 5 years and thereafter as determined necessary by the Secretary or as required by Congress, the Committee shall submit to the Secretary, the Committees on Finance, Health, Education, Labor, and Pensions, and Agriculture, Nutrition, and Forestry of the Senate and the Committees on Education and the Workforce, Energy and Commerce, and Agriculture of the House of Representatives a report that includes—

(A) an evaluation of the effectiveness of the Federal programs and services available to individuals and communities exposed to lead;

(B) an evaluation of additional lead poisoning research needs;

(C) an assessment of any effective screening methods or best practices used or developed to prevent or screen for lead poisoning;

(D) input and recommendations for improved access to effective services relating to healthcare, education, or nutrition for individuals and communities impacted by lead exposure; and

(E) any other recommendations for communities affected by lead exposure, as appropriate.

(d) MANDATORY FUNDING.—

(1) IN GENERAL.—On the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary, to be available during the period of fiscal years 2016 through 2020—

(A) $17,500,000 to carry out subsection (b); and

(B) $2,500,000 to carry out subsection (c).

(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out subsections (b) and (c) the funds transferred under subparagraphs (A) and (B) of paragraph (1), respectively, without further appropriation.

SEC. 7404. ADDITIONAL FUNDING FOR CERTAIN CHILDHOOD HEALTH PROGRAMS.

(a) CHILDHOOD LEAD POISONING PREVENTION PROGRAM.—

(1) IN GENERAL.—On the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Director of the Centers for Disease Control and Prevention, to be available during the period of fiscal years 2017 and 2018, $10,000,000 for the childhood lead poisoning prevention program authorized under section 317A of the Public Health Service Act (42 U.S.C. 247b–1).

(2) RECEIPT AND ACCEPTANCE.—The Director of the Centers for Disease Control and Prevention shall be entitled to receive, shall accept, and shall use to carry out the childhood lead poisoning prevention program authorized under section 317A of the Public Health Service Act (42 U.S.C. 247b–1) the funds transferred under paragraph (1), without further appropriation.

(b) HEALTHY HOMES PROGRAM.—

(1) IN GENERAL.—On the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Housing and Urban Development, to be available during the period of fiscal years 2017 and 2018, $10,000,000 to carry out the Healthy Homes Initiative of the Department of Housing and Urban Development.

(2) RECEIPT AND ACCEPTANCE.—The Secretary of Housing and Urban Development shall be entitled to receive, shall accept, and shall use to carry out the Healthy Homes Initiative of the Department of Housing and Urban Development the funds transferred under paragraph (1), without further appropriation.

(c) HEALTHY START PROGRAM.—

(1) IN GENERAL.—On the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Administrator of the Health Resources and Services Administration, to be available during the period of fiscal years 2017 and 2018, $10,000,000 to carry out the Healthy Start Initiative under section 330H of the Public Health Service Act (42 U.S.C. 254c–8).

(2) RECEIPT AND ACCEPTANCE.—The Administrator of the Health Resources and Services Administration shall be entitled to receive, shall accept, and shall use to carry out the Healthy Start Initiative under section 330H of the Public Health Service Act (42 U.S.C. 254c–8) the funds transferred under paragraph (1), without further appropriation.

SEC. 7405. REVIEW AND REPORT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Attorney General and the Inspector General of the Environmental Protection Agency shall submit to the Committees on Appropriations, Environment and Public Works, and Homeland Security and Governmental Affairs of the Senate and the Committees on Appropriations, Energy and Commerce, Transportation and Infrastructure, and Oversight and Government Reform of the House of Representatives a report on the status of any ongoing investigations into the Federal and State response to the contamination of the drinking water supply of the City of Flint, Michigan.

(b) REVIEW.—Not later than 30 days after the completion of the investigations described in subsection (a), the Comptroller General of the United States shall commence a review of issues that are not addressed by the investigations and relating to—

(1) the adequacy of the response by the State of Michigan and the City of Flint to the drinking water crisis in Flint, Michigan, including the timeliness and transparency of the response, as well as the capacity of the State and City to manage the drinking water system; and

(2) the adequacy of the response by Region 5 of the Environmental Protection Agency to the drinking water crisis in Flint, Michigan, including the timeliness and transparency of the response.

(c) CONTENTS OF REPORT.—Not later than 1 year after commencing each review under subsection (b), the Comptroller General of the United States shall submit to Congress a report that includes—

(1) a statement of the principal findings of the review; and

(2) recommendations for Congress and the President to take any actions to prevent a similar situation in the future and to protect public health.

Subtitle E—Report on Groundwater Contamination

SEC. 7501. DEFINITIONS.

In this subtitle:

(1) COMPREHENSIVE STRATEGY.—The term ''comprehensive strategy'' means a plan for—

(A) the remediation of the plume under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); or

(B) corrective action under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(2) GROUNDWATER.—The term ''groundwater'' means water in a saturated zone or stratum beneath the surface of land or water.

(3) PLUME.—The term ''plume'' means any hazardous waste (as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903)) or hazardous substance (as defined in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601)) found in the groundwater supply.

(4) SITE.—The term ''site'' means the site located at 830 South Oyster Bay Road, Bethpage, New York, 11714 (Environmental Protection Agency identification number NYD002047967).

SEC. 7502. REPORT ON GROUNDWATER CONTAMINATION.

Not later than 180 days after the date of enactment of this Act and annually thereafter, the Secretary of the Navy shall submit to Congress a report on the groundwater contamination from the site that includes—

(1) a description of the status of the groundwater contaminants that are leaving the site and migrating to a location within a 10-mile radius of the site, including—

(A) detailed mapping of the movement of the plume over time; and

(B) projected migration rates of the plume;

(2) an analysis of the current and future impact of the movement of the plume on drinking water facilities; and

(3) a comprehensive strategy to prevent the groundwater contaminants from the site from contaminating drinking water wells that, as of the date of the submission of the report, have not been affected by the migration of the plume.

Subtitle F—Restoration

PART I—GREAT LAKES RESTORATION

SEC. 7611. GREAT LAKES RESTORATION INITIATIVE.

Section 118(c) of the Federal Water Pollution Control Act (33 U.S.C. 1268(c)) is amended by striking paragraph (7) and inserting the following:

''(7) GREAT LAKES RESTORATION INITIATIVE.—

''(A) ESTABLISHMENT.—There is established in the Agency a Great Lakes Restoration Initiative (referred to in this paragraph as the 'Initiative') to carry out programs and projects for Great Lakes protection and restoration.

''(B) FOCUS AREAS.—Each fiscal year under a 5-year Initiative Action Plan, the Initiative shall prioritize programs and projects, carried out in coordination with non-Federal partners, that address priority areas, such as—

''(i) the remediation of toxic substances and areas of concern;

''(ii) the prevention and control of invasive species and the impacts of invasive species;

''(iii) the protection and restoration of nearshore health and the prevention and mitigation of nonpoint source pollution;

''(iv) habitat and wildlife protection and restoration, including wetlands restoration and preservation; and

''(v) accountability, monitoring, evaluation, communication, and partnership activities.

''(C) PROJECTS.—Under the Initiative, the Agency shall collaborate with Federal partners, including the Great Lakes Interagency Task Force, to select the best combination of programs and projects for Great Lakes protection and restoration using appropriate principles and criteria, including whether a program or project provides—

''(i) the ability to achieve strategic and measurable environmental outcomes that implement the Great Lakes Action Plan and the Great Lakes Water Quality Agreement;

''(ii) the feasibility of—

''(I) prompt implementation;

''(II) timely achievement of results; and

''(III) resource leveraging; and

''(iii) the opportunity to improve interagency and inter-organizational coordination and collaboration to reduce duplication and streamline efforts.

''(D) IMPLEMENTATION OF PROJECTS.—

''(i) IN GENERAL.—Subject to subparagraph (G)(ii), funds made available to carry out the Initiative shall be used to strategically implement—

''(I) Federal projects; and

''(II) projects carried out in coordination with States, Indian tribes, municipalities, institutions of higher education, and other organizations.

''(ii) TRANSFER OF FUNDS.—With amounts made available for the Initiative each fiscal year, the Administrator may—

''(I) transfer not more than $300,000,000 to the head of any Federal department or agency, with the concurrence of the department or agency head, to carry out activities to support the Initiative and the Great Lakes Water Quality Agreement;

''(II) enter into an interagency agreement with the head of any Federal department or agency to carry out activities described in subclause (I); and

''(III) make grants to governmental entities, nonprofit organizations, institutions, and individuals for planning, research, monitoring, outreach, and implementation of projects in furtherance of the Initiative and the Great Lakes Water Quality Agreement.

''(E) SCOPE.—

''(i) IN GENERAL.—Projects shall be carried out under the Initiative on multiple levels, including—

''(I) Great Lakes-wide; and

''(II) Great Lakes basin-wide.

''(ii) LIMITATION.—No funds made available to carry out the Initiative may be used for any water infrastructure activity (other than a green infrastructure project that improves habitat and other ecosystem functions in the Great Lakes) for which amounts are made available from—

''(I) a State water pollution control revolving fund established under title VI; or

''(II) a State drinking water revolving loan fund established under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12).

''(F) ACTIVITIES BY OTHER FEDERAL AGENCIES.—Each relevant Federal department or agency shall, to the maximum extent practicable—

''(i) maintain the base level of funding for the Great Lakes activities of that department or agency without regard to funding under the Initiative; and

''(ii) identify new activities and projects to support the environmental goals of the Initiative and the Great Lakes Water Quality Agreement.

''(G) FUNDING.—

''(i) IN GENERAL.—There is authorized to be appropriated to carry out this paragraph $300,000,000 for each of fiscal years 2017 through 2021.

''(ii) LIMITATION.—Nothing in this paragraph creates, expands, or amends the authority of the Administrator to implement programs or projects under—

''(I) this section;

''(II) the Initiative Action Plan; or

''(III) the Great Lakes Water Quality Agreement.''.

SEC. 7612. AMENDMENTS TO THE GREAT LAKES FISH AND WILDLIFE RESTORATION ACT OF 1990.

(a) REFERENCES.—Except as otherwise expressly provided, wherever in this section an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Great Lakes Fish and Wildlife Restoration Act of 1990 (16 U.S.C. 941 et seq.).

(b) FINDINGS.—The Act is amended by striking section 1002 and inserting the following:

''SEC. 1002. FINDINGS.

''Congress finds that—

''(1) the Great Lakes have fish and wildlife communities that are structurally and functionally changing;

''(2) successful fish and wildlife management focuses on the lakes as ecosystems, and effective management requires the coordination and integration of efforts of many partners;

''(3) it is in the national interest to undertake activities in the Great Lakes Basin that support sustainable fish and wildlife resources of common concern provided under the Great Lakes Restoration Initiative Action Plan based on the recommendations of the Great Lakes Regional Collaboration authorized under Executive Order 13340 (69 Fed. Reg. 29043; relating to the Great Lakes Interagency Task Force);

''(4) additional actions and better coordination are needed to protect and effectively manage the fish and wildlife resources, and the habitats on which the resources depend, in the Great Lakes Basin;

''(5) as of the date of enactment of this Act, actions are not funded that are considered essential to meet the goals and objectives in managing the fish and wildlife resources, and the habitats on which the resources depend, in the Great Lakes Basin; and

''(6) this Act allows Federal agencies, States, and Indian tribes to work in an effective partnership by providing the funding for restoration work.''.

(c) IDENTIFICATION, REVIEW, AND IMPLEMENTATION OF PROPOSALS AND REGIONAL PROJECTS.—

(1) REQUIREMENTS FOR PROPOSALS AND REGIONAL PROJECTS.—Section 1005(b)(2)(B) (16 U.S.C. 941c(b)(2)(B)) is amended—

(A) in clause (v), by striking ''and'' at the end;

(B) in clause (vi), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(vii) the strategic action plan of the Great Lakes Restoration Initiative; and

''(viii) each applicable State wildlife action plan.''.

(2) REVIEW OF PROPOSALS.—Section 1005(c)(2)(C) (16 U.S.C. 941c(c)(2)(C)) is amended by striking ''Great Lakes Coordinator of the''.

(3) COST SHARING.—Section 1005(e) (16 U.S.C. 941c(e)) is amended—

(A) in paragraph (1)—

(i) by striking ''Except as provided in paragraphs (2) and (4), not less than 25 percent of the cost of implementing a proposal'' and inserting the following:

''(A) NON-FEDERAL SHARE.—Except as provided in paragraphs (3) and (5) and subject to paragraph (2), not less than 25 percent of the cost of implementing a proposal or regional project''; and

(ii) by adding at the end the following:

''(B) TIME PERIOD FOR PROVIDING MATCH.—The non-Federal share of the cost of implementing a proposal or regional project required under subparagraph (A) may be provided at any time during the 2-year period preceding January 1 of the year in which the Director receives the application for the proposal or regional project.'';

(B) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(C) by inserting before paragraph (3) (as so redesignated) the following:

''(2) AUTHORIZED SOURCES OF NON-FEDERAL SHARE.—

''(A) IN GENERAL.—The Director may determine the non-Federal share under paragraph (1) by taking into account—

''(i) the appraised value of land or a conservation easement as described in subparagraph (B); or

''(ii) as described in subparagraph (C), the costs associated with—

''(I) land acquisition or securing a conservation easement; and

''(II) restoration or enhancement of that land or conservation easement.

''(B) APPRAISAL OF LAND OR CONSERVATION EASEMENT.—

''(i) IN GENERAL.—The value of land or a conservation easement may be used to satisfy the non-Federal share of the cost of implementing a proposal or regional project required under paragraph (1)(A) if the Director determines that the land or conservation easement—

''(I) meets the requirements of subsection (b)(2);

''(II) is acquired before the end of the grant period of the proposal or regional project;

''(III) is held in perpetuity for the conservation purposes of the programs of the United States Fish and Wildlife Service related to the Great Lakes Basin, as described in section 1006, by an accredited land trust or conservancy or a Federal, State, or tribal agency;

''(IV) is connected either physically or through a conservation planning process to the proposal or regional project; and

''(V) is appraised in accordance with clause (ii).

''(ii) APPRAISAL.—With respect to the appraisal of land or a conservation easement described in clause (i)—

''(I) the appraisal valuation date shall be not later than 1 year after the price of the land or conservation easement was set under a contract; and

''(II) the appraisal shall—

''(aa) conform to the Uniform Standards of Professional Appraisal Practice (USPAP); and

''(bb) be completed by a Federal- or State-certified appraiser.

''(C) COSTS OF LAND ACQUISITION OR SECURING CONSERVATION EASEMENT.—

''(i) IN GENERAL.—All costs associated with land acquisition or securing a conservation easement and restoration or enhancement of that land or conservation easement may be used to satisfy the non-Federal share of the cost of implementing a proposal or regional project required under paragraph (1)(A) if the activities and expenses associated with the land acquisition or securing the conservation easement and restoration or enhancement of that land or conservation easement meet the requirements of subparagraph (B)(i).

''(ii) INCLUSION.—The costs referred to in clause (i) may include cash, in-kind contributions, and indirect costs.

''(iii) EXCLUSION.—The costs referred to in clause (i) may not be costs associated with mitigation or litigation (other than costs associated with the Natural Resource Damage Assessment program).''.

(d) ESTABLISHMENT OF OFFICES.—Section 1007 (16 U.S.C. 941e) is amended—

(1) in subsection (b)—

(A) in the subsection heading, by striking ''FISHERY RESOURCES'' and inserting ''FISH AND WILDLIFE CONSERVATION''; and

(B) by striking ''Fishery Resources'' each place it appears and inserting ''Fish and Wildlife Conservation'';

(2) in subsection (c)—

(A) in the subsection heading, by striking ''FISHERY RESOURCES'' and inserting ''FISH AND WILDLIFE CONSERVATION''; and

(B) by striking ''Fishery Resources'' each place it appears and inserting ''Fish and Wildlife Conservation'';

(3) by striking subsection (a); and

(4) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively.

(e) REPORTS.—Section 1008 (16 U.S.C. 941f) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking ''2011'' and inserting ''2021'';

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''2007 through 2012'' and inserting ''2016 through 2020''; and

(B) in paragraph (5), by inserting ''the Great Lakes Restoration Initiative Action Plan based on'' after ''in support of''; and

(3) by striking subsection (c) and inserting the following:

''(c) CONTINUED MONITORING AND ASSESSMENT OF STUDY FINDINGS AND RECOMMENDATIONS.—The Director—

''(1) shall continue to monitor the status, and the assessment, management, and restoration needs, of the fish and wildlife resources of the Great Lakes Basin; and

''(2) may reassess and update, as necessary, the findings and recommendations of the Report.''.

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 1009 (16 U.S.C. 941g) is amended—

(1) in the matter preceding paragraph (1), by striking ''2007 through 2012'' and inserting ''2016 through 2021'';

(2) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''$14,000,000'' and inserting ''$6,000,000'';

(B) in subparagraph (A), by striking ''$4,600,000'' and inserting ''$2,000,000''; and

(C) in subparagraph (B), by striking ''$700,000'' and inserting ''$300,000''; and

(3) in paragraph (2), by striking ''the activities of'' and all that follows through ''section 1007'' and inserting ''the activities of the Upper Great Lakes Fish and Wildlife Conservation Offices and the Lower Great Lakes Fish and Wildlife Conservation Office under section 1007''.

(g) CONFORMING AMENDMENT.—Section 8 of the Great Lakes Fish and Wildlife Restoration Act of 2006 (16 U.S.C. 941 note; Public Law 109–326) is repealed.

PART II—LAKE TAHOE RESTORATION

SEC. 7621. FINDINGS AND PURPOSES.

The Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2351) is amended by striking section 2 and inserting the following:

''SEC. 2. FINDINGS AND PURPOSES.

''(a) FINDINGS.—Congress finds that—

''(1) Lake Tahoe—

''(A) is one of the largest, deepest, and clearest lakes in the world;

''(B) has a cobalt blue color, a biologically diverse alpine setting, and remarkable water clarity; and

''(C) is recognized nationally and worldwide as a natural resource of special significance;

''(2) in addition to being a scenic and ecological treasure, the Lake Tahoe Basin is one of the outstanding recreational resources of the United States, which—

''(A) offers skiing, water sports, biking, camping, and hiking to millions of visitors each year; and

''(B) contributes significantly to the economies of California, Nevada, and the United States;

''(3) the economy in the Lake Tahoe Basin is dependent on the conservation and restoration of the natural beauty and recreation opportunities in the area;

''(4) the ecological health of the Lake Tahoe Basin continues to be challenged by the impacts of land use and transportation patterns developed in the last century;

''(5) the alteration of wetland, wet meadows, and stream zone habitat have compromised the capacity of the watershed to filter sediment, nutrients, and pollutants before reaching Lake Tahoe;

''(6) forests in the Lake Tahoe Basin suffer from over a century of fire damage and periodic drought, which have resulted in—

''(A) high tree density and mortality;

''(B) the loss of biological diversity; and

''(C) a large quantity of combustible forest fuels, which significantly increases the threat of catastrophic fire and insect infestation;

''(7) the establishment of several aquatic and terrestrial invasive species (including perennial pepperweed, milfoil, and Asian clam) threatens the ecosystem of the Lake Tahoe Basin;

''(8) there is an ongoing threat to the economy and ecosystem of the Lake Tahoe Basin of the introduction and establishment of other invasive species (such as yellow starthistle, New Zealand mud snail, Zebra mussel, and quagga mussel);

''(9) 78 percent of the land in the Lake Tahoe Basin is administered by the Federal Government, which makes it a Federal responsibility to restore ecological health to the Lake Tahoe Basin;

''(10) the Federal Government has a long history of environmental stewardship at Lake Tahoe, including—

''(A) congressional consent to the establishment of the Planning Agency with—

''(i) the enactment in 1969 of Public Law 91–148 (83 Stat. 360); and

''(ii) the enactment in 1980 of Public Law 96–551 (94 Stat. 3233);

''(B) the establishment of the Lake Tahoe Basin Management Unit in 1973;

''(C) the enactment of Public Law 96–586 (94 Stat. 3381) in 1980 to provide for the acquisition of environmentally sensitive land and erosion control grants in the Lake Tahoe Basin;

''(D) the enactment of sections 341 and 342 of the Department of the Interior and Related Agencies Appropriations Act, 2004 (Public Law 108–108; 117 Stat. 1317), which amended the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2346) to provide payments for the environmental restoration programs under this Act; and

''(E) the enactment of section 382 of the Tax Relief and Health Care Act of 2006 (Public Law 109–432; 120 Stat. 3045), which amended the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2346) to authorize development and implementation of a comprehensive 10-year hazardous fuels and fire prevention plan for the Lake Tahoe Basin;

''(11) the Assistant Secretary was an original signatory in 1997 to the Agreement of Federal Departments on Protection of the Environment and Economic Health of the Lake Tahoe Basin;

''(12) the Chief of Engineers, under direction from the Assistant Secretary, has continued to be a significant contributor to Lake Tahoe Basin restoration, including—

''(A) stream and wetland restoration; and

''(B) programmatic technical assistance;

''(13) at the Lake Tahoe Presidential Forum in 1997, the President renewed the commitment of the Federal Government to Lake Tahoe by—

''(A) committing to increased Federal resources for ecological restoration at Lake Tahoe; and

''(B) establishing the Federal Interagency Partnership and Federal Advisory Committee to consult on natural resources issues concerning the Lake Tahoe Basin;

''(14) at the 2011 and 2012 Lake Tahoe Forums, Senator Reid, Senator Feinstein, Senator Heller, Senator Ensign, Governor Gibbons, Governor Sandoval, and Governor Brown—

''(A) renewed their commitment to Lake Tahoe; and

''(B) expressed their desire to fund the Federal and State shares of the Environmental Improvement Program through 2022;

''(15) since 1997, the Federal Government, the States of California and Nevada, units of local government, and the private sector have contributed more than $1,955,500,000 to the Lake Tahoe Basin, including—

''(A) $635,400,000 from the Federal Government;

''(B) $758,600,000 from the State of California;

''(C) $123,700,000 from the State of Nevada;

''(D) $98,900,000 from units of local government; and

''(E) $338,900,000 from private interests;

''(16) significant additional investment from Federal, State, local, and private sources is necessary—

''(A) to restore and sustain the ecological health of the Lake Tahoe Basin;

''(B) to adapt to the impacts of fluctuating water temperature and precipitation; and

''(C) to prevent the introduction and establishment of invasive species in the Lake Tahoe Basin; and

''(17) the Secretary has indicated that the Lake Tahoe Basin Management Unit has the capacity for at least $10,000,000 annually for the Fire Risk Reduction and Forest Management Program.

''(b) PURPOSES.—The purposes of this Act are—

''(1) to enable the Chief of the Forest Service, the Director of the United States Fish and Wildlife Service, and the Administrator, in cooperation with the Planning Agency and the States of California and Nevada, to fund, plan, and implement significant new environmental restoration activities and forest management activities in the Lake Tahoe Basin;

''(2) to ensure that Federal, State, local, regional, tribal, and private entities continue to work together to manage land in the Lake Tahoe Basin;

''(3) to support local governments in efforts related to environmental restoration, stormwater pollution control, fire risk reduction, and forest management activities; and

''(4) to ensure that agency and science community representatives in the Lake Tahoe Basin work together—

''(A) to develop and implement a plan for integrated monitoring, assessment, and applied research to evaluate the effectiveness of the Environmental Improvement Program; and

''(B) to provide objective information as a basis for ongoing decisionmaking, with an emphasis on decisionmaking relating to resource management in the Lake Tahoe Basin.''.

SEC. 7622. DEFINITIONS.

The Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2351) is amended by striking section 3 and inserting the following:

''SEC. 3. DEFINITIONS.

''In this Act:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Environmental Protection Agency.

''(2) ASSISTANT SECRETARY.—The term 'Assistant Secretary' means the Assistant Secretary of the Army for Civil Works.

''(3) CHAIR.—The term 'Chair' means the Chair of the Federal Partnership.

''(4) COMPACT.—The term 'Compact' means the Tahoe Regional Planning Compact included in the first section of Public Law 96–551 (94 Stat. 3233).

''(5) DIRECTORS.—The term 'Directors' means—

''(A) the Director of the United States Fish and Wildlife Service; and

''(B) the Director of the United States Geological Survey.

''(6) ENVIRONMENTAL IMPROVEMENT PROGRAM.—The term 'Environmental Improvement Program' means—

''(A) the Environmental Improvement Program adopted by the Planning Agency; and

''(B) any amendments to the Program.

''(7) ENVIRONMENTAL THRESHOLD CARRYING CAPACITY.—The term 'environmental threshold carrying capacity' has the meaning given the term in Article II of the Compact.

''(8) FEDERAL PARTNERSHIP.—The term 'Federal Partnership' means the Lake Tahoe Federal Interagency Partnership established by Executive Order 13057 (62 Fed. Reg. 41249) (or a successor Executive order).

''(9) FOREST MANAGEMENT ACTIVITY.—The term 'forest management activity' includes—

''(A) prescribed burning for ecosystem health and hazardous fuels reduction;

''(B) mechanical and minimum tool treatment;

''(C) stream environment zone restoration and other watershed and wildlife habitat enhancements;

''(D) nonnative invasive species management; and

''(E) other activities consistent with Forest Service practices, as the Secretary determines to be appropriate.

''(10) MAPS.—The term 'Maps' means the maps—

''(A) entitled—

''(i) 'LTRA USFS-CA Land Exchange/North Shore';

''(ii) 'LTRA USFS-CA Land Exchange/West Shore'; and

''(iii) 'LTRA USFS-CA Land Exchange/South Shore'; and

''(B) dated January 4, 2016, and on file and available for public inspection in the appropriate offices of—

''(i) the Forest Service;

''(ii) the California Tahoe Conservancy; and

''(iii) the California Department of Parks and Recreation.

''(11) NATIONAL WILDLAND FIRE CODE.—The term 'national wildland fire code' means—

''(A) the most recent publication of the National Fire Protection Association codes numbered 1141, 1142, 1143, and 1144;

''(B) the most recent publication of the International Wildland-Urban Interface Code of the International Code Council; or

''(C) any other code that the Secretary determines provides the same, or better, standards for protection against wildland fire as a code described in subparagraph (A) or (B).

''(12) PLANNING AGENCY.—The term 'Planning Agency' means the Tahoe Regional Planning Agency established under Public Law 91–148 (83 Stat. 360) and Public Law 96–551 (94 Stat. 3233).

''(13) PRIORITY LIST.—The term 'Priority List' means the environmental restoration priority list developed under section 5(b).

''(14) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

''(15) STREAM ENVIRONMENT ZONE.—The term 'Stream Environment Zone' means an area that generally owes the biological and physical characteristics of the area to the presence of surface water or groundwater.

''(16) TOTAL MAXIMUM DAILY LOAD.—The term 'total maximum daily load' means the total maximum daily load allocations adopted under section 303(d) of the Federal Water Pollution Control Act (33 U.S.C. 1313(d)).

''(17) WATERCRAFT.—The term 'watercraft' means motorized and non-motorized watercraft, including boats, seaplanes, personal watercraft, kayaks, and canoes.''.

SEC. 7623. IMPROVED ADMINISTRATION OF THE LAKE TAHOE BASIN MANAGEMENT UNIT.

Section 4 of the Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2353) is amended—

(1) in subsection (b)(3), by striking ''basin'' and inserting ''Basin''; and

(2) by adding at the end the following:

''(c) FOREST MANAGEMENT ACTIVITIES.—

''(1) COORDINATION.—

''(A) IN GENERAL.—In conducting forest management activities in the Lake Tahoe Basin Management Unit, the Secretary shall, as appropriate, coordinate with the Administrator and State and local agencies and organizations, including local fire departments and volunteer groups.

''(B) GOALS.—The coordination of activities under subparagraph (A) should aim to increase efficiencies and maximize the compatibility of management practices across public property boundaries.

''(2) MULTIPLE BENEFITS.—

''(A) IN GENERAL.—In conducting forest management activities in the Lake Tahoe Basin Management Unit, the Secretary shall conduct the activities in a manner that—

''(i) except as provided in subparagraph (B), attains multiple ecosystem benefits, including—

''(I) reducing forest fuels;

''(II) maintaining biological diversity;

''(III) improving wetland and water quality, including in Stream Environment Zones; and

''(IV) increasing resilience to changing water temperature and precipitation; and

''(ii) helps achieve and maintain the environmental threshold carrying capacities established by the Planning Agency.

''(B) EXCEPTION.—Notwithstanding subparagraph (A)(i), the attainment of multiple ecosystem benefits shall not be required if the Secretary determines that management for multiple ecosystem benefits would excessively increase the cost of a program in relation to the additional ecosystem benefits gained from the management activity.

''(3) GROUND DISTURBANCE.—Consistent with applicable Federal law and Lake Tahoe Basin Management Unit land and resource management plan direction, the Secretary shall—

''(A) establish post-program ground condition criteria for ground disturbance caused by forest management activities; and

''(B) provide for monitoring to ascertain the attainment of the post-program conditions.

''(d) WITHDRAWAL OF FEDERAL LAND.—

''(1) IN GENERAL.—Subject to valid existing rights and paragraph (2), the Federal land located in the Lake Tahoe Basin Management Unit is withdrawn from—

''(A) all forms of entry, appropriation, or disposal under the public land laws;

''(B) location, entry, and patent under the mining laws; and

''(C) disposition under all laws relating to mineral and geothermal leasing.

''(2) EXCEPTIONS.—A conveyance of land shall be exempt from withdrawal under this subsection if carried out under—

''(A) this Act; or

''(B) Public Law 96–586 (94 Stat. 3381) (commonly known as the 'Santini-Burton Act').

''(e) ENVIRONMENTAL THRESHOLD CARRYING CAPACITY.—The Lake Tahoe Basin Management Unit shall support the attainment of the environmental threshold carrying capacities.

''(f) COOPERATIVE AUTHORITIES.—During the 4 fiscal years following the date of enactment of the Water Resources Development Act of 2016, the Secretary, in conjunction with land adjustment programs, may enter into contracts and cooperative agreements with States, units of local government, and other public and private entities to provide for fuel reduction, erosion control, reforestation, Stream Environment Zone restoration, and similar management activities on Federal land and non-Federal land within the programs.''.

SEC. 7624. AUTHORIZED PROGRAMS.

The Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2351) is amended by striking section 5 and inserting the following:

''SEC. 5. AUTHORIZED PROGRAMS.

''(a) IN GENERAL.—The Secretary, the Assistant Secretary, the Directors, and the Administrator, in coordination with the Planning Agency and the States of California and Nevada, may carry out or provide financial assistance to any program that—

''(1) is described in subsection (d);

''(2) is included in the Priority List under subsection (b); and

''(3) furthers the purposes of the Environmental Improvement Program if the program has been subject to environmental review and approval, respectively, as required under Federal law, Article VII of the Compact, and State law, as applicable.

''(b) PRIORITY LIST.—

''(1) DEADLINE.—Not later than March 15 of the year after the date of enactment of the Water Resources Development Act of 2016, the Chair, in consultation with the Secretary, the Administrator, the Directors, the Planning Agency, the States of California and Nevada, the Federal Partnership, the Washoe Tribe, the Lake Tahoe Federal Advisory Committee, and the Tahoe Science Consortium (or a successor organization) shall submit to Congress a prioritized Environmental Improvement Program list for the Lake Tahoe Basin for the program categories described in subsection (d).

''(2) CRITERIA.—The ranking of the Priority List shall be based on the best available science and the following criteria:

''(A) The 4-year threshold carrying capacity evaluation.

''(B) The ability to measure progress or success of the program.

''(C) The potential to significantly contribute to the achievement and maintenance of the environmental threshold carrying capacities identified in Article II of the Compact.

''(D) The ability of a program to provide multiple benefits.

''(E) The ability of a program to leverage non-Federal contributions.

''(F) Stakeholder support for the program.

''(G) The justification of Federal interest.

''(H) Agency priority.

''(I) Agency capacity.

''(J) Cost-effectiveness.

''(K) Federal funding history.

''(3) REVISIONS.—The Priority List submitted under paragraph (1) shall be revised every 2 years.

''(4) FUNDING.—Of the amounts made available under section 10(a), $80,000,000 shall be made available to the Secretary to carry out projects listed on the Priority List.

''(c) RESTRICTION.—The Administrator shall use not more than 3 percent of the funds provided under subsection (a) for administering the programs described in paragraphs (1) and (2) of subsection (d).

''(d) DESCRIPTION OF ACTIVITIES.—

''(1) FIRE RISK REDUCTION AND FOREST MANAGEMENT.—

''(A) IN GENERAL.—Of the amounts made available under section 10(a), $150,000,000 shall be made available to the Secretary to carry out, including by making grants, the following programs:

''(i) Programs identified as part of the Lake Tahoe Basin Multi-Jurisdictional Fuel Reduction and Wildfire Prevention Strategy 10-Year Plan.

''(ii) Competitive grants for fuels work to be awarded by the Secretary to communities that have adopted national wildland fire codes to implement the applicable portion of the 10-year plan described in clause (i).

''(iii) Biomass programs, including feasibility assessments.

''(iv) Angora Fire Restoration under the jurisdiction of the Secretary.

''(v) Washoe Tribe programs on tribal lands within the Lake Tahoe Basin.

''(vi) Development of an updated Lake Tahoe Basin multijurisdictional fuel reduction and wildfire prevention strategy, consistent with section 4(c).

''(vii) Development of updated community wildfire protection plans by local fire districts.

''(viii) Municipal water infrastructure that significantly improves the firefighting capability of local government within the Lake Tahoe Basin.

''(ix) Stewardship end result contracting projects carried out under section 604 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c).

''(B) MINIMUM ALLOCATION.—Of the amounts made available to the Secretary to carry out subparagraph (A), at least $100,000,000 shall be used by the Secretary for programs under subparagraph (A)(i).

''(C) PRIORITY.—Units of local government that have dedicated funding for inspections and enforcement of defensible space regulations shall be given priority for amounts provided under this paragraph.

''(D) COST-SHARING REQUIREMENTS.—

''(i) IN GENERAL.—As a condition on the receipt of funds, communities or local fire districts that receive funds under this paragraph shall provide a 25-percent match.

''(ii) FORM OF NON-FEDERAL SHARE.—

''(I) IN GENERAL.—The non-Federal share required under clause (i) may be in the form of cash contributions or in-kind contributions, including providing labor, equipment, supplies, space, and other operational needs.

''(II) CREDIT FOR CERTAIN DEDICATED FUNDING.—There shall be credited toward the non-Federal share required under clause (i) any dedicated funding of the communities or local fire districts for a fuels reduction management program, defensible space inspections, or dooryard chipping.

''(III) DOCUMENTATION.—Communities and local fire districts shall—

''(aa) maintain a record of in-kind contributions that describes—

''(AA) the monetary value of the in-kind contributions; and

''(BB) the manner in which the in-kind contributions assist in accomplishing program goals and objectives; and

''(bb) document in all requests for Federal funding, and include in the total program budget, evidence of the commitment to provide the non-Federal share through in-kind contributions.

''(2) INVASIVE SPECIES MANAGEMENT.—

''(A) IN GENERAL.—Of the amounts made available under section 10(a), $45,000,000 shall be made available to the Director of the United States Fish and Wildlife Service for the Aquatic Invasive Species Program and the watercraft inspections described in subparagraph (B).

''(B) DESCRIPTION OF ACTIVITIES.—The Director of the United States Fish and Wildlife Service, in coordination with the Assistant Secretary, the Planning Agency, the California Department of Fish and Wildlife, and the Nevada Department of Wildlife, shall deploy strategies consistent with the Lake Tahoe Aquatic Invasive Species Management Plan to prevent the introduction or spread of aquatic invasive species in the Lake Tahoe region.

''(C) CRITERIA.—The strategies referred to in subparagraph (B) shall provide that—

''(i) combined inspection and decontamination stations be established and operated at not less than 2 locations in the Lake Tahoe region; and

''(ii) watercraft not be allowed to launch in waters of the Lake Tahoe region if the watercraft has not been inspected in accordance with the Lake Tahoe Aquatic Invasive Species Management Plan.

''(D) CERTIFICATION.—The Planning Agency may certify State and local agencies to perform the decontamination activities described in subparagraph (C)(i) at locations outside the Lake Tahoe Basin if standards at the sites meet or exceed standards for similar sites in the Lake Tahoe Basin established under this paragraph.

''(E) APPLICABILITY.—The strategies and criteria developed under this paragraph shall apply to all watercraft to be launched on water within the Lake Tahoe region.

''(F) FEES.—The Director of the United States Fish and Wildlife Service may collect and spend fees for decontamination only at a level sufficient to cover the costs of operation of inspection and decontamination stations under this paragraph.

''(G) CIVIL PENALTIES.—

''(i) IN GENERAL.—Any person that launches, attempts to launch, or facilitates launching of watercraft not in compliance with strategies deployed under this paragraph shall be liable for a civil penalty in an amount not to exceed $1,000 per violation.

''(ii) OTHER AUTHORITIES.—Any penalties assessed under this subparagraph shall be separate from penalties assessed under any other authority.

''(H) LIMITATION.—The strategies and criteria under subparagraphs (B) and (C), respectively, may be modified if the Secretary of the Interior, in a nondelegable capacity and in consultation with the Planning Agency and State governments, issues a determination that alternative measures will be no less effective at preventing introduction of aquatic invasive species into Lake Tahoe than the strategies and criteria developed under subparagraphs (B) and (C), respectively.

''(I) SUPPLEMENTAL AUTHORITY.—The authority under this paragraph is supplemental to all actions taken by non-Federal regulatory authorities.

''(J) SAVINGS CLAUSE.—Nothing in this title restricts, affects, or amends any other law or the authority of any department, instrumentality, or agency of the United States, or any State or political subdivision thereof, respecting the control of invasive species.

''(3) STORMWATER MANAGEMENT, EROSION CONTROL, AND TOTAL WATERSHED RESTORATION.—Of the amounts made available under section 10(a), $113,000,000 shall be made available—

''(A) to the Secretary, the Secretary of the Interior, the Assistant Secretary, or the Administrator for the Federal share of stormwater management and related programs consistent with the adopted Total Maximum Daily Load and near-shore water quality goals;

''(B) for grants by the Secretary and the Administrator to carry out the programs described in subparagraph (A);

''(C) to the Secretary or the Assistant Secretary for the Federal share of the Upper Truckee River restoration programs and

other watershed restoration programs identified in the Priority List established under section 5(b); and

''(D) for grants by the Administrator to carry out the programs described in subparagraph (C).

''(4) SPECIAL STATUS SPECIES MANAGEMENT.—Of the amounts made available under section 10(a), $20,000,000 shall be made available to the Director of the United States Fish and Wildlife Service for the Lahontan Cutthroat Trout Recovery Program.''.

SEC. 7625. PROGRAM PERFORMANCE AND ACCOUNTABILITY.

The Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2351) is amended by striking section 6 and inserting the following:

''SEC. 6. PROGRAM PERFORMANCE AND ACCOUNTABILITY.

''(a) PROGRAM PERFORMANCE AND ACCOUNTABILITY.—

''(1) IN GENERAL.—Of the amounts made available under section 10(a), not less than $5,000,000 shall be made available to the Secretary to carry out this section.

''(2) PLANNING AGENCY.—Of the amounts described in paragraph (1), not less than 50 percent shall be made available to the Planning Agency to carry out the program oversight and coordination activities established under subsection (d).

''(b) CONSULTATION.—In carrying out this Act, the Secretary, the Administrator, and the Directors shall, as appropriate and in a timely manner, consult with the heads of the Washoe Tribe, applicable Federal, State, regional, and local governmental agencies, and the Lake Tahoe Federal Advisory Committee.

''(c) CORPS OF ENGINEERS; INTERAGENCY AGREEMENTS.—

''(1) IN GENERAL.—The Assistant Secretary may enter into interagency agreements with non-Federal interests in the Lake Tahoe Basin to use Lake Tahoe Partnership-Miscellaneous General Investigations funds to provide programmatic technical assistance for the Environmental Improvement Program.

''(2) LOCAL COOPERATION AGREEMENTS.—

''(A) IN GENERAL.—Before providing technical assistance under this section, the Assistant Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for the technical assistance.

''(B) COMPONENTS.—The agreement entered into under subparagraph (A) shall—

''(i) describe the nature of the technical assistance;

''(ii) describe any legal and institutional structures necessary to ensure the effective long-term viability of the end products by the non-Federal interest; and

''(iii) include cost-sharing provisions in accordance with subparagraph (C).

''(C) FEDERAL SHARE.—

''(i) IN GENERAL.—The Federal share of program costs under each local cooperation agreement under this paragraph shall be 65 percent.

''(ii) FORM.—The Federal share may be in the form of reimbursements of program costs.

''(iii) CREDIT.—The non-Federal interest may receive credit toward the non-Federal share for the reasonable costs of related technical activities completed by the non-Federal interest before entering into a local cooperation agreement with the Assistant Secretary under this paragraph.

''(d) EFFECTIVENESS EVALUATION AND MONITORING.—In carrying out this Act, the Secretary, the Administrator, and the Directors, in coordination with the Planning Agency and the States of California and Nevada, shall—

''(1) develop and implement a plan for integrated monitoring, assessment, and applied research to evaluate the effectiveness of the Environmental Improvement Program;

''(2) include funds in each program funded under this section for monitoring and assessment of results at the program level; and

''(3) use the integrated multiagency performance measures established under this section.

''(e) REPORTING REQUIREMENTS.—Not later than March 15 of each year, the Secretary, in cooperation with the Chair, the Administrator, the Directors, the Planning Agency, and the States of California and Nevada, consistent with subsection (a), shall submit to Congress a report that describes—

''(1) the status of all Federal, State, local, and private programs authorized under this Act, including to the maximum extent practicable, for programs that will receive Federal funds under this Act during the current or subsequent fiscal year—

''(A) the program scope;

''(B) the budget for the program; and

''(C) the justification for the program, consistent with the criteria established in section 5(b)(2);

''(2) Federal, State, local, and private expenditures in the preceding fiscal year to implement the Environmental Improvement Program;

''(3) accomplishments in the preceding fiscal year in implementing this Act in accordance with the performance measures and other monitoring and assessment activities; and

''(4) public education and outreach efforts undertaken to implement programs authorized under this Act.

''(f) ANNUAL BUDGET PLAN.—As part of the annual budget of the President, the President shall submit information regarding each Federal agency involved in the Environmental Improvement Program (including the Forest Service, the Environmental Protection Agency, the United States Fish and Wildlife Service, the United States Geological Survey, and the Corps of Engineers), including—

''(1) an interagency crosscut budget that displays the proposed budget for use by each Federal agency in carrying out restoration activities relating to the Environmental Improvement Program for the following fiscal year;

''(2) a detailed accounting of all amounts received and obligated by Federal agencies to achieve the goals of the Environmental Improvement Program during the preceding fiscal year; and

''(3) a description of the Federal role in the Environmental Improvement Program, including the specific role of each agency involved in the restoration of the Lake Tahoe Basin.''.

SEC. 7626. CONFORMING AMENDMENTS; UPDATES TO RELATED LAWS.

(a) LAKE TAHOE RESTORATION ACT.—The Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2351) is amended—

(1) by striking sections 8 and 9;

(2) by redesignating sections 10, 11, and 12 as sections 8, 9, and 10, respectively; and

(3) in section 9 (as redesignated by paragraph (2)) by inserting '', Director, or Administrator'' after ''Secretary''.

(b) TAHOE REGIONAL PLANNING COMPACT.—Subsection (c) of Article V of the Tahoe Regional Planning Compact (Public Law 96–551; 94 Stat. 3240) is amended in the third sentence by inserting ''and, in so doing, shall ensure that the regional plan reflects changing economic conditions and the economic effect of regulation on commerce'' after ''maintain the regional plan''.

(c) TREATMENT UNDER TITLE 49, UNITED STATES CODE.—Section 5303(r)(2)(C) of title 49, United States Code, is amended—

(1) by inserting ''and 25 square miles of land area'' after ''145,000''; and

(2) by inserting ''and 12 square miles of land area'' after ''65,000''.

SEC. 7627. AUTHORIZATION OF APPROPRIATIONS.

The Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2351) is amended by striking section 10 (as redesignated by section 7626(a)(2)) and inserting the following:

''SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

''(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this Act $415,000,000 for a period of 10 fiscal years beginning the first fiscal year after the date of enactment of the Water Resources Development Act of 2016.

''(b) EFFECT ON OTHER FUNDS.—Amounts authorized under this section and any amendments made by this Act—

''(1) shall be in addition to any other amounts made available to the Secretary, the Administrator, or the Directors for expenditure in the Lake Tahoe Basin; and

''(2) shall not reduce allocations for other Regions of the Forest Service, the Environmental Protection Agency, or the United States Fish and Wildlife Service.

''(c) COST-SHARING REQUIREMENT.—Except as provided in subsection (d) and section 5(d)(1)(D), funds for activities carried out under section 5 shall be available for obligation on a 1-to-1 basis with funding of restoration activities in the Lake Tahoe Basin by the States of California and Nevada.

''(d) RELOCATION COSTS.—Notwithstanding subsection (c), the Secretary shall provide to local utility districts ⅔ of the costs of relocating facilities in connection with—

''(1) environmental restoration programs under sections 5 and 6; and

''(2) erosion control programs under section 2 of Public Law 96–586 (94 Stat. 3381).

''(e) SIGNAGE.—To the maximum extent practicable, a program provided assistance under this Act shall include appropriate signage at the program site that—

''(1) provides information to the public on—

''(A) the amount of Federal funds being provided to the program; and

''(B) this Act; and

''(2) displays the visual identity mark of the Environmental Improvement Program.''.

SEC. 7628. LAND TRANSFERS TO IMPROVE MANAGEMENT EFFICIENCIES OF FEDERAL AND STATE LAND.

Section 3(b) of Public Law 96–586 (94 Stat. 3384) (commonly known as the ''Santini-Burton Act'') is amended—

(1) by striking ''(b) Lands'' and inserting the following:

''(b) ADMINISTRATION OF ACQUIRED LAND.—

''(1) IN GENERAL.—Land''; and

(2) by adding at the end the following:

''(2) CALIFORNIA CONVEYANCES.—

''(A) IN GENERAL.—If the State of California (acting through the California Tahoe Conservancy and the California Department of Parks and Recreation) offers to donate to the United States the non-Federal land described in subparagraph (B)(i), the Secretary—

''(i) may accept the offer; and

''(ii) convey to the State of California, subject to valid existing rights and for no consideration, all right, title, and interest of the United States in and to the Federal land.

''(B) DESCRIPTION OF LAND.—

''(i) NON-FEDERAL LAND.—The non-Federal land referred to in subparagraph (A) includes—

''(I) the approximately 1,936 acres of land administered by the California Tahoe Conservancy and identified on the Maps as 'Tahoe Conservancy to the USFS'; and

''(II) the approximately 183 acres of land administered by California State Parks and

identified on the Maps as 'Total USFS to California'.

''(ii) FEDERAL LAND.—The Federal land referred to in subparagraph (A) includes the approximately 1,995 acres of Forest Service land identified on the Maps as 'U.S. Forest Service to Conservancy and State Parks'.

''(C) CONDITIONS.—Any land conveyed under this paragraph shall—

''(i) be for the purpose of consolidating Federal and State ownerships and improving management efficiencies;

''(ii) not result in any significant changes in the uses of the land; and

''(iii) be subject to the condition that the applicable deed include such terms, restrictions, covenants, conditions, and reservations as the Secretary determines necessary—

''(I) to ensure compliance with this Act; and

''(II) to ensure that the transfer of development rights associated with the conveyed parcels shall not be recognized or available for transfer under chapter 51 of the Code of Ordinances for the Tahoe Regional Planning Agency.

''(D) CONTINUATION OF SPECIAL USE PERMITS.—The land conveyance under this paragraph shall be subject to the condition that the State of California accept all special use permits applicable, as of the date of enactment of the Water Resources Development Act of 2016, to the land described in subparagraph (B)(ii) for the duration of the special use permits, and subject to the terms and conditions of the special use permits.

''(3) NEVADA CONVEYANCES.—

''(A) IN GENERAL.—In accordance with this section and on request by the Governor of Nevada, the Secretary may transfer the land or interests in land described in subparagraph (B) to the State of Nevada without consideration, subject to appropriate deed restrictions to protect the environmental quality and public recreational use of the land transferred.

''(B) DESCRIPTION OF LAND.—The land referred to in subparagraph (A) includes—

''(i) the approximately 38.68 acres of Forest Service land identified on the map entitled 'State of Nevada Conveyances' as 'Van Sickle Unit USFS Inholding'; and

''(ii) the approximately 92.28 acres of Forest Service land identified on the map entitled 'State of Nevada Conveyances' as 'Lake Tahoe Nevada State Park USFS Inholding'.

''(C) CONDITIONS.—Any land conveyed under this paragraph shall—

''(i) be for the purpose of consolidating Federal and State ownerships and improving management efficiencies;

''(ii) not result in any significant changes in the uses of the land; and

''(iii) be subject to the condition that the applicable deed include such terms, restrictions, covenants, conditions, and reservations as the Secretary determines necessary—

''(I) to ensure compliance with this Act; and

''(II) to ensure that the development rights associated with the conveyed parcels shall not be recognized or available for transfer under section 90.2 of the Code of Ordinances for the Tahoe Regional Planning Agency.

''(D) CONTINUATION OF SPECIAL USE PERMITS.—The land conveyance under this paragraph shall be subject to the condition that the State of Nevada accept all special use permits applicable, as of the date of enactment of the Water Resources Development Act of 2016, to the land described in subparagraph (B)(ii) for the duration of the special use permits, and subject to the terms and conditions of the special use permits.

''(4) AUTHORIZATION FOR CONVEYANCE OF FOREST SERVICE URBAN LOTS.—

''(A) CONVEYANCE AUTHORITY.—Except in the case of land described in paragraphs (2) and (3), the Secretary of Agriculture may convey any urban lot within the Lake Tahoe Basin under the administrative jurisdiction of the Forest Service.

''(B) CONSIDERATION.—A conveyance under subparagraph (A) shall require consideration in an amount equal to the fair market value of the conveyed lot.

''(C) AVAILABILITY AND USE.—The proceeds from a conveyance under subparagraph (A) shall be retained by the Secretary of Agriculture and used for—

''(i) purchasing inholdings throughout the Lake Tahoe Basin; or

''(ii) providing additional funds to carry out the Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2351) in excess of amounts made available under section 10 of that Act.

''(D) OBLIGATION LIMIT.—The obligation and expenditure of proceeds retained under this paragraph shall be subject to such fiscal year limitation as may be specified in an Act making appropriations for the Forest Service for a fiscal year.

''(5) REVERSION.—If a parcel of land transferred under paragraph (2) or (3) is used in a manner that is inconsistent with the use described for the parcel of land in paragraph (2) or (3), respectively, the parcel of land, shall, at the discretion of the Secretary, revert to the United States.

''(6) FUNDING.—

''(A) IN GENERAL.—Of the amounts made available under section 10(a) of the Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2351), $2,000,000 shall be made available to the Secretary to carry out the activities under paragraphs (2), (3), and (4).

''(B) OTHER FUNDS.—Of the amounts available to the Secretary under paragraph (1), not less than 50 percent shall be provided to the California Tahoe Conservancy to facilitate the conveyance of land described in paragraphs (2) and (3).''.

PART III—LONG ISLAND SOUND RESTORATION

SEC. 7631. RESTORATION AND STEWARDSHIP PROGRAMS.

(a) LONG ISLAND SOUND RESTORATION PROGRAM.—Section 119 of the Federal Water Pollution Control Act (33 U.S.C. 1269) is amended—

(1) in subsection (b), by striking the subsection designation and heading and all that follows through ''The Office shall'' and inserting the following:

''(b) OFFICE.—

''(1) ESTABLISHMENT.—The Administrator shall—

''(A) continue to carry out the conference study; and

''(B) establish an office, to be located on or near Long Island Sound.

''(2) ADMINISTRATION AND STAFFING.—The Office shall'';

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking ''Management Conference of the Long Island Sound Study'' and inserting ''conference study'';

(B) in paragraph (2)—

(i) in each of subparagraphs (A) through (G), by striking the commas at the end of the subparagraphs and inserting semicolons;

(ii) in subparagraph (H), by striking '', and'' and inserting a semicolon;

(iii) in subparagraph (I), by striking the period at the end and inserting a semicolon; and

(iv) by adding at the end the following:

''(J) environmental impacts on the Long Island Sound watershed, including—

''(i) the identification and assessment of vulnerabilities in the watershed;

''(ii) the development and implementation of adaptation strategies to reduce those vulnerabilities; and

''(iii) the identification and assessment of the impacts of sea level rise on water quality, habitat, and infrastructure; and

''(K) planning initiatives for Long Island Sound that identify the areas that are most suitable for various types or classes of activities in order to reduce conflicts among uses, reduce adverse environmental impacts, facilitate compatible uses, or preserve critical ecosystem services to meet economic, environmental, security, or social objectives;'';

(C) by striking paragraph (4) and inserting the following:

''(4) develop and implement strategies to increase public education and awareness with respect to the ecological health and water quality conditions of Long Island Sound;'';

(D) in paragraph (5), by inserting ''study'' after ''conference'';

(E) in paragraph (6)—

(i) by inserting ''(including on the Internet)'' after ''the public''; and

(ii) by inserting ''study'' after ''conference''; and

(F) by striking paragraph (7) and inserting the following:

''(7) monitor the progress made toward meeting the identified goals, actions, and schedules of the Comprehensive Conservation and Management Plan, including through the implementation and support of a monitoring system for the ecological health and water quality conditions of Long Island Sound; and'';

(3) in subsection (d)(3), in the second sentence, by striking ''50 per centum'' and inserting ''60 percent'';

(4) by redesignating subsection (f) as subsection (i); and

(5) by inserting after subsection (e) the following:

''(f) REPORT.—

''(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Water Resources Development Act of 2016, and biennially thereafter, the Director of the Office, in consultation with the Governor of each Long Island Sound State, shall submit to Congress a report that—

''(A) summarizes and assesses the progress made by the Office and the Long Island Sound States in implementing the Long Island Sound Comprehensive Conservation and Management Plan, including an assessment of the progress made toward meeting the performance goals and milestones contained in the Plan;

''(B) assesses the key ecological attributes that reflect the health of the ecosystem of the Long Island Sound watershed;

''(C) describes any substantive modifications to the Long Island Sound Comprehensive Conservation and Management Plan made during the 2-year period preceding the date of submission of the report;

''(D) provides specific recommendations to improve progress in restoring and protecting the Long Island Sound watershed, including, as appropriate, proposed modifications to the Long Island Sound Comprehensive Conservation and Management Plan;

''(E) identifies priority actions for implementation of the Long Island Sound Comprehensive Conservation and Management Plan for the 2-year period following the date of submission of the report; and

''(F) describes the means by which Federal funding and actions will be coordinated with the actions of the Long Island Sound States and other entities.

''(2) PUBLIC AVAILABILITY.—The Administrator shall make the report described in

paragraph (1) available to the public, including on the Internet.

''(g) ANNUAL BUDGET PLAN.—The President shall submit, together with the annual budget of the United States Government submitted under section 1105(a) of title 31, United States Code, information regarding each Federal department and agency involved in the protection and restoration of the Long Island Sound watershed, including—

''(1) an interagency crosscut budget that displays for each department and agency—

''(A) the amount obligated during the preceding fiscal year for protection and restoration projects and studies relating to the watershed;

''(B) the estimated budget for the current fiscal year for protection and restoration projects and studies relating to the watershed; and

''(C) the proposed budget for succeeding fiscal years for protection and restoration projects and studies relating to the watershed; and

''(2) a summary of any proposed modifications to the Long Island Sound Comprehensive Conservation and Management Plan for the following fiscal year.

''(h) FEDERAL ENTITIES.—

''(1) COORDINATION.—The Administrator shall coordinate the actions of all Federal departments and agencies that impact water quality in the Long Island Sound watershed in order to improve the water quality and living resources of the watershed.

''(2) METHODS.—In carrying out this section, the Administrator, acting through the Director of the Office, may—

''(A) enter into interagency agreements; and

''(B) make intergovernmental personnel appointments.

''(3) FEDERAL PARTICIPATION IN WATERSHED PLANNING.—A Federal department or agency that owns or occupies real property, or carries out activities, within the Long Island Sound watershed shall participate in regional and subwatershed planning, protection, and restoration activities with respect to the watershed.

''(4) CONSISTENCY WITH COMPREHENSIVE CONSERVATION AND MANAGEMENT PLAN.—To the maximum extent practicable, the head of each Federal department and agency that owns or occupies real property, or carries out activities, within the Long Island Sound watershed shall ensure that the property and all activities carried out by the department or agency are consistent with the Long Island Sound Comprehensive Conservation and Management Plan (including any related subsequent agreements and plans).''.

(b) LONG ISLAND SOUND STEWARDSHIP PROGRAM.—

(1) LONG ISLAND SOUND STEWARDSHIP ADVISORY COMMITTEE.—Section 8 of the Long Island Sound Stewardship Act of 2006 (33 U.S.C. 1269 note; Public Law 109–359) is amended—

(A) in subsection (g), by striking ''2011'' and inserting ''2021''; and

(B) by adding at the end the following:

''(h) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to—

''(1) the Advisory Committee; or

''(2) any board, committee, or other group established under this Act.''.

(2) REPORTS.—Section 9(b)(1) of the Long Island Sound Stewardship Act of 2006 (33 U.S.C. 1269 note; Public Law 109–359) is amended in the matter preceding subparagraph (A) by striking ''2011'' and inserting ''2021''.

(3) AUTHORIZATION.—Section 11 of the Long Island Sound Stewardship Act of 2006 (33 U.S.C. 1269 note; Public Law 109–359) is amended—

(A) by striking subsection (a);

(B) by redesignating subsections (b) through (d) as subsections (a) through (c), respectively; and

(C) in subsection (a) (as so redesignated), by striking ''under this section each'' and inserting ''to carry out this Act for a''.

(4) EFFECTIVE DATE.—The amendments made by this subsection take effect on October 1, 2011.

SEC. 7632. REAUTHORIZATION.

(a) IN GENERAL.—There are authorized to be appropriated to the Administrator such sums as are necessary for each of fiscal years 2017 through 2021 for the implementation of—

(1) section 119 of the Federal Water Pollution Control Act (33 U.S.C. 1269), other than subsection (d) of that section; and

(2) the Long Island Sound Stewardship Act of 2006 (33 U.S.C. 1269 note; Public Law 109–359).

(b) LONG ISLAND SOUND GRANTS.—There is authorized to be appropriated to the Administrator to carry out section 119(d) of the Federal Water Pollution Control Act (33 U.S.C. 1269(d)) $40,000,000 for each of fiscal years 2017 through 2021.

(c) LONG ISLAND SOUND STEWARDSHIP GRANTS.—There is authorized to be appropriated to the Administrator to carry out the Long Island Sound Stewardship Act of 2006 (33 U.S.C. 1269 note; Public Law 109–359) $25,000,000 for each of fiscal years 2017 through 2021.

PART IV—DELAWARE RIVER BASIN CONSERVATION

SEC. 7641. FINDINGS.

Congress finds that—

(1) the Delaware River Basin is a national treasure of great cultural, environmental, ecological, and economic importance;

(2) the Basin contains over 12,500 square miles of land in the States of Delaware, New Jersey, New York, and Pennsylvania, including nearly 800 square miles of bay and more than 2,000 tributary rivers and streams;

(3) the Basin is home to more than 8,000,000 people who depend on the Delaware River and the Delaware Bay as an economic engine, a place of recreation, and a vital habitat for fish and wildlife;

(4) the Basin provides clean drinking water to more than 15,000,000 people, including New York City, which relies on the Basin for approximately half of the drinking water supply of the city, and Philadelphia, whose most significant threat to the drinking water supply of the city is loss of forests and other natural cover in the Upper Basin, according to a study conducted by the Philadelphia Water Department;

(5) the Basin contributes $25,000,000,000 annually in economic activity, provides $21,000,000,000 in ecosystem goods and services per year, and is directly or indirectly responsible for 600,000 jobs with $10,000,000,000 in annual wages;

(6) almost 180 species of fish and wildlife are considered special status species in the Basin due to habitat loss and degradation, particularly sturgeon, eastern oyster, horseshoe crabs, and red knots, which have been identified as unique species in need of habitat improvement;

(7) the Basin provides habitat for over 200 resident and migrant fish species, includes significant recreational fisheries, and is an important source of eastern oyster, blue crab, and the largest population of the American horseshoe crab;

(8) the annual dockside value of commercial eastern oyster fishery landings for the Delaware Estuary is nearly $4,000,000, making it the fourth most lucrative fishery in the Delaware River Basin watershed, and proven management strategies are available to increase oyster habitat, abundance, and harvest;

(9) the Delaware Bay has the second largest concentration of shorebirds in North America and is designated as one of the 4 most important shorebird migration sites in the world;

(10) the Basin, 50 percent of which is forested, also has over 700,000 acres of wetland, more than 126,000 acres of which are recognized as internationally important, resulting in a landscape that provides essential ecosystem services, including recreation, commercial, and water quality benefits;

(11) much of the remaining exemplary natural landscape in the Basin is vulnerable to further degradation, as the Basin gains approximately 10 square miles of developed land annually, and with new development, urban watersheds are increasingly covered by impervious surfaces, amplifying the quantity of polluted runoff into rivers and streams;

(12) the Delaware River is the longest undammed river east of the Mississippi; a critical component of the National Wild and Scenic Rivers System in the Northeast, with more than 400 miles designated; home to one of the most heavily visited National Park units in the United States, the Delaware Water Gap National Recreation Area; and the location of 6 National Wildlife Refuges;

(13) the Delaware River supports an internationally renowned cold water fishery in more than 80 miles of its northern headwaters that attracts tens of thousands of visitors each year and generates over $21,000,000 in annual revenue through tourism and recreational activities;

(14) management of water volume in the Basin is critical to flood mitigation and habitat for fish and wildlife, and following 3 major floods along the Delaware River since 2004, the Governors of the States of Delaware, New Jersey, New York, and Pennsylvania have called for natural flood damage reduction measures to combat the problem, including restoring the function of riparian corridors;

(15) the Delaware River Port Complex (including docking facilities in the States of Delaware, New Jersey, and Pennsylvania) is one of the largest freshwater ports in the world, the Port of Philadelphia handles the largest volume of international tonnage and 70 percent of the oil shipped to the East Coast, and the Port of Wilmington, a full-service deepwater port and marine terminal supporting more than 12,000 jobs, is the busiest terminal on the Delaware River, handling more than 400 vessels per year with an annual import/export cargo tonnage of more than 4,000,000 tons;

(16) the Delaware Estuary, where freshwater from the Delaware River mixes with saltwater from the Atlantic Ocean, is one of the largest and most complex of the 28 estuaries in the National Estuary Program, and the Partnership for the Delaware Estuary works to improve the environmental health of the Delaware Estuary;

(17) the Delaware River Basin Commission is a Federal-interstate compact government agency charged with overseeing a unified approach to managing the river system and implementing important water resources management projects and activities throughout the Basin that are in the national interest;

(18) restoration activities in the Basin are supported through several Federal and State agency programs, and funding for those important programs should continue and complement the establishment of the Delaware River Basin Restoration Program, which is intended to build on and help coordinate restoration and protection funding mechanisms at the Federal, State, regional, and local levels; and

(19) the existing and ongoing voluntary conservation efforts in the Delaware River

Basin necessitate improved efficiency and cost effectiveness, as well as increased private-sector investments and coordination of Federal and non-Federal resources.

SEC. 7642. DEFINITIONS.

In this part:

(1) BASIN.—The term ''Basin'' means the 4-State Delaware Basin region, including all of Delaware Bay and portions of the States of Delaware, New Jersey, New York, and Pennsylvania located in the Delaware River watershed.

(2) BASIN STATE.—The term ''Basin State'' means each of the States of Delaware, New Jersey, New York, and Pennsylvania.

(3) DIRECTOR.—The term ''Director'' means the Director of the United States Fish and Wildlife Service.

(4) FOUNDATION.—The term ''Foundation'' means the National Fish and Wildlife Foundation, a congressionally chartered foundation established by section 2 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701).

(5) GRANT PROGRAM.—The term ''grant program'' means the voluntary Delaware River Basin Restoration Grant Program established under section 7644.

(6) PROGRAM.—The term ''program'' means the nonregulatory Delaware River Basin restoration program established under section 7643.

(7) RESTORATION AND PROTECTION.—The term ''restoration and protection'' means the conservation, stewardship, and enhancement of habitat for fish and wildlife to preserve and improve ecosystems and ecological processes on which they depend, and for use and enjoyment by the public.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director.

(9) SERVICE.—The term ''Service'' means the United States Fish and Wildlife Service.

SEC. 7643. PROGRAM ESTABLISHMENT.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a nonregulatory program to be known as the ''Delaware River Basin restoration program''.

(b) DUTIES.—In carrying out the program, the Secretary shall—

(1) draw on existing and new management plans for the Basin, or portions of the Basin, and work in consultation with applicable management entities, including representatives of the Partnership for the Delaware Estuary, the Delaware River Basin Commission, the Federal Government, and other State and local governments, and regional and nonprofit organizations, as appropriate, to identify, prioritize, and implement restoration and protection activities within the Basin;

(2) adopt a Basinwide strategy that—

(A) supports the implementation of a shared set of science-based restoration and protection activities developed in accordance with paragraph (1);

(B) targets cost-effective projects with measurable results; and

(C) maximizes conservation outcomes with no net gain of Federal full-time equivalent employees; and

(3) establish the voluntary grant and technical assistance programs in accordance with section 7644.

(c) COORDINATION.—In establishing the program, the Secretary shall consult, as appropriate, with—

(1) the heads of Federal agencies, including—

(A) the Administrator;

(B) the Administrator of the National Oceanic and Atmospheric Administration;

(C) the Chief of the Natural Resources Conservation Service;

(D) the Chief of Engineers; and

(E) the head of any other applicable agency;

(2) the Governors of the Basin States;

(3) the Partnership for the Delaware Estuary;

(4) the Delaware River Basin Commission;

(5) fish and wildlife joint venture partnerships; and

(6) other public agencies and organizations with authority for the planning and implementation of conservation strategies in the Basin.

(d) PURPOSES.—The purposes of the program include—

(1) coordinating restoration and protection activities among Federal, State, local, and regional entities and conservation partners throughout the Basin; and

(2) carrying out coordinated restoration and protection activities, and providing for technical assistance throughout the Basin and Basin States—

(A) to sustain and enhance fish and wildlife habitat restoration and protection activities;

(B) to improve and maintain water quality to support fish and wildlife, as well as the habitats of fish and wildlife, and drinking water for people;

(C) to sustain and enhance water management for volume and flood damage mitigation improvements to benefit fish and wildlife habitat;

(D) to improve opportunities for public access and recreation in the Basin consistent with the ecological needs of fish and wildlife habitat;

(E) to facilitate strategic planning to maximize the resilience of natural systems and habitats under changing watershed conditions;

(F) to engage the public through outreach, education, and citizen involvement, to increase capacity and support for coordinated restoration and protection activities in the Basin;

(G) to increase scientific capacity to support the planning, monitoring, and research activities necessary to carry out coordinated restoration and protection activities; and

(H) to provide technical assistance to carry out restoration and protection activities in the Basin.

SEC. 7644. GRANTS AND ASSISTANCE.

(a) DELAWARE RIVER BASIN RESTORATION GRANT PROGRAM.—To the extent that funds are available to carry out this section, the Secretary shall establish a voluntary grant and technical assistance program to be known as the ''Delaware River Basin Restoration Grant Program'' to provide competitive matching grants of varying amounts to State and local governments, nonprofit organizations, institutions of higher education, and other eligible entities to carry out activities described in section 7643(d).

(b) CRITERIA.—The Secretary, in consultation with the organizations described in section 7643(c), shall develop criteria for the grant program to help ensure that activities funded under this section accomplish one or more of the purposes identified in section 7643(d)(2) and advance the implementation of priority actions or needs identified in the Basinwide strategy adopted under section 7643(b)(2).

(c) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of a project funded under the grant program shall not exceed 50 percent of the total cost of the activity, as determined by the Secretary.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of a project funded under the grant program may be provided in cash or in the form of an in-kind contribution of services or materials.

(d) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary may enter into an agreement to manage the grant program with the National Fish and Wildlife Foundation or a similar organization that offers grant management services.

(2) FUNDING.—If the Secretary enters into an agreement under paragraph (1), the organization selected shall—

(A) for each fiscal year, receive amounts to carry out this section in an advance payment of the entire amount on October 1, or as soon as practicable thereafter, of that fiscal year;

(B) invest and reinvest those amounts for the benefit of the grant program; and

(C) otherwise administer the grant program to support partnerships between the public and private sectors in accordance with this part.

(3) REQUIREMENTS.—If the Secretary enters into an agreement with the Foundation under paragraph (1), any amounts received by the Foundation under this section shall be subject to the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.), excluding section 10(a) of that Act (16 U.S.C. 3709(a)).

SEC. 7645. ANNUAL REPORTS.

Not later than 180 days after the date of enactment of this Act and annually thereafter, the Secretary shall submit to Congress a report on the implementation of this part, including a description of each project that has received funding under this part.

SEC. 7646. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to the Secretary to carry out this part $5,000,000 for each of fiscal years 2017 through 2022.

(b) USE.—Of any amount made available under this section for each fiscal year, the Secretary shall use at least 75 percent to carry out the grant program under section 7644 and to provide, or provide for, technical assistance under that program.

PART V—COLUMBIA RIVER BASIN RESTORATION

SEC. 7651. COLUMBIA RIVER BASIN RESTORATION.

Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended by adding at the end the following:

''SEC. 123. COLUMBIA RIVER BASIN RESTORATION.

''(a) DEFINITIONS.—

''(1) COLUMBIA RIVER BASIN.—The term 'Columbia River Basin' means the entire United States portion of the Columbia River watershed.

''(2) ESTUARY PARTNERSHIP.—The term 'Estuary Partnership' means the Lower Columbia Estuary Partnership, an entity created by the States of Oregon and Washington and the Environmental Protection Agency under section 320.

''(3) ESTUARY PLAN.—

''(A) IN GENERAL.—The term 'Estuary Plan' means the Estuary Partnership Comprehensive Conservation and Management Plan adopted by the Environmental Protection Agency and the Governors of Oregon and Washington on October 20, 1999, under section 320.

''(B) INCLUSION.—The term 'Estuary Plan' includes any amendments to the plan.

''(4) LOWER COLUMBIA RIVER ESTUARY.—The term 'Lower Columbia River Estuary' means the mainstem Columbia River from the Bonneville Dam to the Pacific Ocean and tidally influenced portions of tributaries to the Columbia River in that region.

''(5) MIDDLE AND UPPER COLUMBIA RIVER BASIN.—The term 'Middle and Upper Columbia River Basin' means the region consisting of the United States portion of the Columbia River Basin above Bonneville Dam.

''(6) PROGRAM.—The term 'Program' means the Columbia River Basin Restoration Program established under subsection (b)(1)(A).

''(b) COLUMBIA RIVER BASIN RESTORATION PROGRAM.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—The Administrator shall establish within the Environmental Protection Agency a Columbia River Basin Restoration Program.

''(B) EFFECT.—

''(i) The establishment of the Program does not modify any legal or regulatory authority or program in effect as of the date of enactment of this section, including the roles of Federal agencies in the Columbia River Basin.

''(ii) This section does not create any new regulatory authority.

''(2) SCOPE OF PROGRAM.—The Program shall consist of a collaborative stakeholder-based program for environmental protection and restoration activities throughout the Columbia River Basin.

''(3) DUTIES.—The Administrator shall—

''(A) assess trends in water quality, including trends that affect uses of the water of the Columbia River Basin;

''(B) collect, characterize, and assess data on water quality to identify possible causes of environmental problems; and

''(C) provide grants in accordance with subsection (d) for projects that assist in—

''(i) eliminating or reducing pollution;

''(ii) cleaning up contaminated sites;

''(iii) improving water quality;

''(iv) monitoring to evaluate trends;

''(v) reducing runoff;

''(vi) protecting habitat; or

''(vii) promoting citizen engagement or knowledge.

''(c) STAKEHOLDER WORKING GROUP.—

''(1) ESTABLISHMENT.—The Administrator shall establish a Columbia River Basin Restoration Working Group (referred to in this subsection as the 'Working Group').

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—Membership in the Working Group shall be on a voluntary basis and any person invited by the Administrator under this subsection may decline membership.

''(B) INVITED REPRESENTATIVES.—The Administrator shall invite, at a minimum, representatives of—

''(i) each State located in whole or in part within the Columbia River Basin;

''(ii) the Governors of each State located in whole or in part with the Columbia River Basin;

''(iii) each federally recognized Indian tribe in the Columbia River Basin;

''(iv) local governments located in the Columbia River Basin;

''(v) industries operating in the Columbia River Basin that affect or could affect water quality;

''(vi) electric, water, and wastewater utilities operating in the Columba River Basin;

''(vii) private landowners in the Columbia River Basin;

''(viii) soil and water conservation districts in the Columbia River Basin;

''(ix) nongovernmental organizations that have a presence in the Columbia River Basin;

''(x) the general public in the Columbia River Basin; and

''(xi) the Estuary Partnership.

''(3) GEOGRAPHIC REPRESENTATION.—The Working Group shall include representatives from—

''(A) each State; and

''(B) each of the Lower, Middle, and Upper Basins of the Columbia River.

''(4) DUTIES AND RESPONSIBILITIES.—The Working Group shall—

''(A) recommend and prioritize projects and actions; and

''(B) review the progress and effectiveness of projects and actions implemented.

''(5) LOWER COLUMBIA RIVER ESTUARY.—

''(A) ESTUARY PARTNERSHIP.—The Estuary Partnership shall perform the duties and fulfill the responsibilities of the Working Group described in paragraph (4) as those duties and responsibilities relate to the Lower Columbia River Estuary for such time as the Estuary Partnership is the management conference for the Lower Columbia River National Estuary Program under section 320.

''(B) DESIGNATION.—If the Estuary Partnership ceases to be the management conference for the Lower Columbia River National Estuary Program under section 320, the Administrator may designate the new management conference to assume the duties and responsibilities of the Working Group described in paragraph (4) as those duties and responsibilities relate to the Lower Columbia River Estuary.

''(C) INCORPORATION.—If the Estuary Partnership is removed from the National Estuary Program, the duties and responsibilities for the lower 146 miles of the Columbia River pursuant to this Act shall be incorporated into the duties of the Working Group.

''(d) GRANTS.—

''(1) IN GENERAL.—The Administrator shall establish a voluntary, competitive Columbia River Basin program to provide grants to State governments, tribal governments, regional water pollution control agencies and entities, local government entities, nongovernmental entities, or soil and water conservation districts to develop or implement projects authorized under this section for the purpose of environmental protection and restoration activities throughout the Columbia River Basin.

''(2) FEDERAL SHARE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of the cost of any project or activity carried out using funds from a grant provided to any person (including a State, tribal, or local government or interstate or regional agency) under this subsection for a fiscal year—

''(i) shall not exceed 75 percent of the total cost of the project or activity; and

''(ii) shall be made on condition that the non-Federal share of that total cost shall be provided from non-Federal sources.

''(B) EXCEPTIONS.—With respect to cost-sharing for a grant provided under this subsection—

''(i) a tribal government may use Federal funds for the non-Federal share; and

''(ii) the Administrator may increase the Federal share under such circumstances as the Administrator determines to be appropriate.

''(3) ALLOCATION.—In making grants using funds appropriated to carry out this section, the Administrator shall—

''(A) provide not less than 25 percent of the funds to make grants for projects, programs, and studies in the Lower Columbia River Estuary;

''(B) provide not less than 25 percent of the funds to make grants for projects, programs, and studies in the Middle and Upper Columbia River Basin, which includes the Snake River Basin; and

''(C) retain for Environmental Protection Agency not more than 5 percent of the funds for purposes of implementing this section.

''(4) REPORTING.—

''(A) IN GENERAL.—Each grant recipient under this subsection shall submit to the Administrator reports on progress being made in achieving the purposes of this section.

''(B) REQUIREMENTS.—The Administrator shall establish requirements and timelines for recipients of grants under this subsection to report on progress made in achieving the purposes of this section.

''(5) RELATIONSHIP TO OTHER FUNDING.—

''(A) IN GENERAL.—Nothing in this subsection limits the eligibility of the Estuary Partnership to receive funding under section 320(g).

''(B) LIMITATION.—None of the funds made available under this subsection may be used for the administration of a management conference under section 320.

''(e) ANNUAL BUDGET PLAN.—The President, as part of the annual budget submission of the President to Congress under section 1105(a) of title 31, United States Code, shall submit information regarding each Federal agency involved in protection and restoration of the Columbia River Basin, including an interagency crosscut budget that displays for each Federal agency—

''(1) the amounts obligated for the preceding fiscal year for protection and restoration projects, programs, and studies relating to the Columbia River Basin;

''(2) the estimated budget for the current fiscal year for protection and restoration projects, programs, and studies relating to the Columbia River Basin; and

''(3) the proposed budget for protection and restoration projects, programs, and studies relating to the Columbia River Basin.''.

Subtitle G—Innovative Water Infrastructure Workforce Development

SEC. 7701. INNOVATIVE WATER INFRASTRUCTURE WORKFORCE DEVELOPMENT PROGRAM.

(a) GRANTS AUTHORIZED.—The Administrator shall establish a competitive grant program to assist the development of innovative activities relating to workforce development in the water utility sector.

(b) SELECTION OF GRANT RECIPIENTS.—In awarding grants under subsection (a), the Administrator shall, to the maximum extent practicable, select water utilities that—

(1) are geographically diverse;

(2) address the workforce and human resources needs of large and small public water and wastewater utilities;

(3) address the workforce and human resources needs of urban and rural public water and wastewater utilities;

(4) advance training relating to construction, utility operations, treatment and distribution, green infrastructure, customer service, maintenance, and engineering; and

(5)(A) have a high retiring workforce rate; or

(B) are located in areas with a high unemployment rate.

(c) USE OF FUNDS.—Grants awarded under subsection (a) may be used for activities such as—

(1) targeted internship, apprenticeship, preapprenticeship, and post-secondary bridge programs for mission-critical skilled trades, in collaboration with labor organizations, community colleges, and other training and education institutions that provide—

(A) on-the-job training;

(B) soft and hard skills development;

(C) test preparation for skilled trade apprenticeships; or

(D) other support services to facilitate post-secondary success;

(2) kindergarten through 12th grade and young adult education programs that—

(A) educate young people about the role of water and wastewater utilities in the communities of the young people;

(B) increase the career awareness and exposure of the young people to water utility careers through various work-based learning opportunities inside and outside the classroom; and

(C) connect young people to post-secondary career pathways related to water utilities;

(3) regional industry and workforce development collaborations to identify water utility employment needs, map existing career

pathways, support the development of curricula, facilitate the sharing of resources, and coordinate candidate development, staff preparedness efforts, and activities that engage and support—

(A) water utilities employers;

(B) educational and training institutions;

(C) local community-based organizations;

(D) public workforce agencies; and

(E) other related stakeholders;

(4) integrated learning laboratories embedded in high schools or other secondary educational institutions that provide students with—

(A) hands-on, contextualized learning opportunities;

(B) dual enrollment credit for post-secondary education and training programs; and

(C) direct connection to industry employers; and

(5) leadership development, occupational training, mentoring, or cross-training programs that ensure that incumbent water and wastewater utilities workers are prepared for higher-level supervisory or management-level positions.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this section $1,000,000 for each of fiscal years 2017 through 2021.

Subtitle H—Offset

SEC. 7801. OFFSET.

None of the funds available to the Secretary of Energy to provide any credit subsidy under subsection (d) of section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013) as of the date of enactment of this Act shall be obligated for new loan commitments under that subsection on or after October 1, 2020.

TITLE VIII—MISCELLANEOUS PROVISIONS

SEC. 8001. APPROVAL OF STATE PROGRAMS FOR CONTROL OF COAL COMBUSTION RESIDUALS.

Section 4005 of the Solid Waste Disposal Act (42 U.S.C. 6945) is amended by adding at the end the following:

''(d) STATE PROGRAMS FOR CONTROL OF COAL COMBUSTION RESIDUALS.—

''(1) APPROVAL BY ADMINISTRATOR.—

''(A) IN GENERAL.—Each State may submit to the Administrator, in such form as the Administrator may establish, evidence of a permit program or other system of prior approval and conditions under State law for regulation by the State of coal combustion residual units that are located in the State in lieu of a Federal program under this subsection.

''(B) REQUIREMENT.—Not later than 90 days after the date on which a State submits the evidence described in subparagraph (A), the Administrator shall approve, in whole or in part, a permit program or other system of prior approval and conditions submitted under subparagraph (A) if the Administrator determines that the program or other system requires each coal combustion residual unit located in the State to achieve compliance with—

''(i) the applicable criteria for coal combustion residual units under part 257 of title 40, Code of Federal Regulations (or successor regulations), promulgated pursuant to sections 1008(a)(3) and 4004(a); or

''(ii) such other State criteria that the Administrator, after consultation with the State, determines to be at least as protective as the criteria described in clause (i).

''(C) PERMIT REQUIREMENTS.—The Administrator may approve under subparagraph (B)(ii) a State permit program or other system of prior approval and conditions that allows a State to include technical standards for individual permits or conditions of approval that differ from the technical standards under part 257 of title 40, Code of Federal Regulations (or successor regulations), if, based on site-specific conditions, the technical standards established pursuant to an approved State program or other system are at least as protective as the technical standards under that part.

''(D) WITHDRAWAL OF APPROVAL.—

''(i) PROGRAM REVIEW.—The Administrator shall review programs or other systems approved under subparagraph (B)—

''(I) from time to time, but not less frequently than once every 5 years; or

''(II) on request of any State.

''(ii) NOTIFICATION AND OPPORTUNITY FOR A PUBLIC HEARING.—The Administrator shall provide to the relevant State notice and an opportunity for a public hearing if the Administrator determines that—

''(I) a revision or correction to the permit program or other system of prior approval and conditions of the State is required for the State to achieve compliance with the requirements of subparagraph (B);

''(II) the State has not adopted and implemented an adequate permit program or other system of prior approval and conditions for each coal combustion residual unit located in the State to ensure compliance with the requirements of subparagraph (B); or

''(III) the State has, at any time, approved or failed to revoke a permit under this subsection that would lead to the violation of a law to protect human health or the environment of any other State.

''(iii) WITHDRAWAL.—

''(I) IN GENERAL.—The Administrator shall withdraw approval of a State permit program or other system of prior approval and conditions if, after the Administrator provides notice and an opportunity for a public hearing to the relevant State under clause (ii), the Administrator determines that the State has not corrected the deficiency.

''(II) REINSTATEMENT OF STATE APPROVAL.—Any withdrawal of approval under subclause (I) shall cease to be effective on the date on which the Administrator makes a determination that the State permit program or other system of prior approval and conditions complies with the requirements of subparagraph (B).

''(2) NONPARTICIPATING STATES.—

''(A) DEFINITION OF NONPARTICIPATING STATE.—In this paragraph, the term 'nonparticipating State' means a State—

''(i) for which the Administrator has not approved a State permit program or other system of prior approval and conditions under paragraph (1)(B);

''(ii) the Governor of which has not submitted to the Administrator for approval evidence to operate a State permit program or other system of prior approval and conditions under paragraph (1)(A);

''(iii) the Governor of which has provided notice to the Administrator that, not fewer than 90 days after the date on which the Governor provides notice to the Administrator, the State relinquishes an approval under paragraph (1)(B) to operate a permit program or other system of prior approval and conditions; or

''(iv) for which the Administrator has withdrawn approval for a permit program or other system of prior approval and conditions under paragraph (1)(D)(iii).

''(B) PERMIT PROGRAM.—In the case of a nonparticipating State for which the Administrator makes a determination that the nonparticipating State lacks the capacity to implement a permit program or other system of prior approval and conditions and subject to the availability of appropriations, the Administrator may implement a permit program to require each coal combustion residual unit located in the nonparticipating State to achieve compliance with applicable criteria established by the Administrator under part 257 of title 40, Code of Federal Regulations (or successor regulations).

''(3) APPLICABILITY OF CRITERIA.—The applicable criteria for coal combustion residual units under part 257 of title 40, Code of Federal Regulations (or successor regulations), promulgated pursuant to sections 1008(a)(3) and 4004(a), shall apply to each coal combustion residual unit in a State unless—

''(A) a permit under a State permit program or other system of prior approval and conditions approved by the Administrator under paragraph (1)(B) is in effect; or

''(B) a permit issued by the Administrator in a State in which the Administrator is implementing a permit program under paragraph (2)(B) is in effect.

''(4) PROHIBITION ON OPEN DUMPING.—

''(A) IN GENERAL.—Except as provided in subparagraph (B)(i) and subject to subparagraph (B)(ii), the Administrator may use the authority provided by sections 3007 and 3008 to enforce the prohibition against open dumping contained in subsection (a) with respect to a coal combustion residual unit.

''(B) FEDERAL ENFORCEMENT IN APPROVED STATE.—

''(i) IN GENERAL.—In the case of a coal combustion residual unit located in a State that is approved to operate a permit program or other system of prior approval and conditions under paragraph (1)(B), the Administrator may commence an administrative or judicial enforcement action under section 3008 if—

''(I) the State requests that the Administrator provide assistance in the performance of the enforcement action; or

''(II) after consideration of any other administrative or judicial enforcement action involving the coal combustion residual unit, the Administrator determines that an enforcement action is likely to be necessary to ensure that the coal combustion residual unit is operating in accordance with the criteria established under the permit program or other system of prior approval and conditions.

''(ii) NOTIFICATION.—In the case of an enforcement action by the Administrator under clause (i)(II), before issuing an order or commencing a civil action, the Administrator shall notify the State in which the coal combustion residual unit is located.

''(iii) ANNUAL REPORT TO CONGRESS.—Not later than December 31, 2017, and December 31 of each year thereafter, the Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes any enforcement action commenced under clause (i)(II), including a description of the basis for the enforcement action.

''(5) INDIAN COUNTRY.—The Administrator may establish and carry out a permit program, in accordance with this subsection, for coal combustion residual units in Indian country (as defined in section 1151 of title 18, United States Code) to require each coal combustion residual unit located in Indian country to achieve compliance with the applicable criteria established by the Administrator under part 257 of title 40, Code of Federal Regulations (or successor regulations).

''(6) TREATMENT OF COAL COMBUSTION RESIDUAL UNITS.—A coal combustion residual unit shall be considered to be a sanitary landfill for purposes of subsection (a) only if the coal combustion residual unit is operating in accordance with—

''(A) the requirements established pursuant to a program for which an approval is provided by—

''(i) the State in accordance with a program or system approved under paragraph (1)(B); or

''(ii) the Administrator pursuant to paragraph (2)(B) or paragraph (5); or

''(B) the applicable criteria for coal combustion residual units under part 257 of title 40, Code of Federal Regulations (or successor regulations), promulgated pursuant to sections 1008(a)(3) and 4004(a).

''(7) EFFECT OF SUBSECTION.—Nothing in this subsection affects any authority, regulatory determination, other law, or legal obligation in effect on the day before the date of enactment of the Water Resources Development Act of 2016.''.

SEC. 8002. CHOCTAW NATION OF OKLAHOMA AND THE CHICKASAW NATION WATER SETTLEMENT.

(a) PURPOSES.—The purposes of this section are—

(1) to permanently resolve and settle those claims to Settlement Area Waters of the Choctaw Nation of Oklahoma and the Chickasaw Nation as set forth in the Settlement Agreement and this section, including all claims or defenses in and to Chickasaw Nation, Choctaw Nation v. Fallin et al., CIV 11–927 (W.D. Ok.), OWRB v. United States, et al. CIV 12–275 (W.D. Ok.), or any future stream adjudication;

(2) to approve, ratify, and confirm the Settlement Agreement;

(3) to authorize and direct the Secretary of the Interior to execute the Settlement Agreement and to perform all obligations of the Secretary of the Interior under the Settlement Agreement and this section;

(4) to approve, ratify, and confirm the amended storage contract among the State, the City and the Trust;

(5) to authorize and direct the Secretary to approve the amended storage contract for the Corps of Engineers to perform all obligations under the 1974 storage contract, the amended storage contract, and this section; and

(6) to authorize all actions necessary for the United States to meet its obligations under the Settlement Agreement, the amended storage contract, and this section.

(b) DEFINITIONS.—In this section:

(1) 1974 STORAGE CONTRACT.—The term ''1974 storage contract'' means the contract approved by the Secretary on April 9, 1974, between the Secretary and the Water Conservation Storage Commission of the State of Oklahoma pursuant to section 301 of the Water Supply Act of 1958 (43 U.S.C. 390b), and other applicable Federal law.

(2) 2010 AGREEMENT.—The term ''2010 agreement'' means the agreement entered into among the OWRB and the Trust, dated June 15, 2010, relating to the assignment by the State of the 1974 storage contract and transfer of rights, title, interests, and obligations under that contract to the Trust, including the interests of the State in the conservation storage capacity and associated repayment obligations to the United States.

(3) ADMINISTRATIVE SET-ASIDE SUBCONTRACTS.—The term ''administrative set-aside subcontracts'' means the subcontracts the City shall issue for the use of Conservation Storage Capacity in Sardis Lake as provided by section 4 of the amended storage contract.

(4) ALLOTMENT.—The term ''allotment'' means the land within the Settlement Area held by an allottee subject to a statutory restriction on alienation or held by the United States in trust for the benefit of an allottee.

(5) ALLOTTEE.—The term ''allottee'' means an enrolled member of the Choctaw Nation or citizen of the Chickasaw Nation who, or whose estate, holds an interest in an allotment.

(6) AMENDED PERMIT APPLICATION.—The term ''amended permit application'' means the permit application of the City to the OWRB, No. 2007–17, as amended as provided by the Settlement Agreement.

(7) AMENDED STORAGE CONTRACT TRANSFER AGREEMENT; AMENDED STORAGE CONTRACT .—The terms ''amended storage contract transfer agreement'' and ''amended storage contract'' mean the 2010 Agreement between the City, the Trust, and the OWRB, as amended, as provided by the Settlement Agreement and this section.

(8) ATOKA AND SARDIS CONSERVATION PROJECTS FUND.—The term ''Atoka and Sardis Conservation Projects Fund'' means the Atoka and Sardis Conservation Projects Fund established, funded, and managed in accordance with the Settlement Agreement.

(9) CITY.—The term ''City'' means the City of Oklahoma City, or the City and the Trust acting jointly, as applicable.

(10) CITY PERMIT.—The term ''City permit'' means any permit issued to the City by the OWRB pursuant to the amended permit application and consistent with the Settlement Agreement.

(11) CONSERVATION STORAGE CAPACITY.—The term ''conservation storage capacity'' means the total storage space as stated in the 1974 storage contract in Sardis Lake between elevations 599.0 feet above mean sea level and 542.0 feet above mean sea level, which is estimated to contain 297,200 acre-feet of water after adjustment for sediment deposits, and which may be used for municipal and industrial water supply, fish and wildlife, and recreation.

(12) ENFORCEABILITY DATE .—The term ''enforceability date'' means the date on which the Secretary of the Interior publishes in the Federal Register a notice certifying that the conditions of subsection (i) have been satisfied.

(13) FUTURE USE STORAGE.—The term ''future use storage'' means that portion of the conservation storage capacity that was designated by the 1974 Contract to be utilized for future water use storage and was estimated to contain 155,500 acre feet of water after adjustment for sediment deposits, or 52.322 percent of the conservation storage capacity.

(14) NATIONS.—The term ''Nations'' means, collectively, the Choctaw Nation of Oklahoma (''Choctaw Nation'') and the Chickasaw Nation.

(15) OWRB.—The term ''OWRB'' means the Oklahoma Water Resources Board.

(16) SARDIS LAKE.—The term ''Sardis Lake'' means the reservoir, formerly known as Clayton Lake, whose dam is located in Section 19, Township 2 North, Range 19 East of the Indian Meridian, Pushmataha County, Oklahoma, the construction, operation, and maintenance of which was authorized by section 203 of the Flood Control Act of 1962 (Public Law 87–874; 76 Stat. 1187).

(17) SETTLEMENT AGREEMENT.—The term ''Settlement Agreement'' means the settlement agreement as approved by the Nations, the State, the City, and the Trust effective August 22, 2016, as revised to conform with this section, as applicable.

(18) SETTLEMENT AREA.—The term ''settlement area'' means—

(A) the area lying between—

(i) the South Canadian River and Arkansas River to the north;

(ii) the Oklahoma–Texas State line to the south;

(iii) the Oklahoma–Arkansas State line to the east; and

(iv) the 98th Meridian to the west; and

(B) the area depicted in Exhibit 1 to the Settlement Agreement and generally including the following counties, or portions of, in the State:

(i) Atoka.
(ii) Bryan.
(iii) Carter.
(iv) Choctaw.
(v) Coal.
(vi) Garvin.
(vii) Grady.
(viii) McClain.
(ix) Murray.
(x) Haskell.
(xi) Hughes.
(xii) Jefferson.
(xiii) Johnston.
(xiv) Latimer.
(xv) LeFlore.
(xvi) Love.
(xvii) Marshall.
(xviii) McCurtain.
(xix) Pittsburgh.
(xx) Pontotoc.
(xxi) Pushmataha.
(xxii) Stephens.

(19) SETTLEMENT AREA WATERS.—The term ''settlement area waters'' means the waters located—

(A) within the settlement area; and

(B) within a basin depicted in Exhibit 10 to the Settlement Agreement, including any of the following basins as denominated in the 2012 Update of the Oklahoma Comprehensive Water Plan:

(i) Beaver Creek (24, 25, and 26).
(ii) Blue (11 and 12).
(iii) Clear Boggy (9).
(iv) Kiamichi (5 and 6).
(v) Lower Arkansas (46 and 47).
(vi) Lower Canadian (48, 56, 57, and 58).
(vii) Lower Little (2).
(viii) Lower Washita (14).
(ix) Mountain Fork (4).
(x) Middle Washita (15 and 16).
(xi) Mud Creek (23).
(xii) Muddy Boggy (7 and 8).
(xiii) Poteau (44 and 45).
(xiv) Red River Mainstem (1, 10, 13, and 21)
(xv) Upper Little (3).
(xvi) Walnut Bayou (22).

(20) STATE.—The term ''State'' means the State of Oklahoma.

(21) TRUST.—

(A) IN GENERAL.—The term ''Trust'' means the Oklahoma City Water Utilities Trust, formerly known as the Oklahoma City Municipal Improvement Authority, a public trust established pursuant to State law with the City as the beneficiary.

(B) REFERENCES.—A reference in this section to ''Trust'' shall refer to the Oklahoma City Water Utilities Trust, acting severally.

(c) APPROVAL OF THE SETTLEMENT AGREEMENT.—

(1) RATIFICATION.—

(A) IN GENERAL.—Except as modified by this section, and to the extent the Settlement Agreement does not conflict with this section, the Settlement Agreement is authorized, ratified, and confirmed.

(B) AMENDMENTS.—If an amendment is executed to make the Settlement Agreement consistent with this section, the amendment is also authorized, ratified and confirmed to the extent the amendment is consistent with this section.

(2) EXECUTION OF SETTLEMENT AGREEMENT.—

(A) IN GENERAL.—To the extent the Settlement Agreement does not conflict with this section, the Secretary of the Interior shall promptly execute the Settlement Agreement, including all exhibits to or parts of the Settlement Agreement requiring the signature of the Secretary of the Interior and any amendments necessary to make the Settlement Agreement consistent with this section.

(B) NOT A MAJOR FEDERAL ACTION.—Execution of the Settlement Agreement by the

Secretary of the Interior under this subsection shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(d) APPROVAL OF THE AMENDED STORAGE CONTRACT AND 1974 STORAGE CONTRACT.—

(1) RATIFICATION.—

(A) IN GENERAL.—Except to the extent any provision of the amended storage contract conflicts with any provision of this section, the amended storage contract is authorized, ratified, and confirmed.

(B) 1974 STORAGE CONTRACT.—To the extent the amended storage contract, as authorized, ratified, and confirmed, modifies or amends the 1974 storage contract, the modification or amendment to the 1974 storage contract is authorized, ratified, and confirmed.

(C) AMENDMENTS.—To the extent an amendment is executed to make the amended storage contract consistent with this section, the amendment is authorized, ratified, and confirmed.

(2) APPROVAL BY THE SECRETARY.—After the State and the City execute the amended storage contract, the Secretary shall approve the amended storage contract.

(3) MODIFICATION OF SEPTEMBER 11, 2009, ORDER IN UNITED STATES V. OKLAHOMA WATER RESOURCES BOARD, CIV 98–00521 (N.D. OK).—The Secretary, through counsel, shall cooperate and work with the State to file any motion and proposed order to modify or amend the order of the United States District Court for the Northern District of Oklahoma dated September 11, 2009, necessary to conform the order to the amended storage contract transfer agreement, the Settlement Agreement, and this section.

(4) CONSERVATION STORAGE CAPACITY.—The allocation of the use of the conservation storage capacity in Sardis Lake for administrative set-aside subcontracts, City water supply, and fish and wildlife and recreation as provided by the amended storage contract is authorized, ratified and approved.

(5) ACTIVATION; WAIVER.—

(A) FINDINGS.—Congress finds that—

(i) the earliest possible activation of any increment of future use storage in Sardis Lake will not occur until after 2050; and

(ii) the obligation to make annual payments for the Sardis future use storage operation, maintenance and replacement costs, capital costs, or interest attributable to Sardis future use storage only arises if, and only to the extent, that an increment of Sardis future use storage is activated by withdrawal or release of water from the future use storage that is authorized by the user for a consumptive use of water.

(B) WAIVER OF OBLIGATIONS FOR STORAGE THAT IS NOT ACTIVATED.—Notwithstanding section 301 of the Water Supply Act of 1958 (43 U.S.C. 390b), section 203 of the Flood Control Act of 1962 (Public Law 87–874; 76 Stat. 1187), the 1974 storage contract, or any other provision of law, effective as of January 1, 2050—

(i) the entirety of any repayment obligations (including interest), relating to that portion of conservation storage capacity allocated by the 1974 storage contract to future use storage in Sardis Lake is waived and shall be considered nonreimbursable; and

(ii) any obligation of the State and, on execution and approval of the amended storage contract, of the City and the Trust, under the 1974 storage contract regarding capital costs and any operation, maintenance, and replacement costs and interest otherwise attributable to future use storage in Sardis Lake is waived and shall be nonreimbursable, if by January 1, 2050, the right to future use storage is not activated by the withdrawal or release of water from future use storage for an authorized consumptive use of water.

(6) CONSISTENT WITH AUTHORIZED PURPOSES; NO MAJOR OPERATIONAL CHANGE.—

(A) CONSISTENT WITH AUTHORIZED PURPOSE.—The amended storage contract, the approval of the Secretary of the amended storage contract, and the waiver of future use storage under paragraph (5)—

(i) are deemed consistent with the authorized purposes for Sardis Lake as described in section 203 of the Flood Control Act of 1962 (Public Law 87–874; 76 Stat. 1187) and do not affect the authorized purposes for which the project was authorized, surveyed, planned, and constructed; and

(ii) shall not constitute a reallocation of storage.

(B) NO MAJOR OPERATIONAL CHANGE.—The amended storage contract, the approval of the Secretary of the amended storage contract, and the waiver of future use storage under paragraph (5) shall not constitute a major operational change under section 301(e) of the Water Supply Act of 1958 (43 U.S.C. 390b(e)).

(7) NO FURTHER AUTHORIZATION REQUIRED.—This section shall be considered sufficient and complete authorization, without further study or analysis, for—

(A) the Secretary to approve the amended storage contract; and

(B) after approval under subparagraph (A), the Corps of Engineers to manage storage in Sardis Lake pursuant to and in accordance with the 1974 storage contract, the amended storage contract, and the Settlement Agreement.

(e) SETTLEMENT AREA WATERS.—

(1) FINDINGS.—Congress finds that—

(A) pursuant to the Atoka Agreement as ratified by section 29 of the Act of June 28, 1898 (30 Stat. 505, chapter 517) (as modified by the Act of July 1, 1902 (32 Stat. 641, chapter 1362)), the Nations issued patents to their respective tribal members and citizens and thereby conveyed to individual Choctaws and Chickasaws, all right, title, and interest in and to land that was possessed by the Nations, other than certain mineral rights; and

(B) when title passed from the Nations to their respective tribal members and citizens, the Nations did not convey and those individuals did not receive any right of regulatory or sovereign authority, including with respect to water.

(2) PERMITTING, ALLOCATION, AND ADMINISTRATION OF SETTLEMENT AREA WATERS PURSUANT TO THE SETTLEMENT AGREEMENT.—Beginning on the enforceability date, settlement area waters shall be permitted, allocated, and administered by the OWRB in accordance with the Settlement Agreement and this section.

(3) CHOCTAW NATION AND CHICKASAW NATION.—Beginning on the enforceability date, the Nations shall have the right to use and to develop the right to use settlement area waters only in accordance with the Settlement Agreement and this section.

(4) WAIVER AND DELEGATION BY NATIONS.—In addition to the waivers under subsection (h), the Nations, on their own behalf, shall permanently delegate to the State any regulatory authority each Nation may possess over water rights on allotments, which the State shall exercise in accordance with the Settlement Agreement and this subsection.

(5) RIGHT TO USE WATER.—

(A) IN GENERAL.—An allottee may use water on an allotment in accordance with the Settlement Agreement and this subsection.

(B) SURFACE WATER USE.—

(i) IN GENERAL.—An allottee may divert and use, on the allotment of the allottee, 6 acre-feet per year of surface water per 160 acres, to be used solely for domestic uses on an allotment that constitutes riparian land under applicable State law as of the date of enactment of this Act.

(ii) EFFECT OF STATE LAW.—The use of surface water described in clause (i) shall be subject to all rights and protections of State law, as of the date of enactment of this Act, including all protections against loss for nonuse.

(iii) NO PERMIT REQUIRED.—An allottee may divert water under this subsection without a permit or any other authorization from the OWRB.

(C) GROUNDWATER USE.—

(i) IN GENERAL.—An allottee may drill wells on the allotment of the allottee to take and use for domestic uses the greater of—

(I) 5 acre-feet per year; or

(II) any greater quantity allowed under State law.

(ii) EFFECT OF STATE LAW.—The groundwater use described in clause (i) shall be subject to all rights and protections of State law, as of the date of enactment of this Act, including all protections against loss for nonuse.

(iii) NO PERMIT REQUIRED.—An allottee may drill wells and use water under this subsection without a permit or any other authorization from the OWRB.

(D) FUTURE CHANGES IN STATE LAW.—

(i) IN GENERAL.—If State law changes to limit use of water to a quantity that is less than the applicable quantity specified in subparagraph (B) or (C), as applicable, an allottee shall retain the right to use water in accord with those subparagraphs, subject to paragraphs (6)(B)(iv) and (7).

(ii) OPPORTUNITY TO BE HEARD.—Prior to taking any action to limit the use of water by an individual, the OWRB shall provide to the individual an opportunity to demonstrate that the individual is—

(I) an allottee; and

(II) using water on the allotment pursuant to and in accordance with the Settlement Agreement and this section.

(6) ALLOTTEE OPTIONS FOR ADDITIONAL WATER.—

(A) IN GENERAL.—To use a quantity of water in excess of the quantities provided under paragraph (5), an allottee shall—

(i) file an action under subparagraph (B); or

(ii) apply to the OWRB for a permit pursuant to, and in accordance with, State law.

(B) DETERMINATION IN FEDERAL DISTRICT COURT.—

(i) IN GENERAL.—In lieu of applying to the OWRB for a permit to use more water than is allowed under paragraph (5), an allottee may, after written notice to the OWRB, file an action in the United States District Court for the Western District of Oklahoma for determination of the right to water of the allottee.

(ii) JURISDICTION.—For purposes of this subsection—

(I) the United States District Court for the Western District of Oklahoma shall have jurisdiction; and

(II) the waivers of immunity under subparagraphs (A) and (B) of subsection (j)(2) shall apply.

(iii) REQUIREMENTS.—An allottee filing an action pursuant to this subparagraph shall—

(I) join the OWRB as a party; and

(II) publish notice in a newspaper of general circulation within the Settlement Area Hydrologic Basin for 2 consecutive weeks, with the first publication appearing not later than 30 days after the date on which the action is filed.

(iv) DETERMINATION FINAL.—

(I) IN GENERAL.—Subject to subclause (II), if an allottee elects to have the rights of the allottee determined pursuant to this subparagraph, the determination shall be final as to any rights under Federal law and in

lieu of any rights to use water on an allotment as provided in paragraph (5).

(II) RESERVATION OF RIGHTS.—Subclause (I) shall not preclude an allottee from—

(aa) applying to the OWRB for water rights pursuant to State law; or

(bb) using any rights allowed by State law that do not require a permit from the OWRB.

(7) OWRB ADMINISTRATION AND ENFORCEMENT.—

(A) IN GENERAL.—If an allottee exercises any right under paragraph (5) or has rights determined under paragraph (6)(B), the OWRB shall have jurisdiction to administer those rights.

(B) CHALLENGES.—An allottee may challenge OWRB administration of rights determined under this paragraph, in the United States District Court for the Western District of Oklahoma.

(8) PRIOR EXISTING STATE LAW RIGHTS.—Water rights held by an allottee as of the enforceability date pursuant to a permit issued by the OWRB shall be governed by the terms of that permit and applicable State law (including regulations).

(f) CITY PERMIT FOR APPROPRIATION OF STREAM WATER FROM THE KIAMICHI RIVER.—The City permit shall be processed, evaluated, issued, and administered consistent with and in accordance with the Settlement Agreement and this section.

(g) SETTLEMENT COMMISSION.—

(1) ESTABLISHMENT.—There is established a Settlement Commission.

(2) MEMBERS.—

(A) IN GENERAL.—The Settlement Commission shall be comprised of 5 members, appointed as follows:

(i) 1 by the Governor of the State.

(ii) 1 by the Attorney General of the State.

(iii) 1 by the Chief of the Choctaw Nation.

(iv) 1 by the Governor of the Chickasaw Nation.

(v) 1 by agreement of the members described in clauses (i) through (iv).

(B) JOINTLY APPOINTED MEMBER.—If the members described in clauses (i) through (iv) of subparagraph (A) do not agree on a member appointed pursuant to subparagraph (A)(v)—

(i) the members shall submit to the Chief Judge for the United States District Court for the Eastern District of Oklahoma, a list of not less than 3 persons; and

(ii) from the list under clause (i), the Chief Judge shall make the appointment.

(C) INITIAL APPOINTMENTS.—The initial appointments to the Settlement Commission shall be made not later than 90 days after the enforceability date.

(3) MEMBER TERMS.—

(A) IN GENERAL.—Each Settlement Commission member shall serve at the pleasure of appointing authority.

(B) COMPENSATION.—A member of the Settlement Commission shall serve without compensation, but an appointing authority may reimburse the member appointed by the entity for costs associated with service on the Settlement Commission.

(C) VACANCIES.—If a member of the Settlement Commission is removed or resigns, the appointing authority shall appoint the replacement member.

(D) JOINTLY APPOINTED MEMBER.—The member of the Settlement Commission described in paragraph (2)(A)(v) may be removed or replaced by a majority vote of the Settlement Commission based on a failure of the member to carry out the duties of the member.

(4) DUTIES.—The duties and authority of the Settlement Commission shall be set forth in the Settlement Agreement, and the Settlement Commission shall not possess or exercise any duty or authority not stated in the Settlement Agreement.

(h) WAIVERS AND RELEASES OF CLAIMS.—

(1) CLAIMS BY THE NATIONS AND THE UNITED STATES AS TRUSTEE FOR THE NATIONS.—Subject to the retention of rights and claims provided in paragraph (3) and except to the extent that rights are recognized in the Settlement Agreement or this section, the Nations and the United States, acting as a trustee for the Nations, shall execute a waiver and release of—

(A) all of the following claims asserted or which could have been asserted in any proceeding filed or that could have been filed during the period ending on the enforceability date, including Chickasaw Nation, Choctaw Nation v. Fallin et al., CIV 11–927 (W.D. Ok.), OWRB v. United States, et al. CIV 12–275 (W.D. Ok.), or any general stream adjudication, relating to—

(i) claims to the ownership of water in the State;

(ii) claims to water rights and rights to use water diverted or taken from a location within the State;

(iii) claims to authority over the allocation and management of water and administration of water rights, including authority over third-party ownership of or rights to use water diverted or taken from a location within the State and ownership or use of water on allotments by allottees or any other person using water on an allotment with the permission of an allottee;

(iv) claims that the State lacks authority over the allocation and management of water and administration of water rights, including authority over the ownership of or rights to use water diverted or taken from a location within the State;

(v) any other claim relating to the ownership of water, regulation of water, or authorized diversion, storage, or use of water diverted or taken from a location within the State, which claim is based on the status of the Chickasaw Nation or the Choctaw Nation as a federally recognized Indian tribe; and

(vi) claims or defenses asserted or which could have been asserted in Chickasaw Nation, Choctaw Nation v. Fallin et al., CIV 11–927 (W.D. Ok.), OWRB v. United States, et al. CIV 12–275 (W.D. Ok.), or any general stream adjudication;

(B) all claims for damages, losses or injuries to water rights or water, or claims of interference with, diversion, storage, taking, or use of water (including claims for injury to land resulting from the damages, losses, injuries, interference with, diversion, storage, taking, or use of water) attributable to any action by the State, the OWRB, or any water user authorized pursuant to State law to take or use water in the State, including the City, that accrued during the period ending on the enforceability date;

(C) all claims and objections relating to the amended permit application, and the City permit, including—

(i) all claims regarding regulatory control over or OWRB jurisdiction relating to the permit application and permit; and

(ii) all claims for damages, losses or injuries to water rights or rights to use water, or claims of interference with, diversion, storage, taking, or use of water (including claims for injury to land resulting from the damages, losses, injuries, interference with, diversion, storage, taking, or use of water) attributable to the issuance and lawful exercise of the City permit;

(D) all claims to regulatory control over the Permit Numbers P80–48 and 54–613 of the City for water rights from the Muddy Boggy River for Atoka Reservoir and P73–282D for water rights from the Muddy Boggy River, including McGee Creek, for the McGee Creek Reservoir;

(E) all claims that the State lacks regulatory authority over or OWRB jurisdiction relating to Permit Numbers P80–48 and 54–613 for water rights from the Muddy Boggy River for Atoka Reservoir and P73–282D for water rights from the Muddy Boggy River, including McGee Creek, for the McGee Creek Reservoir;

(F) all claims to damages, losses or injuries to water rights or water, or claims of interference with, diversion, storage, taking, or use of water (including claims for injury to land resulting from such damages, losses, injuries, interference with, diversion, storage, taking, or use of water) attributable to the lawful exercise of Permit Numbers P80–48 and 54–613 for water rights from the Muddy Boggy River for Atoka Reservoir and P73–282D for water rights from the Muddy Boggy River, including McGee Creek, for the McGee Creek Reservoir, that accrued during the period ending on the enforceability date;

(G) all claims and objections relating to the approval by the Secretary of the assignment of the 1974 storage contract pursuant to the amended storage contract; and

(H) all claims for damages, losses, or injuries to water rights or water, or claims of interference with, diversion, storage, taking, or use of water (including claims for injury to land resulting from such damages, losses, injuries, interference with, diversion, storage, taking, or use of water) attributable to the lawful exercise of rights pursuant to the amended storage contract.

(2) WAIVERS AND RELEASES OF CLAIMS BY THE NATIONS AGAINST THE UNITED STATES.—Subject to the retention of rights and claims provided in paragraph (3) and except to the extent that rights are recognized in the Settlement Agreement or this section, the Nations are authorized to execute a waiver and release of all claims against the United States (including any agency or employee of the United States) relating to—

(A) all of the following claims asserted or which could have been asserted in any proceeding filed or that could have been filed by the United States as a trustee during the period ending on the enforceability date, including Chickasaw Nation, Choctaw Nation v. Fallin et al., CIV 11-9272 (W.D. Ok.) or OWRB v. United States, et al. CIV 12-275 (W.D. Ok.), or any general stream adjudication, relating to—

(i) claims to the ownership of water in the State;

(ii) claims to water rights and rights to use water diverted or taken from a location within the State;

(iii) claims to authority over the allocation and management of water and administration of water rights, including authority over third-party ownership of or rights to use water diverted or taken from a location within the State and ownership or use of water on allotments by allottees or any other person using water on an allotment with the permission of an allottee;

(iv) claims that the State lacks authority over the allocation and management of water and administration of water rights, including authority over the ownership of or rights to use water diverted or taken from a location within the State;

(v) any other claim relating to the ownership of water, regulation of water, or authorized diversion, storage, or use of water diverted or taken from a location within the State, which claim is based on the status of the Chickasaw Nation or the Choctaw Nation as a federally recognized Indian tribe; and

(vi) claims or defenses asserted or which could have been asserted in Chickasaw Nation, Choctaw Nation v. Fallin et al., CIV 11-927 (W.D. Ok.), OWRB v. United States, et al. CIV 12-275 (W.D. Ok.), or any general stream adjudication;

(B) all claims for damages, losses or injuries to water rights or water, or claims of interference with, diversion, storage, taking, or use of water (including claims for injury to land resulting from the damages, losses, injuries, interference with, diversion, storage, taking, or use of water) attributable to any action by the State, the OWRB, or any water user authorized pursuant to State law to take or use water in the State, including the City, that accrued during the period ending on the enforceability date;

(C) all claims and objections relating to the amended permit application, and the City permit, including—

(i) all claims regarding regulatory control over or OWRB jurisdiction relating to the permit application and permit; and

(ii) all claims for damages, losses or injuries to water rights or rights to use water, or claims of interference with, diversion, storage, taking, or use of water (including claims for injury to land resulting from the damages, losses, injuries, interference with, diversion, storage, taking, or use of water) attributable to the issuance and lawful exercise of the City permit;

(D) all claims to regulatory control over the Permit Numbers P80–48 and 54–613 for water rights from the Muddy Boggy River for Atoka Reservoir and P73–282D for water rights from the Muddy Boggy River, including McGee Creek, for the McGee Creek Reservoir;

(E) all claims that the State lacks regulatory authority over or OWRB jurisdiction relating to Permit Numbers P80–48 and 54–613 for water rights from the Muddy Boggy River for Atoka Reservoir and P73–282D for water rights from the Muddy Boggy River, including McGee Creek, for the McGee Creek Reservoir;

(F) all claims to damages, losses or injuries to water rights or water, or claims of interference with, diversion, storage, taking, or use of water (including claims for injury to land resulting from the damages, losses, injuries, interference with, diversion, storage, taking, or use of water) attributable to the lawful exercise of Permit Numbers P80–48 and 54–613 for water rights from the Muddy Boggy River for Atoka Reservoir and P73–282D for water rights from the Muddy Boggy River, including McGee Creek, for the McGee Creek Reservoir, that accrued during the period ending on the enforceability date;

(G) all claims and objections relating to the approval by the Secretary of the assignment of the 1974 storage contract pursuant to the amended storage contract;

(H) all claims relating to litigation brought by the United States prior to the enforceability date of the water rights of the Nations in the State; and

(I) all claims relating to the negotiation, execution, or adoption of the Settlement Agreement (including exhibits) or this section.

(3) RETENTION AND RESERVATION OF CLAIMS BY NATIONS AND THE UNITED STATES.—

(A) IN GENERAL.—Notwithstanding the waiver and releases of claims authorized under paragraphs (1) and (2), the Nations and the United States, acting as trustee, shall retain—

(i) all claims for enforcement of the Settlement Agreement and this section;

(ii) all rights to use and protect any water right of the Nations recognized by or established pursuant to the Settlement Agreement, including the right to assert claims for injuries relating to the rights and the right to participate in any general stream adjudication, including any inter se proceeding;

(iii) all claims relating to activities affecting the quality of water that are not waived under paragraph (1)(A)(v) or paragraph (2)(A)(v), including any claims the Nations may have under—

(I) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), including for damages to natural resources;

(II) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(III) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

(IV) any regulations implementing the Acts described in items (aa) through (cc);

(iv) all claims relating to damage, loss, or injury resulting from an unauthorized diversion, use, or storage of water, including damages, losses, or injuries to land or nonwater natural resources associated with any hunting, fishing, gathering, or cultural right; and

(v) all rights, remedies, privileges, immunities, and powers not specifically waived and released pursuant to this section or the Settlement Agreement.

(B) AGREEMENT.—

(i) IN GENERAL.—As provided in the Settlement Agreement, the Chickasaw Nation shall convey an easement to the City, which easement shall be as described and depicted in Exhibit 15 to the Settlement Agreement.

(ii) APPLICATION.—The Chickasaw Nation and the City shall cooperate and coordinate on the submission of an application for approval by the Secretary of the Interior of the conveyance under clause (i), in accordance with applicable Federal law.

(iii) RECORDING.—On approval by the Secretary of the Interior of the conveyance of the easement under this clause, the City shall record the easement.

(iv) CONSIDERATION.—In exchange for conveyance of the easement under clause (i), the City shall pay to the Chickasaw Nation the value of past unauthorized use and consideration for future use of the land burdened by the easement, based on an appraisal secured by the City and Nations and approved by the Secretary of the Interior.

(4) EFFECTIVE DATE OF WAIVER AND RELEASES.—The waivers and releases under this subsection take effect on the enforceability date.

(5) TOLLING OF CLAIMS.—Each applicable period of limitation and time-based equitable defense relating to a claim described in this subsection shall be tolled during the period beginning on the date of enactment of this Act and ending on the earlier of the enforceability date or the expiration date under subsection (i)(2).

(i) ENFORCEABILITY DATE.—

(1) IN GENERAL.—The Settlement Agreement shall take effect and be enforceable on the date on which the Secretary of the Interior publishes in the Federal Register a certification that—

(A) to the extent the Settlement Agreement conflicts with this section, the Settlement Agreement has been amended to conform with this section;

(B) the Settlement Agreement, as amended, has been executed by the Secretary of the Interior, the Nations, the Governor of the State, the OWRB, the City, and the Trust;

(C) to the extent the amended storage contract conflicts with this section, the amended storage contract has been amended to conform with this section;

(D) the amended storage contract, as amended to conform with this section, has been—

(i) executed by the State, the City, and the Trust; and

(ii) approved by the Secretary;

(E) an order has been entered in United States v. Oklahoma Water Resources Board, Civ. 98–C–521–E with any modifications to the order dated September 11, 2009, as provided in the Settlement Agreement;

(F) orders of dismissal have been entered in Chickasaw Nation, Choctaw Nation v. Fallin et al., Civ 11–297 (W.D. Ok.) and OWRB v. United States, et al. Civ 12–275 (W.D. Ok.) as provided in the Settlement Agreement;

(G) the OWRB has issued the City Permit;

(H) the final documentation of the Kiamichi Basin hydrologic model is on file at the Oklahoma City offices of the OWRB; and

(I) the Atoka and Sardis Conservation Projects Fund has been funded as provided in the Settlement Agreement.

(2) EXPIRATION DATE.—If the Secretary of the Interior fails to publish a statement of findings under paragraph (1) by not later than September 30, 2020, or such alternative later date as is agreed to by the Secretary of the Interior, the Nations, the State, the City, and the Trust under paragraph (4), the following shall apply:

(A) This section, except for this subsection and any provisions of this section that are necessary to carry out this subsection (but only for purposes of carrying out this subsection) are not effective beginning on September 30, 2020, or the alternative date.

(B) The waivers and release of claims, and the limited waivers of sovereign immunity, shall not become effective.

(C) The Settlement Agreement shall be null and void, except for this paragraph and any provisions of the Settlement Agreement that are necessary to carry out this paragraph.

(D) Except with respect to this paragraph, the State, the Nations, the City, the Trust, and the United States shall not be bound by any obligations or benefit from any rights recognized under the Settlement Agreement.

(E) If the City permit has been issued, the permit shall be null and void, except that the City may resubmit to the OWRB, and the OWRB shall be considered to have accepted, OWRB permit application No. 2007–017 without having waived the original application priority date and appropriative quantities.

(F) If the amended storage contract has been executed or approved, the contract shall be null and void, and the 2010 agreement shall be considered to be in force and effect as between the State and the Trust.

(G) If the Atoka and Sardis Conservation Projects Fund has been established and funded, the funds shall be returned to the respective funding parties with any accrued interest.

(3) NO PREJUDICE.—The occurrence of the expiration date under paragraph (2) shall not in any way prejudice—

(A) any argument or suit that the Nations may bring to contest—

(i) the pursuit by the City of OWRB permit application No. 2007–017, or a modified version; or

(ii) the 2010 agreement;

(B) any argument, defense, or suit the State may bring or assert with regard to the claims of the Nations to water or over water in the settlement area; or

(C) any argument, defense or suit the City may bring or assert—

(i) with regard to the claims of the Nations to water or over water in the settlement area relating to OWRB permit application No. 2007–017, or a modified version; or

(ii) to contest the 2010 agreement.

(4) EXTENSION.—The expiration date under paragraph (2) may be extended in writing if the Nations, the State, the OWRB, the United States, and the City agree that an extension is warranted.

(j) JURISDICTION, WAIVERS OF IMMUNITY FOR INTERPRETATION AND ENFORCEMENT.—

(1) JURISDICTION.—

(A) IN GENERAL.—

(i) EXCLUSIVE JURISDICTION.—The United States District Court for the Western District of Oklahoma shall have exclusive jurisdiction for all purposes and for all causes of action relating to the interpretation and enforcement of the Settlement Agreement, the amended storage contract, or interpretation or enforcement of this section, including all actions filed by an allottee pursuant to subsection (e)(4)(B).

(ii) RIGHT TO BRING ACTION.—The Choctaw Nation, the Chickasaw Nation, the State, the City, the Trust, and the United States shall each have the right to bring an action pursuant to this section.

(iii) NO ACTION IN OTHER COURTS.—No action may be brought in any other Federal, Tribal, or State court or administrative forum for any purpose relating to the Settlement Agreement, amended storage contract, or this section.

(iv) NO MONETARY JUDGMENT.—Nothing in this section authorizes any money judgment or otherwise allows the payment of funds by the United States, the Nations, the State (including the OWRB), the City, or the Trust.

(B) NOTICE AND CONFERENCE.—An entity seeking to interpret or enforce the Settlement Agreement shall comply with the following:

(i) Any party asserting noncompliance or seeking interpretation of the Settlement Agreement or this section shall first serve written notice on the party alleged to be in breach of the Settlement Agreement or violation of this section.

(ii) The notice under clause (i) shall identify the specific provision of the Settlement Agreement or this section alleged to have been violated or in dispute and shall specify in detail the contention of the party asserting the claim and any factual basis for the claim.

(iii) Representatives of the party alleging a breach or violation and the party alleged to be in breach or violation shall meet not later than 30 days after receipt of notice under clause (i) in an effort to resolve the dispute.

(iv) If the matter is not resolved to the satisfaction of the party alleging breach not later than 90 days after the original notice under clause (i), the party may take any appropriate enforcement action consistent with the Settlement Agreement and this subsection.

(2) LIMITED WAIVERS OF SOVEREIGN IMMUNITY.—

(A) IN GENERAL.—The United States and the Nations may be joined in an action filed in the United States District Court for the Western District of Oklahoma.

(B) UNITED STATES IMMUNITY.—Any claim by the United States to sovereign immunity from suit is irrevocably waived for any action brought by the State, the Chickasaw Nation, the Choctaw Nation, the City, the Trust, or (solely for purposes of actions brought pursuant to subsection (e)) an allottee in the Western District of Oklahoma relating to interpretation or enforcement of the Settlement Agreement or this section, including of the appellate jurisdiction of the United States Court of Appeals for the Tenth Circuit and the Supreme Court of the United States.

(C) CHICKASAW NATION IMMUNITY.—For the exclusive benefit of the State (including the OWRB), the City, the Trust, the Choctaw Nation, and the United States, the sovereign immunity of the Chickasaw Nation from suit is waived solely for any action brought in the Western District of Oklahoma relating to interpretation or enforcement of the Settlement Agreement or this section, if the action is brought by the State or the OWRB, the City, the Trust, the Choctaw Nation, or the United States, including the appellate jurisdiction of the United States Court of Appeals for the Tenth Circuit and the Supreme Court of the United States.

(D) CHOCTAW NATION IMMUNITY.—For the exclusive benefit of the State (including the OWRB), the City, the Trust, the Chickasaw Nation, and the United States, the Choctaw Nation shall expressly and irrevocably consent to a suit and waive sovereign immunity from a suit solely for any action brought in the Western District of Oklahoma relating to interpretation or enforcement of the Settlement Agreement or this section, if the action is brought by the State, the OWRB, the City, the Trust, the Chickasaw Nation, or the United States, including the appellate jurisdiction of the United States Court of Appeals for the Tenth Circuit and the Supreme Court of the United States.

(k) DISCLAIMER.—

(1) IN GENERAL.—The Settlement Agreement applies only to the claims and rights of the Nations.

(2) NO PRECEDENT.—Nothing in this section or the Settlement Agreement shall be construed in any way to quantify, establish, or serve as precedent regarding the land and water rights, claims, or entitlements to water of any American Indian Tribe other than the Nations, including any other American Indian Tribe in the State.

SEC. 8003. LAND TRANSFER AND TRUST LAND FOR THE MUSCOGEE (CREEK) NATION.

(a) TRANSFER.—

(1) IN GENERAL.—Subject to paragraph (2) and for the consideration described in subsection (c), the Secretary shall transfer to the Secretary of the Interior the land described in subsection (b) to be held in trust for the benefit of the Muscogee (Creek) Nation.

(2) CONDITIONS.—The land transfer under this subsection shall be subject to the following conditions:

(A) The transfer—

(i) shall not interfere with the Corps of Engineers operation of the Eufaula Lake Project or any other authorized civil works projects; and

(ii) shall be subject to such other terms and conditions as the Secretary determines to be necessary and appropriate to ensure the continued operation of the Eufaula Lake Project or any other authorized civil works project.

(B) The Secretary shall retain the right to inundate with water the land transferred to the Secretary of the Interior under this subsection, as necessary to carry out an authorized purpose of the Eufaula Lake Project or any other civil works project.

(C) No gaming activities may be conducted on the land transferred under this subsection.

(b) LAND DESCRIPTION.—

(1) IN GENERAL.—The land to be transferred pursuant to subsection (a) is the approximately 18.38 acres of land located in the Northwest Quarter (NW 1/4) of sec. 3, T. 10 N., R. 16 E., McIntosh County, Oklahoma, generally depicted as ''USACE'' on the map entitled ''Muscogee (Creek) Nation Proposed Land Acquisition'' and dated October 16, 2014.

(2) SURVEY.—The exact acreage and legal description of the land to be transferred under subsection (a) shall be determined by a survey satisfactory to the Secretary and the Secretary of the Interior.

(c) CONSIDERATION.—The Muscogee (Creek) Nation shall pay—

(1) to the Secretary an amount that is equal to the fair market value of the land transferred under subsection (a), as determined by the Secretary, which funds may be accepted and expended by the Secretary; and

(2) all costs and administrative expenses associated with the transfer of land under subsection (a), including the costs of —

(A) the survey under subsection (b)(2);

(B) compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(C) any coordination necessary with respect to requirements related to endangered species, cultural resources, clean water, and clean air.

SEC. 8004. REAUTHORIZATION OF DENALI COMMISSION.

(a) ADMINISTRATION.—Section 303 of the Denali Commission Act of 1998 (42 U.S.C. 3121 note; Public Law 105–277) is amended—

(1) in subsection (c)—

(A) in the first sentence, by striking ''The Federal Cochairperson'' and inserting the following:

''(1) TERM OF FEDERAL COCHAIRPERSON.—The Federal Cochairperson'';

(B) in the second sentence, by striking ''All other members'' and inserting the following:

''(3) TERM OF ALL OTHER MEMBERS.—All other members'';

(C) in the third sentence, by striking ''Any vacancy'' and inserting the following:

''(4) VACANCIES.—Except as provided in paragraph (2), any vacancy''; and

(D) by inserting before paragraph (3) (as designated by subparagraph (B)) the following:

''(2) INTERIM FEDERAL COCHAIRPERSON.—In the event of a vacancy for any reason in the position of Federal Cochairperson, the Secretary may appoint an Interim Federal Cochairperson, who shall have all the authority of the Federal Cochairperson, to serve until such time as the vacancy in the position of Federal Cochairperson is filled in accordance with subsection (b)(2)).''; and

(2) by adding at the end the following:

''(f) NO FEDERAL EMPLOYEE STATUS.—No member of the Commission, other than the Federal Cochairperson, shall be considered to be a Federal employee for any purpose.

''(g) CONFLICTS OF INTEREST.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), no member of the Commission (referred to in this subsection as a 'member') shall participate personally or substantially, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in any proceeding, application, request for a ruling or other determination, contract claim, controversy, or other matter in which, to the knowledge of the member, 1 or more of the following has a direct financial interest:

''(A) The member.

''(B) The spouse, minor child, or partner of the member.

''(C) An organization described in subparagraph (B), (C), (D), (E), or (F) of subsection (b)(1) for which the member is serving as officer, director, trustee, partner, or employee.

''(D) Any individual, person, or organization with which the member is negotiating or has any arrangement concerning prospective employment.

''(2) DISCLOSURE.—Paragraph (1) shall not apply if the member—

''(A) immediately advises the designated agency ethics official for the Commission of the nature and circumstances of the matter presenting a potential conflict of interest;

''(B) makes full disclosure of the financial interest; and

''(C) before the proceeding concerning the matter presenting the conflict of interest, receives a written determination by the designated agency ethics official for the Commission that the interest is not so substantial as to be likely to affect the integrity of the services that the Commission may expect from the member.

''(3) ANNUAL DISCLOSURES.—Once per calendar year, each member shall make full disclosure of financial interests, in a manner to be determined by the designated agency ethics official for the Commission.

''(4) TRAINING.—Once per calendar year, each member shall undergo disclosure of financial interests training, as prescribed by the designated agency ethics official for the Commission.

''(5) VIOLATION.—Any person that violates this subsection shall be fined not more than $10,000, imprisoned for not more than 2 years, or both.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Section 310 of the Denali Commission Act of 1998 (42 U.S.C. 3121 note; Public Law 105–277) (as redesignated by section 1960(1) of SAFETEA–LU (Public Law 109–59; 119 Stat. 1516)) is amended, in subsection (a), by striking ''under section 4 under this Act'' and all that follows through ''2008'' and inserting ''under section 304, $20,000,000 for fiscal year 2017, and such sums as are necessary for each of fiscal years 2018 through 2021.''.

(2) CLERICAL AMENDMENT.—Section 310 of the Denali Commission Act of 1998 (42 U.S.C. 3121 note; Public Law 105–277) (as redesignated by section 1960(1) of SAFETEA–LU (Public Law 109–59; 119 Stat. 1516)) is redesignated as section 312.

SEC. 8005. RECREATIONAL ACCESS OF FLOATING CABINS.

The Tennessee Valley Authority Act of 1933 is amended by inserting after section 9a (16 U.S.C. 831h–1) the following:

''SEC. 9b. RECREATIONAL ACCESS.

''(a) DEFINITION OF FLOATING CABIN.—In this section, the term 'floating cabin' means a watercraft or other floating structure—

''(1) primarily designed and used for human habitation or occupation; and

''(2) not primarily designed or used for navigation or transportation on water.

''(b) RECREATIONAL ACCESS.—The Board may allow the use of a floating cabin if—

''(1) the floating cabin is maintained by the owner to reasonable health, safety, and environmental standards, as required by the Board;

''(2) the Corporation has authorized the use of recreational vessels on the waters; and

''(3) the floating cabin was located on waters under the jurisdiction of the Corporation as of the date of enactment of this section.

''(c) FEES.—The Board may assess fees on the owner of a floating cabin on waters under the jurisdiction of the Corporation for the purpose of ensuring compliance with subsection (b) if the fees are necessary and reasonable for those purposes.

''(d) CONTINUED RECREATIONAL USE.—

''(1) IN GENERAL.—With respect to a floating cabin located on waters under the jurisdiction of the Corporation on the date of enactment of this section, the Board—

''(A) may not require the removal of the floating cabin—

''(i) in the case of a floating cabin that was granted a permit by the Corporation before the date of enactment of this section, for a period of 15 years beginning on that date of enactment; and

''(ii) in the case of a floating cabin not granted a permit by the Corporation before the date of enactment of this section, for a period of 5 years beginning on that date of enactment; and

''(B) shall approve and allow the use of the floating cabin on waters under the jurisdiction of the Corporation at such time and for such duration as—

''(i) the floating cabin meets the requirements of subsection (b); and

''(ii) the owner of the floating cabin has paid any fee assessed pursuant to subsection (c).

''(2) SAVINGS PROVISIONS.—

''(A) Nothing in this subsection restricts the ability of the Corporation to enforce health, safety, or environmental standards.

''(B) This section applies only to floating cabins located on waters under the jurisdiction of the Corporation.

''(e) NEW CONSTRUCTION.—The Corporation may establish regulations to prevent the construction of new floating cabins.''.

SEC. 8006. REGULATION OF ABOVEGROUND STORAGE AT FARMS.

Section 1049(c) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 1361 note; Public Law 113–121) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(2) by striking the subsection designation and heading and all that follows through ''subsection (b),'' and inserting the following:

''(c) REGULATION OF ABOVEGROUND STORAGE AT FARMS.—

''(1) CALCULATION OF AGGREGATE ABOVEGROUND STORAGE CAPACITY.—For purposes of subsection (b),''; and

(3) by adding at the end the following:

''(2) CERTAIN FARM CONTAINERS.—Part 112 of title 40, Code of Federal Regulations (or successor regulations), shall not apply to the following containers located at a farm:

''(A) Containers on a separate parcel that have—

''(i) an individual capacity of not greater than 1,000 gallons; and

''(ii) an aggregate capacity of not greater than 2,000 gallons.

''(B) A container holding animal feed ingredients approved for use in livestock feed by the Commissioner of Food and Drugs.''.

SEC. 8007. SALT CEDAR REMOVAL PERMIT REVIEWS.

(a) IN GENERAL.—In the case of an application for a permit for the mechanized removal of salt cedar from an area that consists of not more than 500 acres—

(1) any review by the Secretary under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) or section 10 of the Act of March 3, 1899 (commonly known as the ''Rivers and Harbors Appropriation Act of 1899'') (33 U.S.C. 403), and any review by the Director of the United States Fish and Wildlife Service (referred to in this section as the ''Director'') under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536), shall, to the maximum extent practicable, occur concurrently;

(2) all participating and cooperating agencies shall, to the maximum extent practicable, adopt and use any environmental document prepared by the lead agency under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to the same extent that a Federal agency could adopt or use a document prepared by another Federal agency under—

(A) that Act; and

(B) parts 1500 through 1508 of title 40, Code of Federal Regulations (or successor regulations); and

(3) the review of the application shall, to the maximum extent practicable, be completed not later than the date on which the Secretary, in consultation with, and with the concurrence of, the Director, establishes.

(b) CONTRIBUTED FUNDS.—The Secretary may accept and expend funds received from non-Federal public or private entities to conduct a review referred to in subsection (a).

(c) LIMITATIONS.—Nothing in this section preempts or interferes with—

(1) any obligation to comply with the provisions of any Federal law, including—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) any other Federal environmental law;

(2) the reviewability of any final Federal agency action in a court of the United States or in the court of any State;

(3) any requirement for seeking, considering, or responding to public comment; or

(4) any power, jurisdiction, responsibility, duty, or authority that a Federal, State, or local governmental agency, Indian tribe, or project sponsor has with respect to carrying out a project or any other provision of law applicable to projects.

SEC. 8008. INTERNATIONAL OUTFALL INTERCEPTOR REPAIR, OPERATIONS, AND MAINTENANCE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that, pursuant to the Act of July 27, 1953 (22 U.S.C. 277d–10 et seq.), and notwithstanding the memorandum of agreement between the United States Section of the International Boundary and Water Commission and the City of Nogales, Arizona, dated January 20, 2006 (referred to in this section as the ''Agreement''), an equitable proportion of the costs of operation and maintenance of the Nogales sanitation project to be contributed by the City of Nogales, Arizona (referred to in this section as the ''City''), should be based on the average daily volume of wastewater originating from the City.

(b) CAPITAL COSTS EXCLUDED.—Pursuant to the Agreement and the Act of July 27, 1953 (22 U.S.C. 277d–10 et seq.), the City shall have no obligation to contribute to any capital costs of repairing or upgrading the Nogales sanitation project.

(c) OVERCHARGES.—Notwithstanding the Agreement and subject to subsection (d), the United States Section of the International Boundary and Water Commission shall reimburse the City for, and shall not charge the City after the date of enactment of this Act for, operations and maintenance costs in excess of an equitable proportion of the costs, as described in subsection (a).

(d) LIMITATION.—Costs reimbursed or a reduction in costs charged under subsection (c) shall not exceed $4,000,000.

SEC. 8009. PECHANGA BAND OF LUISEÑO MISSION INDIANS WATER RIGHTS SETTLEMENT.

(a) PURPOSES.—The purposes of this section are—

(1) to achieve a fair, equitable, and final settlement of claims to water rights and certain claims for injuries to water rights in the Santa Margarita River Watershed for—

(A) the Band; and

(B) the United States, acting in its capacity as trustee for the Band and Allottees;

(2) to achieve a fair, equitable, and final settlement of certain claims by the Band and Allottees against the United States;

(3) to authorize, ratify, and confirm the Pechanga Settlement Agreement to be entered into by the Band, RCWD, and the United States;

(4) to authorize and direct the Secretary—

(A) to execute the Pechanga Settlement Agreement; and

(B) to take any other action necessary to carry out the Pechanga Settlement Agreement in accordance with this section; and

(5) to authorize the appropriation of amounts necessary for the implementation of the Pechanga Settlement Agreement and this section.

(b) DEFINITIONS.—In this section:

(1) ADJUDICATION COURT.—The term ''Adjudication Court'' means the United States District Court for the Southern District of California, which exercises continuing jurisdiction over the Adjudication Proceeding.

(2) ADJUDICATION PROCEEDING.—The term ''Adjudication Proceeding'' means litigation initiated by the United States regarding relative water rights in the Santa Margarita

River Watershed in United States v. Fallbrook Public Utility District et al., Civ. No. 3:51–cv–01247 (S.D.C.A.), including any litigation initiated to interpret or enforce the relative water rights in the Santa Margarita River Watershed pursuant to the continuing jurisdiction of the Adjudication Court over the Fallbrook Decree.

(3) ALLOTTEE.—The term ''Allottee'' means an individual who holds a beneficial real property interest in an Indian allotment that is—

(A) located within the Reservation; and

(B) held in trust by the United States.

(4) BAND.—The term ''Band'' means Pechanga Band of Luiseño Mission Indians, a federally recognized sovereign Indian tribe that functions as a custom and tradition Indian tribe, acting on behalf of itself and its members, but not acting on behalf of members in their capacities as Allottees.

(5) CLAIMS.—The term ''claims'' means rights, claims, demands, actions, compensation, or causes of action, whether known or unknown.

(6) EMWD.—The term ''EMWD'' means Eastern Municipal Water District, a municipal water district organized and existing in accordance with the Municipal Water District Law of 1911, Division 20 of the Water Code of the State of California, as amended.

(7) EMWD CONNECTION FEE.—The term ''EMWD Connection Fee'' has the meaning set forth in the Extension of Service Area Agreement.

(8) ENFORCEABILITY DATE.—The term ''enforceability date'' means the date on which the Secretary publishes in the Federal Register the statement of findings described in subsection (f)(5).

(9) ESAA CAPACITY AGREEMENT.—The term ''ESAA Capacity Agreement'' means the ''Agreement to Provide Capacity for Delivery of ESAA Water'', among the Band, RCWD and the United States.

(10) ESAA WATER.—The term ''ESAA Water'' means imported potable water that the Band receives from EMWD and MWD pursuant to the Extension of Service Area Agreement and delivered by RCWD pursuant to the ESAA Water Delivery Agreement.

(11) ESAA WATER DELIVERY AGREEMENT.—The term ''ESAA Water Delivery Agreement'' means the agreement among EMWD, RCWD, and the Band, establishing the terms and conditions of water service to the Band.

(12) EXTENSION OF SERVICE AREA AGREEMENT.—The term ''Extension of Service Area Agreement'' means the ''Agreement for Extension of Existing Service Area'', among the Band, EMWD, and MWD, for the provision of water service by EMWD to a designated portion of the Reservation using water supplied by MWD.

(13) FALLBROOK DECREE.—

(A) IN GENERAL.—The term ''Fallbrook Decree'' means the ''Modified Final Judgment And Decree'', entered in the Adjudication Proceeding on April 6, 1966.

(B) INCLUSIONS.—The term ''Fallbrook Decree'' includes all court orders, interlocutory judgments, and decisions supplemental to the ''Modified Final Judgment And Decree'', including Interlocutory Judgment No. 30, Interlocutory Judgment No. 35, and Interlocutory Judgment No. 41.

(14) FUND.—The term ''Fund'' means the Pechanga Settlement Fund established by subsection (h).

(15) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(16) INJURY TO WATER RIGHTS.—The term ''injury to water rights'' means an interference with, diminution of, or deprivation of water rights under Federal or State law.

(17) INTERIM CAPACITY.—The term ''Interim Capacity'' has the meaning set forth in the ESAA Capacity Agreement.

(18) INTERIM CAPACITY NOTICE.—The term ''Interim Capacity Notice'' has the meaning set forth in the ESAA Capacity Agreement.

(19) INTERLOCUTORY JUDGMENT NO. 41.—The term ''Interlocutory Judgment No. 41'' means Interlocutory Judgment No. 41 issued in the Adjudication Proceeding on November 8, 1962, including all court orders, judgments and decisions supplemental to that interlocutory judgment.

(20) MWD.—The term ''MWD'' means the Metropolitan Water District of Southern California, a metropolitan water district organized and incorporated under the Metropolitan Water District Act of the State of California (Stats. 1969, Chapter 209, as amended).

(21) MWD CONNECTION FEE.—The term ''MWD Connection Fee'' has the meaning set forth in the Extension of Service Area Agreement.

(22) PECHANGA ESAA DELIVERY CAPACITY ACCOUNT.—The term ''Pechanga ESAA Delivery Capacity account'' means the account established by subsection (h)(3)(B).

(23) PECHANGA RECYCLED WATER INFRASTRUCTURE ACCOUNT.—The term ''Pechanga Recycled Water Infrastructure account'' means the account established by subsection (h)(3)(A).

(24) PECHANGA SETTLEMENT AGREEMENT.—The term ''Pechanga Settlement Agreement'' means the Pechanga Settlement Agreement, dated June 17, 2014, together with the exhibits to that agreement, entered into by the Band, the United States on behalf of the Band, its members and Allottees, MWD, EMWD, and RCWD, including—

(A) the Extension of Service Area Agreement;

(B) the ESAA Capacity Agreement; and

(C) the ESAA Water Delivery Agreement.

(25) PECHANGA WATER CODE.—The term ''Pechanga Water Code'' means a water code to be adopted by the Band in accordance with subsection (d)(6).

(26) PECHANGA WATER FUND ACCOUNT.—The term ''Pechanga Water Fund account'' means the account established by subsection (h)(3)(C).

(27) PECHANGA WATER QUALITY ACCOUNT.—The term ''Pechanga Water Quality account'' means the account established by subsection (h)(3)(D).

(28) PERMANENT CAPACITY.—The term ''Permanent Capacity'' has the meaning set forth in the ESAA Capacity Agreement.

(29) PERMANENT CAPACITY NOTICE.—The term ''Permanent Capacity Notice'' has the meaning set forth in the ESAA Capacity Agreement.

(30) RCWD.—

(A) IN GENERAL.—The term ''RCWD'' means the Rancho California Water District organized pursuant to section 34000 et seq. of the California Water Code.

(B) INCLUSIONS.—The term ''RCWD'' includes all real property owners for whom RCWD acts as an agent pursuant to an agency agreement.

(31) RECYCLED WATER INFRASTRUCTURE AGREEMENT.—The term ''Recycled Water Infrastructure Agreement'' means the ''Agreement for Recycled Water Infrastructure'' among the Band, RCWD, and the United States.

(32) RECYCLED WATER TRANSFER AGREEMENT.—The term ''Recycled Water Transfer Agreement'' means the ''Recycled Water Transfer Agreement'' between the Band and RCWD.

(33) RESERVATION.—

(A) IN GENERAL.—The term ''Reservation'' means the land depicted on the map attached to the Pechanga Settlement Agreement as Exhibit I.

(B) APPLICABILITY OF TERM.—The term ''Reservation'' shall be used solely for the purposes of the Pechanga Settlement Agreement, this section, and any judgment or decree issued by the Adjudication Court approving the Pechanga Settlement Agreement.

(34) SANTA MARGARITA RIVER WATERSHED.—The term ''Santa Margarita River Watershed'' means the watershed that is the subject of the Adjudication Proceeding and the Fallbrook Decree.

(35) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(36) STATE.—The term ''State'' means the State of California.

(37) STORAGE POND.—The term ''Storage Pond'' has the meaning set forth in the Recycled Water Infrastructure Agreement.

(38) TRIBAL WATER RIGHT.—The term ''Tribal Water Right'' means the water rights ratified, confirmed, and declared to be valid for the benefit of the Band and Allottees, as set forth and described in subsection (d).

(c) APPROVAL OF THE PECHANGA SETTLEMENT AGREEMENT.—

(1) RATIFICATION OF PECHANGA SETTLEMENT AGREEMENT.—

(A) IN GENERAL.—Except as modified by this section, and to the extent that the Pechanga Settlement Agreement does not conflict with this section, the Pechanga Settlement Agreement is authorized, ratified, and confirmed.

(B) AMENDMENTS.—Any amendment to the Pechanga Settlement Agreement is authorized, ratified, and confirmed, to the extent that the amendment is executed to make the Pechanga Settlement Agreement consistent with this section.

(2) EXECUTION OF PECHANGA SETTLEMENT AGREEMENT.—

(A) IN GENERAL.—To the extent that the Pechanga Settlement Agreement does not conflict with this section, the Secretary is directed to and promptly shall execute—

(i) the Pechanga Settlement Agreement (including any exhibit to the Pechanga Settlement Agreement requiring the signature of the Secretary); and

(ii) any amendment to the Pechanga Settlement Agreement necessary to make the Pechanga Settlement Agreement consistent with this section.

(B) MODIFICATIONS.—Nothing in this section precludes the Secretary from approving modifications to exhibits to the Pechanga Settlement Agreement not inconsistent with this section, to the extent those modifications do not otherwise require congressional approval pursuant to section 2116 of the Revised Statutes (25 U.S.C. 177) or other applicable Federal law.

(3) ENVIRONMENTAL COMPLIANCE.—

(A) IN GENERAL.—In implementing the Pechanga Settlement Agreement, the Secretary shall promptly comply with all applicable requirements of—

(i) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(ii) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(iii) all other applicable Federal environmental laws; and

(iv) all regulations promulgated under the laws described in clauses (i) through (iii).

(B) EXECUTION OF THE PECHANGA SETTLEMENT AGREEMENT.—

(i) IN GENERAL.—Execution of the Pechanga Settlement Agreement by the Secretary under this subsection shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(ii) COMPLIANCE.—The Secretary is directed to carry out all Federal compliance necessary to implement the Pechanga Settlement Agreement.

(C) LEAD AGENCY.—The Bureau of Reclamation shall be designated as the lead agency with respect to environmental compliance.

(d) TRIBAL WATER RIGHT.—

(1) INTENT OF CONGRESS.—It is the intent of Congress to provide to each Allottee benefits that are equal to or exceed the benefits Allottees possess as of the date of enactment of this section, taking into consideration—

(A) the potential risks, cost, and time delay associated with litigation that would be resolved by the Pechanga Settlement Agreement and this section;

(B) the availability of funding under this section;

(C) the availability of water from the Tribal Water Right and other water sources as set forth in the Pechanga Settlement Agreement; and

(D) the applicability of section 7 of the Act of February 8, 1887 (25 U.S.C. 381), and this section to protect the interests of Allottees.

(2) CONFIRMATION OF TRIBAL WATER RIGHT.—

(A) IN GENERAL.—A Tribal Water Right of up to 4,994 acre-feet of water per year that, under natural conditions, is physically available on the Reservation is confirmed in accordance with the Findings of Fact and Conclusions of Law set forth in Interlocutory Judgment No. 41, as affirmed by the Fallbrook Decree.

(B) USE.—Subject to the terms of the Pechanga Settlement Agreement, this section, the Fallbrook Decree and applicable Federal law, the Band may use the Tribal Water Right for any purpose on the Reservation.

(3) HOLDING IN TRUST.—The Tribal Water Right, as set forth in paragraph (2), shall—

(A) be held in trust by the United States on behalf of the Band and the Allottees in accordance with this subsection;

(B) include the priority dates described in Interlocutory Judgment No. 41, as affirmed by the Fallbrook Decree; and

(C) not be subject to forfeiture or abandonment.

(4) ALLOTTEES.—

(A) APPLICABILITY OF ACT OF FEBRUARY 8, 1887.—The provisions of section 7 of the Act of February 8, 1887 (25 U.S.C. 381), relating to the use of water for irrigation purposes shall apply to the Tribal Water Right.

(B) ENTITLEMENT TO WATER.—Any entitlement to water of allotted land located within the exterior boundaries of the Reservation under Federal law shall be satisfied from the Tribal Water Right.

(C) ALLOCATIONS.—Allotted land located within the exterior boundaries of the Reservation shall be entitled to a just and equitable allocation of water for irrigation and domestic purposes from the Tribal Water Right.

(D) EXHAUSTION OF REMEDIES.—Before asserting any claim against the United States under section 7 of the Act of February 8, 1887 (25 U.S.C. 381), or any other applicable law, an Allottee shall exhaust remedies available under the Pechanga Water Code or other applicable tribal law.

(E) CLAIMS.—Following exhaustion of remedies available under the Pechanga Water Code or other applicable tribal law, an Allottee may seek relief under section 7 of the Act of February 8, 1887 (25 U.S.C. 381), or other applicable law.

(F) AUTHORITY.—The Secretary shall have the authority to protect the rights of Allottees as specified in this subsection.

(5) AUTHORITY OF BAND.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Band shall have authority to use, allocate, distribute, and lease the Tribal Water Right on the Reservation in accordance with—

(i) the Pechanga Settlement Agreement; and

(ii) applicable Federal law.

(B) LEASES BY ALLOTTEES.—

(i) IN GENERAL.—An Allottee may lease any interest in land held by the Allottee, together with any water right determined to be appurtenant to that interest in land.

(ii) WATER RIGHT APPURTENANT.—Any water right determined to be appurtenant to an interest in land leased by an Allottee shall be used on the Reservation.

(6) PECHANGA WATER CODE.—

(A) IN GENERAL.—Not later than 18 months after the enforceability date, the Band shall enact a Pechanga Water Code, that provides for—

(i) the management, regulation, and governance of all uses of the Tribal Water Right in accordance with the Pechanga Settlement Agreement; and

(ii) establishment by the Band of conditions, permit requirements, and other limitations relating to the storage, recovery, and use of the Tribal Water Right in accordance with the Pechanga Settlement Agreement.

(B) INCLUSIONS.—The Pechanga Water Code shall provide—

(i) that allocations of water to Allottees shall be satisfied with water from the Tribal Water Right;

(ii) that charges for delivery of water for irrigation purposes for Allottees shall be assessed in accordance with section 7 of the Act of February 8, 1887 (25 U.S.C. 381);

(iii) a process by which an Allottee (or any successor in interest to an Allottee) may request that the Band provide water for irrigation or domestic purposes in accordance with this section;

(iv) a due process system for the consideration and determination by the Band of any request by an Allottee (or any successor in interest to an Allottee) for an allocation of such water for irrigation or domestic purposes on allotted land, including a process for—

(I) appeal and adjudication of any denied or disputed distribution of water; and

(II) resolution of any contested administrative decision; and

(v) a requirement that any Allottee (or any successor in interest to an Allottee) with a claim relating to the enforcement of rights of the Allottee (or any successor in interest to an Allottee) under the Pechanga Water Code or relating to the amount of water allocated to land of the Allottee must first exhaust remedies available to the Allottee under tribal law and the Pechanga Water Code before initiating an action against the United States or petitioning the Secretary pursuant to paragraph (4)(D).

(C) ACTION BY SECRETARY.—

(i) IN GENERAL.—The Secretary shall administer the Tribal Water Right until the Pechanga Water Code is enacted and approved under this subsection.

(ii) APPROVAL.—Any provision of the Pechanga Water Code and any amendment to the Pechanga Water Code that affects the rights of Allottees—

(I) shall be subject to the approval of the Secretary; and

(II) shall not be valid until approved by the Secretary.

(iii) APPROVAL PERIOD.—The Secretary shall approve or disapprove the Pechanga Water Code within a reasonable period of time after the date on which the Band submits the Pechanga Water Code to the Secretary for approval.

(7) EFFECT.—Except as otherwise specifically provided in this section, nothing in this section—

(A) authorizes any action by an Allottee (or any successor in interest to an Allottee) against any individual or entity, or against the Band, under Federal, State, tribal, or local law; or

(B) alters or affects the status of any action pursuant to section 1491(a) of title 28, United States Code.

(e) SATISFACTION OF CLAIMS.—

(1) IN GENERAL.—The benefits provided to the Band under the Pechanga Settlement Agreement and this Act shall be in complete replacement of, complete substitution for, and full satisfaction of all claims of the Band against the United States that are waived and released pursuant to subsection (f).

(2) ALLOTTEE CLAIMS.—The benefits realized by the Allottees under this section shall be in complete replacement of, complete substitution for, and full satisfaction of—

(A) all claims that are waived and released pursuant to subsection (f); and

(B) any claims of the Allottees against the United States that the Allottees have or could have asserted that are similar in nature to any claim described in subsection (f).

(3) NO RECOGNITION OF WATER RIGHTS.—Except as provided in subsection (d)(4), nothing in this section recognizes or establishes any right of a member of the Band or an Allottee to water within the Reservation.

(4) CLAIMS RELATING TO DEVELOPMENT OF WATER FOR RESERVATION.—

(A) IN GENERAL.—The amounts authorized to be appropriated pursuant to subsection (j) shall be used to satisfy any claim of the Allottees against the United States with respect to the development or protection of water resources for the Reservation.

(B) SATISFACTION OF CLAIMS.—Upon the complete appropriation of amounts authorized pursuant to subsection (j), any claim of the Allottees against the United States with respect to the development or protection of water resources for the Reservation shall be deemed to have been satisfied.

(f) WAIVER OF CLAIMS.—

(1) IN GENERAL.—

(A) WAIVER OF CLAIMS BY THE BAND AND THE UNITED STATES ACTING IN ITS CAPACITY AS TRUSTEE FOR THE BAND.—

(i) IN GENERAL.—Subject to the retention of rights set forth in paragraph (3), in return for recognition of the Tribal Water Right and other benefits as set forth in the Pechanga Settlement Agreement and this section, the Band, on behalf of itself and the members of the Band (but not on behalf of a tribal member in the capacity of Allottee), and the United States, acting as trustee for the Band, are authorized and directed to execute a waiver and release of all claims for water rights within the Santa Margarita River Watershed that the Band, or the United States acting as trustee for the Band, asserted or could have asserted in any proceeding, including the Adjudication Proceeding, except to the extent that such rights are recognized in the Pechanga Settlement Agreement and this section.

(ii) CLAIMS AGAINST RCWD.—Subject to the retention of rights set forth in paragraph (3) and notwithstanding any provisions to the contrary in the Pechanga Settlement Agreement, the Band and the United States, on behalf of the Band and Allottees, fully release, acquit, and discharge RCWD from—

(I) claims for injuries to water rights in the Santa Margarita River Watershed for land located within the Reservation arising or occurring at any time up to and including June 30, 2009;

(II) claims for injuries to water rights in the Santa Margarita River Watershed for land located within the Reservation arising or occurring at any time after June 30, 2009, resulting from the diversion or use of water

in a manner not in violation of the Pechanga Settlement Agreement or this section;

(III) claims for subsidence damage to land located within the Reservation arising or occurring at any time up to and including June 30, 2009;

(IV) claims for subsidence damage arising or occurring after June 30, 2009, to land located within the Reservation resulting from the diversion of underground water in a manner consistent with the Pechanga Settlement Agreement or this section; and

(V) claims arising out of, or relating in any manner to, the negotiation or execution of the Pechanga Settlement Agreement or the negotiation or execution of this section.

(B) CLAIMS BY THE UNITED STATES ACTING IN ITS CAPACITY AS TRUSTEE FOR ALLOTTEES.—Subject to the retention of claims set forth in paragraph (3), in return for recognition of the water rights of the Band and other benefits as set forth in the Pechanga Settlement Agreement and this section, the United States, acting as trustee for Allottees, is authorized and directed to execute a waiver and release of all claims for water rights within the Santa Margarita River Watershed that the United States, acting as trustee for the Allottees, asserted or could have asserted in any proceeding, including the Adjudication Proceeding.

(C) CLAIMS BY THE BAND AGAINST THE UNITED STATES.—Subject to the retention of rights set forth in paragraph (3), the Band, on behalf of itself and the members of the Band (but not on behalf of a tribal member in the capacity of Allottee), is authorized to execute a waiver and release of—

(i) all claims against the United States (including the agencies and employees of the United States) relating to claims for water rights in, or water of, the Santa Margarita River Watershed that the United States, acting in its capacity as trustee for the Band, asserted, or could have asserted, in any proceeding, including the Adjudication Proceeding, except to the extent that those rights are recognized in the Pechanga Settlement Agreement and this section;

(ii) all claims against the United States (including the agencies and employees of the United States) relating to damages, losses, or injuries to water, water rights, land, or natural resources due to loss of water or water rights (including damages, losses or injuries to hunting, fishing, gathering, or cultural rights due to loss of water or water rights, claims relating to interference with, diversion, or taking of water or water rights, or claims relating to failure to protect, acquire, replace, or develop water, water rights, or water infrastructure) in the Santa Margarita River Watershed that first accrued at any time up to and including the enforceability date;

(iii) all claims against the United States (including the agencies and employees of the United States) relating to the pending litigation of claims relating to the water rights of the Band in the Adjudication Proceeding; and

(iv) all claims against the United States (including the agencies and employees of the United States) relating to the negotiation or execution of the Pechanga Settlement Agreement or the negotiation or execution of this section.

(2) EFFECTIVENESS OF WAIVERS AND RELEASES.—The waivers under paragraph (1) shall take effect on the enforceability date.

(3) RESERVATION OF RIGHTS AND RETENTION OF CLAIMS.—Notwithstanding the waivers and releases authorized in this section, the Band, on behalf of itself and the members of the Band, and the United States, acting in its capacity as trustee for the Band and Allottees, retain—

(A) all claims for enforcement of the Pechanga Settlement Agreement and this section;

(B) all claims against any person or entity other than the United States and RCWD, including claims for monetary damages;

(C) all claims for water rights that are outside the jurisdiction of the Adjudication Court;

(D) all rights to use and protect water rights acquired on or after the enforceability date; and

(E) all remedies, privileges, immunities, powers, and claims, including claims for water rights, not specifically waived and released pursuant to this section and the Pechanga Settlement Agreement.

(4) EFFECT OF PECHANGA SETTLEMENT AGREEMENT AND ACT.—Nothing in the Pechanga Settlement Agreement or this section—

(A) affects the ability of the United States, acting as sovereign, to take actions authorized by law, including any laws relating to health, safety, or the environment, including—

(i) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(ii) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(iii) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

(iv) any regulations implementing the Acts described in clauses (i) through (iii);

(B) affects the ability of the United States to take actions acting as trustee for any other Indian tribe or an Allottee of any other Indian tribe;

(C) confers jurisdiction on any State court—

(i) to interpret Federal law regarding health, safety, or the environment;

(ii) to determine the duties of the United States or other parties pursuant to Federal law regarding health, safety, or the environment; or

(iii) to conduct judicial review of Federal agency action;

(D) waives any claim of a member of the Band in an individual capacity that does not derive from a right of the Band;

(E) limits any funding that RCWD would otherwise be authorized to receive under any Federal law, including, the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.) as that Act applies to permanent facilities for water recycling, demineralization, and desalination, and distribution of nonpotable water supplies in Southern Riverside County, California;

(F) characterizes any amounts received by RCWD under the Pechanga Settlement Agreement or this section as Federal for purposes of section 1649 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h–32); or

(G) affects the requirement of any party to the Pechanga Settlement Agreement or any of the exhibits to the Pechanga Settlement Agreement to comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or the California Environmental Quality Act (Cal. Pub. Res. Code 21000 et seq.) prior to performing the respective obligations of that party under the Pechanga Settlement Agreement or any of the exhibits to the Pechanga Settlement Agreement.

(5) ENFORCEABILITY DATE.—The enforceability date shall be the date on which the Secretary publishes in the Federal Register a statement of findings that—

(A) the Adjudication Court has approved and entered a judgment and decree approving the Pechanga Settlement Agreement in substantially the same form as Appendix 2 to the Pechanga Settlement Agreement;

(B) all amounts authorized by this section have been deposited in the Fund;

(C) the waivers and releases authorized in paragraph (1) have been executed by the Band and the Secretary;

(D) the Extension of Service Area Agreement—

(i) has been approved and executed by all the parties to the Extension of Service Area Agreement; and

(ii) is effective and enforceable in accordance with the terms of the Extension of Service Area Agreement; and

(E) the ESAA Water Delivery Agreement—

(i) has been approved and executed by all the parties to the ESAA Water Delivery Agreement; and

(ii) is effective and enforceable in accordance with the terms of the ESAA Water Delivery Agreement.

(6) TOLLING OF CLAIMS.—

(A) IN GENERAL.—Each applicable period of limitation and time-based equitable defense relating to a claim described in this subsection shall be tolled for the period beginning on the date of enactment of this Act and ending on the earlier of—

(i) April 30, 2030, or such alternate date after April 30, 2030, as is agreed to by the Band and the Secretary; or

(ii) the enforceability date.

(B) EFFECTS OF SUBSECTION.—Nothing in this subsection revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

(C) LIMITATION.—Nothing in this subsection precludes the tolling of any period of limitations or any time-based equitable defense under any other applicable law.

(7) TERMINATION.—

(A) IN GENERAL.—If all of the amounts authorized to be appropriated to the Secretary pursuant to this section have not been made available to the Secretary by April 30, 2030—

(i) the waivers authorized by this subsection shall expire and have no force or effect; and

(ii) all statutes of limitations applicable to any claim otherwise waived under this subsection shall be tolled until April 30, 2030.

(B) VOIDING OF WAIVERS.—If a waiver authorized by this subsection is void under subparagraph (A)—

(i) the approval of the United States of the Pechanga Settlement Agreement under subsection (c) shall be void and have no further force or effect;

(ii) any unexpended Federal amounts appropriated or made available to carry out this section, together with any interest earned on those amounts, and any water rights or contracts to use water and title to other property acquired or constructed with Federal amounts appropriated or made available to carry out this section shall be returned to the Federal Government, unless otherwise agreed to by the Band and the United States and approved by Congress; and

(iii) except for Federal amounts used to acquire or develop property that is returned to the Federal Government under clause (ii), the United States shall be entitled to set off any Federal amounts appropriated or made available to carry out this section that were expended or withdrawn, together with any interest accrued, against any claims against the United States relating to water rights asserted by the Band or Allottees in any future settlement of the water rights of the Band or Allottees.

(g) WATER FACILITIES.—

(1) IN GENERAL.—The Secretary shall, subject to the availability of appropriations, using amounts from the designated accounts of the Fund, provide the amounts necessary to fulfill the obligations of the Band under

the Recycled Water Infrastructure Agreement and the ESAA Capacity Agreement, in an amount not to exceed the amounts deposited in the designated accounts for such purposes plus any interest accrued on such amounts from the date of deposit in the Fund to the date of disbursement from the Fund, in accordance with this section and the terms and conditions of those agreements.

(2) NONREIMBURSABILITY OF COSTS.—All costs incurred by the Secretary in carrying out this subsection shall be nonreimbursable.

(3) RECYCLED WATER INFRASTRUCTURE.—

(A) IN GENERAL.—The Secretary shall, using amounts from the Pechanga Recycled Water Infrastructure account, provide amounts for the Storage Pond in accordance with this paragraph.

(B) STORAGE POND.—

(i) IN GENERAL.—The Secretary shall, subject to the availability of appropriations, provide the amounts necessary to fulfill the obligations of the Band under the Recycled Water Infrastructure Agreement for the design and construction of the Storage Pond, in an amount not to exceed $2,656,374.

(ii) PROCEDURE.—The procedure for the Secretary to provide amounts pursuant to this paragraph shall be as set forth in the Recycled Water Infrastructure Agreement.

(iii) LEAD AGENCY.—The Bureau of Reclamation shall be the lead agency for purposes of the implementation of this paragraph.

(iv) LIABILITY.—The United States shall have no responsibility or liability for the Storage Pond.

(4) ESAA DELIVERY CAPACITY.—

(A) IN GENERAL.—The Secretary shall, using amounts from the Pechanga ESAA Delivery Capacity account, provide amounts for Interim Capacity and Permanent Capacity in accordance with this paragraph.

(B) INTERIM CAPACITY.—

(i) IN GENERAL.—The Secretary shall, subject to the availability of appropriations, using amounts from the ESAA Delivery Capacity account, provide amounts necessary to fulfill the obligations of the Band under the ESAA Capacity Agreement for the provision by RCWD of Interim Capacity to the Band in an amount not to exceed $1,000,000.

(ii) PROCEDURE.—The procedure for the Secretary to provide amounts pursuant to this subparagraph shall be as set forth in the ESAA Capacity Agreement.

(iii) LEAD AGENCY.—The Bureau of Reclamation shall be the lead agency for purposes of the implementation of this subparagraph.

(iv) LIABILITY.—The United States shall have no responsibility or liability for the Interim Capacity to be provided by RCWD.

(v) TRANSFER TO BAND.—If RCWD does not provide the Interim Capacity Notice required pursuant to the ESAA Capacity Agreement by the date that is 60 days after the date required under the ESAA Capacity Agreement, the amounts in the Pechanga ESAA Delivery Capacity account for purposes of the provision of Interim Capacity and Permanent Capacity, including any interest that has accrued on those amounts, shall be available for use by the Band to provide alternative interim capacity in a manner that is similar to the Interim Capacity and Permanent Capacity that the Band would have received had RCWD provided such Interim Capacity and Permanent Capacity.

(C) PERMANENT CAPACITY.—

(i) IN GENERAL.—On receipt of the Permanent Capacity Notice pursuant to section 5(b) of the ESAA Capacity Agreement, the Secretary, acting through the Bureau of Reclamation, shall enter into negotiations with RCWD and the Band to establish an agreement that will allow for the disbursement of amounts from the Pechanga ESAA Delivery Capacity account in accordance with clause (ii).

(ii) SCHEDULE OF DISBURSEMENT.—Subject to the availability of amounts under subsection (h)(5), on execution of the ESAA Capacity Agreement, the Secretary shall, subject to the availability of appropriations and using amounts from the ESAA Delivery Capacity account, provide amounts necessary to fulfill the obligations of the Band under the ESAA Capacity Agreement for the provision by RCWD of Permanent Capacity to the Band in an amount not to exceed the amount available in the ESAA Delivery Capacity account as of the date on which the ESAA Capacity Agreement is executed.

(iii) PROCEDURE.—The procedure for the Secretary to provide funds pursuant to this subparagraph shall be as set forth in the ESAA Capacity Agreement.

(iv) LEAD AGENCY.—The Bureau of Reclamation shall be the lead agency for purposes of the implementation of this subparagraph.

(v) LIABILITY.—The United States shall have no responsibility or liability for the Permanent Capacity to be provided by RCWD.

(vi) TRANSFER TO BAND.—If RCWD does not provide the Permanent Capacity Notice required pursuant to the ESAA Capacity Agreement by the date that is 5 years after the enforceability date, the amounts in the Pechanga ESAA Delivery Capacity account for purposes of the provision of Permanent Capacity, including any interest that has accrued on those amounts, shall be available for use by the Band to provide alternative permanent capacity in a manner that is similar to the Permanent Capacity that the Band would have received had RCWD provided such Permanent Capacity.

(h) PECHANGA SETTLEMENT FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the ''Pechanga Settlement Fund'', to be managed, invested, and distributed by the Secretary and to be available until expended, and, together with any interest earned on those amounts, to be used solely for the purpose of carrying out this section.

(2) TRANSFERS TO FUND.—The Fund shall consist of such amounts as are deposited in the Fund under subsection (j), together with any interest earned on those amounts, which shall be available in accordance with paragraph (5).

(3) ACCOUNTS OF PECHANGA SETTLEMENT FUND.—The Secretary shall establish in the Fund the following accounts:

(A) Pechanga Recycled Water Infrastructure account, consisting of amounts authorized pursuant to subsection (j)(1).

(B) Pechanga ESAA Delivery Capacity account, consisting of amounts authorized pursuant to subsection (j)(2).

(C) Pechanga Water Fund account, consisting of amounts authorized pursuant to subsection (j)(3).

(D) Pechanga Water Quality account, consisting of amounts authorized pursuant to subsection (j)(4).

(4) MANAGEMENT OF FUND.—The Secretary shall manage, invest, and distribute all amounts in the Fund in a manner that is consistent with the investment authority of the Secretary under—

(A) the first section of the Act of June 24, 1938 (25 U.S.C. 162a);

(B) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.); and

(C) this subsection.

(5) AVAILABILITY OF AMOUNTS.—Amounts appropriated to, and deposited in, the Fund, including any investment earnings accrued from the date of deposit in the Fund through the date of disbursement from the Fund, shall be made available to the Band by the Secretary beginning on the enforceability date.

(6) WITHDRAWALS BY BAND PURSUANT TO THE AMERICAN INDIAN TRUST FUND MANAGEMENT REFORM ACT.—

(A) IN GENERAL.—The Band may withdraw all or part of the amounts in the Fund on approval by the Secretary of a tribal management plan submitted by the Band in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(B) REQUIREMENTS.—

(i) IN GENERAL.—In addition to the requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the tribal management plan under subparagraph (A) shall require that the Band shall spend all amounts withdrawn from the Fund in accordance with this section.

(ii) ENFORCEMENT.—The Secretary may carry out such judicial or administrative actions as the Secretary determines to be necessary to enforce the tribal management plan to ensure that amounts withdrawn by the Band from the Fund under this paragraph are used in accordance with this section.

(7) WITHDRAWALS BY BAND PURSUANT TO AN EXPENDITURE PLAN.—

(A) IN GENERAL.—The Band may submit an expenditure plan for approval by the Secretary requesting that all or part of the amounts in the Fund be disbursed in accordance with the plan.

(B) REQUIREMENTS.—The expenditure plan under subparagraph (A) shall include a description of the manner and purpose for which the amounts proposed to be disbursed from the Fund will be used, in accordance with paragraph (8).

(C) APPROVAL.—If the Secretary determines that an expenditure plan submitted under this subsection is consistent with the purposes of this section, the Secretary shall approve the plan.

(D) ENFORCEMENT.—The Secretary may carry out such judicial or administrative actions as the Secretary determines necessary to enforce an expenditure plan to ensure that amounts disbursed under this paragraph are used in accordance with this section.

(8) USES.—Amounts from the Fund shall be used by the Band for the following purposes:

(A) PECHANGA RECYCLED WATER INFRASTRUCTURE ACCOUNT.—The Pechanga Recycled Water Infrastructure account shall be used for expenditures by the Band in accordance with subsection (g)(3).

(B) PECHANGA ESAA DELIVERY CAPACITY ACCOUNT.—The Pechanga ESAA Delivery Capacity account shall be used for expenditures by the Band in accordance with subsection (g)(4).

(C) PECHANGA WATER FUND ACCOUNT.—The Pechanga Water Fund account shall be used for—

(i) payment of the EMWD Connection Fee;

(ii) payment of the MWD Connection Fee; and

(iii) any expenses, charges, or fees incurred by the Band in connection with the delivery or use of water pursuant to the Pechanga Settlement Agreement.

(D) PECHANGA WATER QUALITY ACCOUNT.—The Pechanga Water Quality account shall be used by the Band to fund groundwater desalination activities within the Wolf Valley Basin.

(9) LIABILITY.—The Secretary and the Secretary of the Treasury shall not be liable for the expenditure of, or the investment of any

amounts withdrawn from, the Fund by the Band under paragraph (6) or (7).

(10) NO PER CAPITA DISTRIBUTIONS.—No portion of the Fund shall be distributed on a per capita basis to any member of the Band.

(i) MISCELLANEOUS PROVISIONS.—

(1) WAIVER OF SOVEREIGN IMMUNITY BY THE UNITED STATES.—Except as provided in subsections (a) through (c) of section 208 of the Department of Justice Appropriation Act, 1953 (43 U.S.C. 666), nothing in this section waives the sovereign immunity of the United States.

(2) OTHER TRIBES NOT ADVERSELY AFFECTED.—Nothing in this section quantifies or diminishes any land or water right, or any claim or entitlement to land or water, of an Indian tribe, band, or community other than the Band.

(3) LIMITATION ON CLAIMS FOR REIMBURSEMENT.—With respect to Indian land within the Reservation—

(A) the United States shall not submit against any Indian-owned land located within the Reservation any claim for reimbursement of the cost to the United States of carrying out this section and the Pechanga Settlement Agreement; and

(B) no assessment of any Indian-owned land located within the Reservation shall be made regarding that cost.

(4) EFFECT ON CURRENT LAW.—Nothing in this subsection affects any provision of law (including regulations) in effect on the day before the date of enactment of this Act with respect to preenforcement review of any Federal environmental enforcement action.

(j) AUTHORIZATION OF APPROPRIATIONS.—

(1) PECHANGA RECYCLED WATER INFRASTRUCTURE ACCOUNT.—There is authorized to be appropriated $2,656,374, for deposit in the Pechanga Recycled Water Infrastructure account, to carry out the activities described in subsection (g)(3).

(2) PECHANGA ESAA DELIVERY CAPACITY ACCOUNT.—There is authorized to be appropriated $17,900,000, for deposit in the Pechanga ESAA Delivery Capacity account, which amount shall be adjusted for changes in construction costs since June 30, 2009, as is indicated by ENR Construction Cost Index, 20-City Average, as applicable to the types of construction required for the Band to provide the infrastructure necessary for the Band to provide the Interim Capacity and Permanent Capacity in the event that RCWD elects not to provide the Interim Capacity or Permanent Capacity as set forth in the ESAA Capacity Agreement and contemplated in subparagraphs (B)(v) and (C)(vi) of subsection (g)(4), with such adjustment ending on the date on which funds authorized to be appropriated under this subsection have been deposited in the Fund.

(3) PECHANGA WATER FUND ACCOUNT.—There is authorized to be appropriated $5,483,653, for deposit in the Pechanga Water Fund account, which amount shall be adjusted for changes in appropriate cost indices since June 30, 2009, with such adjustment ending on the date of deposit in the Fund, for the purposes set forth in subsection (h)(8)(C).

(4) PECHANGA WATER QUALITY ACCOUNT.—There is authorized to be appropriated $2,460,000, for deposit in the Pechanga Water Quality account, which amount shall be adjusted for changes in appropriate cost indices since June 30, 2009, with such adjustment ending on the date of deposit in the Fund, for the purposes set forth in subsection (h)(8)(D).

(k) REPEAL ON FAILURE OF ENFORCEABILITY DATE.—If the Secretary does not publish a statement of findings under subsection (f)(5) by April 30, 2021, or such alternative later date as is agreed to by the Band and the Secretary, as applicable—

(1) this section is repealed effective on the later of May 1, 2021, or the day after the alternative date agreed to by the Band and the Secretary;

(2) any action taken by the Secretary and any contract or agreement pursuant to the authority provided under any provision of this section shall be void;

(3) any amounts appropriated under subsection (j), together with any interest on those amounts, shall immediately revert to the general fund of the Treasury; and

(4) any amounts made available under subsection (j) that remain unexpended shall immediately revert to the general fund of the Treasury.

(l) ANTIDEFICIENCY.—

(1) IN GENERAL.—Notwithstanding any authorization of appropriations to carry out this section, the expenditure or advance of any funds, and the performance of any obligation by the Department in any capacity, pursuant to this section shall be contingent on the appropriation of funds for that expenditure, advance, or performance.

(2) LIABILITY.—The Department of the Interior shall not be liable for the failure to carry out any obligation or activity authorized by this section if adequate appropriations are not provided to carry out this section.

SEC. 8010. GOLD KING MINE SPILL RECOVERY.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) CLAIMANT.—The term ''claimant'' means a State, Indian tribe, or local government that submits a claim under subsection (c).

(3) GOLD KING MINE RELEASE.—The term ''Gold King Mine release'' means the discharge on August 5, 2015, of approximately 3,000,000 gallons of contaminated water from the Gold King Mine north of Silverton, Colorado, into Cement Creek that occurred while contractors of the Environmental Protection Agency were conducting an investigation of the Gold King Mine to assess mine conditions.

(4) NATIONAL CONTINGENCY PLAN.—The term ''National Contingency Plan'' means the National Contingency Plan prepared and published under part 300 of title 40, Code of Federal Regulations (or successor regulations).

(5) RESPONSE.—The term ''response'' has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Administrator should receive and process, as expeditiously as possible, claims under chapter 171 of title 28, United States Code (commonly known as the ''Federal Tort Claims Act'') for any injury arising out of the Gold King Mine release.

(c) GOLD KING MINE RELEASE CLAIMS PURSUANT TO THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT.—

(1) IN GENERAL.—The Administrator shall, consistent with the National Contingency Plan, receive and process under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), and pay from appropriations made available to the Administrator to carry out that Act, any claim made by a State, Indian tribe, or local government for eligible response costs relating to the Gold King Mine release.

(2) ELIGIBLE RESPONSE COSTS.—

(A) IN GENERAL.—Response costs incurred between August 5, 2015, and September 9, 2016, are eligible for payment by the Administrator under this subsection, without prior approval by the Administrator, if the response costs are not inconsistent with the National Contingency Plan.

(B) PRIOR APPROVAL REQUIRED.—Response costs incurred after September 9, 2016, are eligible for payment by the Administrator under this subsection if—

(i) the Administrator approves the response costs under section 111(a)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9611(a)(2)); and

(ii) the response costs are not inconsistent with the National Contingency Plan.

(3) PRESUMPTION.—

(A) IN GENERAL.—The Administrator shall consider response costs claimed under paragraph (1) to be eligible response costs if a reasonable basis exists to establish that the response costs are not inconsistent with the National Contingency Plan.

(B) APPLICABLE STANDARD.—In determining whether a response cost is not inconsistent with the National Contingency Plan, the Administrator shall apply the same standard that the United States applies in seeking recovery of the response costs of the United States from responsible parties under section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607).

(4) TIMING.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator shall make a decision on, and pay, any eligible response costs submitted to the Administrator before that date of enactment.

(B) SUBSEQUENTLY FILED CLAIMS.—Not later than 90 days after the date on which a claim is submitted to the Administrator, the Administrator shall make a decision on, and pay, any eligible response costs.

(C) DEADLINE.—All claims under this subsection shall be submitted to the Administrator not later than 180 days after the date of enactment of this Act.

(D) NOTIFICATION.—Not later than 30 days after the date on which the Administrator makes a decision under subparagraph (A) or (B), the Administrator shall notify the claimant of the decision.

(d) WATER QUALITY PROGRAM.—

(1) IN GENERAL.—In response to the Gold King Mine release, the Administrator, in conjunction with affected States, Indian tribes, and local governments, shall, subject to the availability of appropriations, develop and implement a program for long-term water quality monitoring of rivers contaminated by the Gold King Mine release.

(2) REQUIREMENTS.—In carrying out the program described in paragraph (1), the Administrator, in conjunction with affected States, Indian tribes, and local governments, shall—

(A) collect water quality samples and sediment data;

(B) provide the public with a means of viewing the water quality sample results and sediment data referred to in subparagraph (A) by, at a minimum, posting the information on the website of the Administrator;

(C) take any other reasonable measure necessary to assist affected States, Indian tribes, and local governments with long-term water monitoring; and

(D) carry out additional program activities related to long-term water quality monitoring that the Administrator determines to be necessary.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator such sums as may be necessary to carry out this subsection, including the reimbursement of affected States, Indian tribes, and local governments for the costs of long-term water quality monitoring of any river contaminated by the Administrator.

(e) EXISTING STATE AND TRIBAL LAW.—Nothing in this section affects the jurisdiction or authority of any department, agency, or officer of any State government or any Indian tribe.

(f) SAVINGS CLAUSE.—Nothing in this section affects any right of any State, Indian tribe, or other person to bring a claim against the United States for response costs or natural resources damages pursuant to section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607).

SEC. 8011. REPORTS BY THE COMPTROLLER GENERAL.

Not later than 5 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct the following reviews and submit to Congress reports describing the results of the reviews:

(1) A review of the implementation and effectiveness of the Columbia River Basin restoration program authorized under part V of subtitle F of title VII.

(2) A review of the implementation and effectiveness of watercraft inspection stations established by the Secretary under section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610) in preventing the spread of aquatic invasive species at reservoirs operated and maintained by the Secretary.

SEC. 8012. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) State water quality standards that impact the disposal of dredged material should be developed collaboratively, with input from all relevant stakeholders;

(2) Open-water disposal of dredged material should be reduced to the maximum extent practicable;

(3) Where practicable, the preference is for disputes between states related to the disposal of dredged material and the protection of water quality to be resolved between the states in accordance with regional plans and involving regional bodies.

Mr. INHOFE. Mr. President, I know of no further debate on this amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 5042, as modified.

The amendment (No. 5042), as modified, was agreed to.

The PRESIDING OFFICER. Amendment No. 5042, as modified, having been agreed to, amendment No. 4980 falls.

MORNING BUSINESS

Mr. INHOFE. Mr. President, before I make a very brief comment, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

WRDA

Mr. INHOFE. Mr. President, this is a very significant piece of legislation. What we just now moved forward on is the managers' amendment. Senator BOXER and I are the managers. I want to, first of all, compliment her for working very hard with us and our staff. I mean, they really did drill on this thing. So it is a major bill. We are supposed to have a WRDA bill, or the Water Resources Development Act, every 2 years. We went through a 7-year period from 2007 to 2014. Now we are back on schedule. I am happy to say that we are on schedule now to get this passed tomorrow.

We are going to stay on a 2-year schedule. Senator BOXER did a great job. It was great teamwork. We have moved a long way.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I want to say this to Senator INHOFE. I know he has a hectic schedule ahead of him. What a pleasure it is to work with him and his staff member Alex and our Jason and Ted and others. We had a lot of disagreements on a lot of issues, but we set those aside. It is exciting to get something done for the people.

For example, in this managers' package, we have a new Chief's report in Pennsylvania, a critical restoration program in Oregon and Washington, funding for restoration of the Great Lakes, a wide variety of other policy recommendations that come from all over the country, from all of our colleagues. So I not only want to thank Senator INHOFE, who is my chairman, but also my staff and Senator INHOFE's staff—in particular, Bettina Poirier, Jason Albritton, and Ted Illston, from my staff.

This has not been easy to get all of us together and to have a unanimous consent request agreed to. I also want to thank the floor staff—Trish and Gary on our side—because I made them a little crazy during this process. They actually allowed me to do that.

But it does take a lot of push and pull to get a bill like this done. So what I would like to do for the next few minutes—I know Senator MURKOWSKI will speak following me—is that I just want to talk about why we have worked so hard and why it is critical that we pass this bill this week—S. 2848, the Water Resources Development Act, which we called WRDA 2016.

We need to repair our Nation's aging infrastructure. We need to grow our economy and create jobs. I think that is where the sweet spot is across the aisle. We have an infrastructure crisis in our country. It is not me saying it; it is the American Society of Civil Engineers. They are Democrats, they are Republicans, and they are Independents. They are north, south, east, and west. They came together and said: Our infrastructure is a D-plus—a D-plus.

So we just have to move forward. Also, we need to make sure that the Army Corps, when they write a Chief's report, has the go-ahead from Congress. We don't have anymore the ability as Members to say this is an earmark. We don't do that. What we must do is look at the Corps report and give them the authority to move ahead if we feel that the Corps report is in the best interest of our people.

We have over $14 billion for 30 Chief's reports in 19 States. These projects—you ask: What do they do? They increase navigation. They are flood risk management. They are coastal storm damage reduction. They are ecosystem restoration. As far as navigation is concerned, we know that we authorize important projects to maintain vital navigation routes for commerce and the movement of goods.

Our bill builds on the reforms to the harbor maintenance trust fund. So we are just going to show a few charts. This is the Port of Charleston. If you look at these containers, they look small on this boat. Each one of those is just enormous. What we know is, if we can't move goods to and from the country, our economy stalls.

So that is critical. We extend permanently prioritization for donor and energy transfer ports, emerging harbors, and Great Lakes ports. We allow additional ports to qualify for these funds, and we make clear that the Corps can maintain harbors of refuge. The bill also authorizes nine Chief's reports that I mentioned in nine States that will allow investment in central port and waterway projects, including the deepening of the Charleston Harbor in South Carolina.

It does no good to have these ships try to get in—if you need to dredge the waterway, you better have authorization to do it. We widen and deepen the navigation channels at Port Everglades in Florida, to address safety issues and congestion. We construct new locks in Pennsylvania at three of the oldest locks and dams on the Ohio River System.

These aging locks were built in the 1920s and the 1930s. We have to address the aging infrastructure. This is what you see the workers doing. Our ports and waterways, which are essential to the U.S. economy, moved 2.3 billion tons of goods in 2014.

WRDA 2016 will provide major economic benefits that will keep us competitive in the global marketplace. We also deal with storms and floods. Now, we have seen these storms and floods just expand exponentially. We are stunned when we see our beautiful citizens looking at everything they possess being lost in a flood. It is billions of dollars of damage. It is loss of life. We have seen communities wiped out. This is the scene from Louisiana.

This bill will save lives by helping to rebuild critical levee systems around the country, including levees to protect the capital of my State and surrounding communities. Sacramento is in desperate need of flood control. We have done it year after year. We are very hopeful that the work we put into it will make sure that we do not see a Katrina happening anywhere in my State or in any other place.

This bill authorizes $8 billion for 17 flood control and storm damage projects in 13 States, including a project to build levees and flood control structures to reduce flood risk in San Antonio, TX.

I think we have the picture of the flooding there. Look at this. We just

have to rebuild our infrastructure to protect against floods.

We also have a project to rebuild aging levees in Manhattan, in Kansas, which protects public and private structures valued at $1 billion, and projects to protect coastal communities in South Carolina, in Florida, North Carolina, New Jersey, and Louisiana.

WRDA also establishes a new program at FEMA to fund the repair of high-hazard dams that present a public safety threat. These hazardous dams are threatening numerous communities across the Nation, and WRDA 2016 will make those communities safer.

The bill authorizes more than $3 billion for projects to restore critical ecosystems, like the Florida Everglades. WRDA 2016 updates existing programs. It creates new initiatives to advance the restoration of some of the Nation's most iconic ecosystems, such as the Great Lakes, the Long Island Sound, the Delaware River, the Chesapeake Bay, the Columbia River, and Puget Sound.

WRDA responds to the serious challenges many of our communities are facing. While we have horrific flooding, we also have horrific droughts, especially in the West. This was all predicted by scientists who said: Watch out; climate change is coming. We have seen terrible fires, terrible flooding, terrible droughts, and more extreme weather all over. That was predicted.

So we want to make sure that we can improve the operations of our dams and reservoirs to increase water supply and better conserve existing water resources.

I have a very special excitement associated with the dealing of droughts, because the bill is on my legislation, the Water in the 21st Century Act—or, as I call it, W21—to provide essential support for the development of innovative water technologies, such as desalination and water recycling.

I had the opportunity to visit a desal plant in California—the only one operating. It is pretty remarkable. It is not cheap. It is a public-private partnership. But when you need water, you need water. So, absolutely we have to look at ways to utilize energy in a smart way and move toward desal and move toward water recycling and water recharging.

The bill allows States to provide additional incentives for the use of these innovative technologies, through the State revolving fund. It establishes a new, innovative water technology grant program, and it reauthorizes successful existing programs such as the Water Desalination Act.

It also deals with Flint, MI. I am so grateful to everyone on both sides who allowed us to finally address Flint, MI. I want to show you what they dealt with in this corrosive piping. The State changed the way they got their water. They started to draw from highly polluted water. This is what it did to the pipes.

As to the lead contamination in Flint, we know all about it. But it is not only in Flint. It is in other cities across the country that are dealing with aging lead pipes, such as Jackson, MS, Sebring, OH, and Durham, NC. The American people have some rights. They have a right to clean water. When they turn on their faucet, they should not be scared of what is going to come out.

Yet the American Water Works Association estimates that as many as 22 million people live in homes that receive water from lead service lines. Now, this bill begins the much needed work to ensure safe, reliable drinking water for every American. It provides $100 million in State revolving fund loans and grants for communities that have a declared drinking water emergency. It provides more than $700 million in loans under the Water Infrastructure Finance and Innovation Act, which we call WIFIA.

We have a program in transportation that my friend in the chair, the Presiding Officer, is very familiar with, called TIFIA, and he and I worked on together to save it. WIFIA works the same way. If a local government has revenues, they can use those to pay back the Federal Government for practically interest-free loans and complete a project far faster.

So this WIFIA is very exciting for me because I am leaving here. I would like to leave behind a way for communities to access help this way. It is not a giveaway. It just says to a community: If you are willing to help yourself, the Federal Government can front the money. You can rebuild your infrastructure much quicker.

When it comes to crumbling infrastructure, we don't have a minute to waste. So the WRDA bill helps those communities dealing with the horrible effects of lead poisoning by investing in public health programs to help families deal with the impacts. The bill changes the law to require that communities are quickly notified if high lead levels are found in the drinking water.

The worst thing is to ignore that and then have some child, all of a sudden, have learning disabilities, and you don't know why. You have done everything right, and your child is suffering. We want to say: The minute there is too much lead in the water, parents, you are going to know about it, and you can protect your child. The one way to protect a child is to get rid of their exposure to lead, whether it is in the air, whether it is in the water, or whether it is in a product. We know that for sure.

Now, in closing, I am going to talk about a few things for my great State, because we have 40 million people there. We have so much congestion, and we have so many problems. We also have so many assets—mostly our people—and we have so much beauty in that State, but I am going to talk about a few things we did.

First, we authorized a critical project to revitalize the Los Angeles River. Yes, there is a river in Los Angeles. Everyone kind of looks at me and says: You have to be kidding. No, there is.

The whole area has been neglected. Finally, after working with the community—and, boy, this took effort on everyone's part—the city, the county, Senator FEINSTEIN, me, and Members of Congress. Everybody worked together—the Chamber of Commerce, the unions, everybody. We got together a great plan for how we are going to revitalize the river, make it a beautiful place to go, and stimulate economic development.

Our bill also authorizes a project to restore wetlands and improve flood protection in San Francisco Bay. This is one of the most iconic photos I could show you, the Golden Gate Bridge, but we need to improve flood protection. We are going to have the rising sea levels. I will tell you one of the great ways to get hold of that issue is to restore wetlands because then when the floods come, it slows up, it slows up the flow, and takes the nutrients that would otherwise go into the bay. Whether we are dealing with Lake Tahoe, which I will talk about in a minute, or San Francisco Bay, you want to make sure you have your flood protection work so these wetlands will hold back the water and hold back the nutrients.

We will rebuild levees that protect Sacramento, which is a critical area, and we have an amazing and important program to provide critical habitat and improve air quality near the Salton Sea.

I don't have time to go into explaining what the Salton Sea is, but it is one of the largest manmade lakes known. It is drying up because of the drought. What happened is, the farmers would take their extra water and dump it into the Salton Sea. There are a lot of harmful toxins from the pesticides in there. As the sea dries up, the sand holds all this toxin. When the wind blows, it carries these toxins and these chemicals into the lungs of the people who live around this gorgeous area. It was once a thriving area, but it has changed. It also is the landing place for about 400 different species of beautiful waterfowl that rest on the Pacific Flyway. It has been neglected. We need to make sure that where the sea is drying out we can have pockets where there are wetlands, where there is restoration. We are working together with the State.

I am excited about the fact that this bill will authorize the use of local people, nonprofit people. City councils, supervisors, State and Federal Government and water districts will now be able to work together on common projects to save the Salton Sea. This is a tough one. I am going to be leaving the Senate knowing this isn't fixed, and I don't like that; that I will not be here to fix it. I am leaving it to everybody—that includes the Presiding Officer, you will be here a while. You have

to keep your eye on the Salton Sea because it is disappearing and we have to fix it.

Finally, this bill invests in the restoration of the ''Jewel of the Sierra,'' Lake Tahoe. Oh, this is something. I was just out there with Senator FEINSTEIN, Senator REID, and Governor Brown. It is quite a special place. Actually, it is a treasure. California shares it with Nevada. It is home to more than 290 species of wildlife, and it lures 3 million visitors every year, but it has real problems, the same types of problems I talked about with the bay—nutrients flowing into the sea. The warmer temperatures of Lake Tahoe mean we have algae growing. We have problems with clarity, and it needs our attention.

We have done a great job over the last 20 years when President Clinton came out. We had bipartisan support then, and we now have bipartisan support from Senators REID, HELLER, FEINSTEIN, and myself to continue making sure Lake Tahoe thrives.

The words everybody waits for when a Senator makes a speech, ''in conclusion,'' WRDA 2016 is truly a bipartisan bill which benefits every region of this great country. It will invest in our Nation's water infrastructure, create jobs in the construction industry, protect people from flooding, and enable commerce to move through our ports. It will encourage innovative financing through WIFIA, and it will begin the hard work of preparing for and responding to extreme weather.

The bill is supported by 90 organizations—we will just give you a sample—representing business, labor, local government, ports, environmental conservation groups, and faith communities. As an example, the California State Coastal Conservancy, the Coalition for the Delaware River Watershed, the Congregation of Saint Joseph, association of water agencies, the Lake Carriers' Association, the Michigan Environmental Council of the States, GreenFaith, Friends Committee on National Legislation, and Franciscan Action Network.

There is one more chart. Nature Abounds, Orange County Sanitation District, U.S. Chamber of Commerce, U.S. Conference of Mayors, U.S. Great Lakes Shipping Association, and Upper Mississippi River Basin Association.

Madam President, I ask unanimous consent to have printed in the RECORD the organizations listed on the charts.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LETTERS OF SUPPORT—S. 2848

UPDATED 9–12–16

Advocates for a Clean Lake Erie; African American Health Alliance; Alliance for the Great Lakes; American Association of Port Authorities; American Council of Engineering Companies; American Great Lakes Ports Association; American Public Health Association; American Rivers; American Shore and Beach Preservation Association (ASBPA); American Society of Civil Engineers; Associated General Contractors of America; Association of Metropolitan Water Agencies; Bad River Watershed Association; Bay Area Council; Bay Conservation and Development Commission; Bay Planning Coalition; BaySail; Big River Coalition; Black Heritage Society Inc.; Black Millennials for Flint; BlueGreen Alliance; California Association of Sanitation Agencies; California Marine Affairs and Navigation Conference; California State Coastal Conservancy; Casa de Esperanza; City of Sacramento; Clean Water Action; Coalition for the Delaware River Watershed; Community Based Organization Partners; Congregation of St. Joseph.

Delta Institute; Ducks Unlimited; Earthjustice; Environment America; Environment Michigan; Environmental Defense Fund; Environmental Law & Policy Center; Franciscan Action Network; Freshwater for Life Action Coalition; Freshwater Future; Friends Committee on National Legislation; Genesee County Hispanic Latino Collaborative; Genesee County NOW; GreenFaith; GreenLatinos; Gulf Intracoastal Canal Association; Gulf Ports Association of the Americas; Headwaters Chapter, Izaak Walton League; Heart of the Lakes; Hispanic Association of Colleges and Universities; Hispanic Federation; Hoosier Environmental Council; Huron River Watershed Council; International Union of Operating Engineers; Lake Carriers Association; Land Trust Alliance; League of Conservation Voters; League of United Latin American Citizens; League of Women Voters of the United States.

MANA, A National Latina Organization; Michigan Environmental Council; Midwest Environmental Advocates; Milwaukee Riverkeeper; National Association of Clean Water Agencies; National Association of Flood & Stormwater Management Agencies; National Association of Hispanic Federal Executives; National Coalition Of Blacks for Reparations in America; National Conference of Puerto Rican Women, Inc.; National Ground Water Association; National Rural Water Association; National Wildlife Federation; Natural Resources Defense Council; Nature Abounds; North Atlantic Ports Association; Ohio Environmental Council; Orange County Sanitation District; Orange County Water District; Pacific Northwest Waterways Association; Physicians for Social Responsibility; Prairie Rivers Network; Realize America's Maritime Promise; Rural Community Assistance Partnership; San Francisco Public Utilities Commission; Save the Bay; The Bay Institute; The Nature Conservancy; U.S. Chamber of Commerce; U.S. Conference of Mayors; U.S. Great Lakes Shipping Association; Upper Mississippi River Basin Association; and Waterways Council, Inc.

Mrs. BOXER. You can tell from just the few I read what an amazing coalition we have. We can do this.

I have a fabulous committee that I am the ranking member of—fabulous on my side, wonderful on the Republican side. We really care about getting things done. I hope we will have a fabulous vote on this final passage and that the House will take up our bill, pass it, and not go back to square one and start arguing.

I say to my friends in this House, through this opportunity I have on the floor, this is an example of bipartisanship. This is an example of good governance. This is an example you should follow because we avoided the fights, we worked together, and we worked it out. Let's get it done. Let's get it to the President's desk. Let's not wait for a lameduck. There is no reason. People should be able to know we did something good for them. We did something great for them.

This bill, while I am sure it isn't 100-percent perfect from anybody's eyes, is very solid, very strong, very good. I hope we will pass it with the biggest vote we can and the House will take it up.

Thank you so much for your patience.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I thank and acknowledge the work of the Senator from California, as well as the chairman of the Environment and Public Works Committee, not only on this WRDA bill but on previous matters relating to our water, resources, and our infrastructure—

Mrs. BOXER. And highways.

Ms. MURKOWSKI. Our highway bill. This has been a collaboration that has been recognized in the Senate. I think sometimes we joke that sometimes we have some polar opposites in the Senate on certain issues, but when there is a desire and a will to create something, to create legislation and make good things happen, that good will rises to the surface. I think we have seen that play out with our colleagues from California and Oklahoma.

Mrs. BOXER. May I make a comment through the Chair to my friend?

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I just wish to thank you because you and Senator CANTWELL are also an example of a team that is working through the toughest of issues. If somebody from the press asked you how do you do it—and I am sure they ask Senator INHOFE all the time, how do you do it with something who is a polar opposite in so many other areas—well, you have to find that sweet spot. You never know if you are going to be able to do it, but if there is good will and there is also respect, you can find it. You have found it in your committee. We have found it in ours.

I also thank you because in all of my work, you have always been there, being very helpful and supportive, so I thank you very much.

Ms. MURKOWSKI. I thank the Senator from California and do recognize that tough issues come to us. If they were easy, they wouldn't be here, and so it is our job to kind of thread that needle and do that.

I know the Senator mentioned the people of Flint being happy with a resolution here. It is not just the people of Flint and the communities you have named in California. I can tell you that when we successfully pass this, the people in the small communities of Craig, the Pribilof Islands, Seward, and Little Diomede are looking for this infrastructure that will allow them, as very small communities, to have an economy because they now have a port, a harbor, and some infrastructure they can rely on.

When we think we are not making a difference, all we need to do is look to measures such as this WRDA bill.

I commend my colleague for working with me, working with Senator SULLIVAN, including many of the priorities we had tried to advance on behalf of the good people of Alaska.

KING COVE, ALASKA

Ms. MURKOWSKI. As we consider their bill—and I am pleased we have moved forward with this managers' amendment—I wish to speak to an amendment that is not part of a managers' package, and it is not an amendment I will call up and ask for consideration, but it is an issue I have presented to Members on the floor in the past. I wanted to take just a few minutes this evening to bring about, again, discussion about another community, a community in Alaska, a community that is in crisis.

We have heard a lot about communities in crisis—whether it is Flint, MI, whether it is those communities that have suffered the flooding in Louisiana, but I have a community in Alaska—a little, small community of less than 1,000 people—by the name of King Cove.

King Cove remains at risk, not because of flooding, not because of a failed water system but because of a decision that was made by our own government, a heartless decision made by the Federal Government. King Cove's problem is not contamination in its drinking water supply, it is something far more fundamental, and it is something that virtually all of our communities—whether you are in Colorado or California—take for granted. What the people in King Cove are asking for is a very simple road, a reliable access to medical emergency transportation. They simply want to be able to reach proper care in time in the event of an injury or an illness.

So for those who aren't familiar with the small community of King Cove, it is a remote fishing community. It is about 625 air miles southwest of Anchorage. It is near the Alaska Peninsula. Eighty-five percent of the residents there are Alaska Natives. Many are Aleut and members of the federally recognized Agdaagux Tribe. As we have so many communities in the State of Alaska—in fact, 80 percent of our communities are not connected by road, but King Cove can only be reached by boat or by airplane. Often that is a challenge. The community is kind of nestled in this spit of land and is surrounded on one side by ocean and on the other by high volcanic oceans.

This is an area that isn't known for its weather. It is very high winds, huge storms, and dense fog all the way down to the ground. King Cove does have a gravel airstrip it can access, and the small planes that fly in and out regularly grapple with low visibility and very strong turbulence that comes down off the mountains, forces the planes down. You have gale-force crosswinds. It is not a place for beginner pilots. I shouldn't even say that because it makes it sound too light. These are very serious flying conditions, but that is how you get in and out.

I did mention it is accessible by boat, but if it is stormy in the air, it is also stormy on the water. Local mariners are facing the same conditions, plus you add in 12-foot to 14-foot seas to contend with.

Most of the time you are saying: I am not going to travel when the weather is that foul, but there are times when you have to travel, when a medical emergency occurs that is beyond the capacity or the capability of the local clinic there. Keep in mind, this is a very small clinic. You don't have a doctor that can just get in a car and provide services. We don't have a doctor there. We have a physician's assistant. We may have doctors come occasionally, but you don't have the medical care you need. If you have severe trauma or if you are a woman in labor, if you have any kind of a serious illness, King Cove Clinic just simply cannot provide the level of service and care you need.

So what do you do? The first step is to transport those who are sick and injured to the nearby community of Cold Bay. Cold Bay is host to a 10,000-foot-long all-weather runway. It is one of the longest runways we have in the State. It was built after World War II. It is almost always open because they don't get the same weather conditions. Here is the beauty of it. It is only 30 miles from where you are in King Cove. So really, the challenge here, for people who need to get out quickly, is not getting from Cold Bay to Anchorage—the 625 air miles—but from King Cove to Cold Bay, 30 miles. That is the toughest part of the journey there.

Having seen this firsthand, I know that for the people who live in King Cove—the Natives who live there—the best answer, really the only answer, is to do what virtually every other community would do, which is build this short connector road.

Keep in mind, we are talking about a distance of 30 miles between the two communities. But it is not even 30 miles I am talking about. What we are seeking is a short—about 10 to 11 miles—gravel, one-lane, noncommercial-use road. That is what we are talking about. That is all that is needed to connect two existing roads. There is one that runs out of King Cove and another that runs out of Cold Bay. We need to link these two communities to finally and fully protect the health and safety of nearly 1,000 Alaskans. What we need is a 10-mile, one-lane, gravel, noncommercial-use road.

One might say: Well, do it. Why haven't you built the road? The reason is we cannot secure permission from our own Federal Government because—and here is the catch—it would cross a small sliver of the Izembek National Wildlife Refuge that was designated back in the 1980s as Federal wilderness. They failed to consult with the Native people who were in King Cove at the time, but that designation was put in place. So we have been working through this for a period of years—actually, a period of decades.

We thought we had this resolved back in 2009. We overwhelmingly passed a lands bill through this Chamber that was signed into law by this President, and it gave the Department of the Interior the ability to approve a road for King Cove. It was a land exchange. And, quite honestly, it was an unbelievable deal. Alaskans offered a roughly 300-to-1 land exchange—a 300-to-1 land exchange—in the Federal Government's favor.

The people of King Cove said: We need 206 acres for a road corridor, and we, along with the State of Alaska, are willing to exchange 61,000 acres of our State lands and of our Native lands. Let me repeat that. They were willing to give back to the Federal Government the lands that were conveyed to the Natives upon settlement of their Native land claims so they could get a small 206-acre corridor. So between the Native lands and the State lands, a 300-to-1 land exchange was offered up—a pretty sweet deal.

Against all odds, the Secretary of the Interior rejected that offer. She did this on the day before Christmas Eve back in 2013. I think she was hoping that no one was going to pay attention. She decided against cherry-stemming these 206 acres—which, keep in mind, is about 0.07 percent of the refuge—because she said that somebody needs to speak up for the birds. Someone needs to speak up and represent the waterfowl. And she decided that protecting the people of King Cove while expanding the Izembek Refuge by tens of thousands of acres was somehow just not worth it.

To this day, years later, I still struggle with how she could come to that decision. It was a horrible decision. It was cruel. It was coldhearted against the Alaskan Native people of King Cove who care deeply about these lands and have stewarded them for thousands of years.

It was baffling. It is not as if there are no roads in this area. Since World War II, we have had roads in this area. The birds have flown. They have used it as their feeding site. It is not as if this is this protected, pristine area. The Fish and Wildlife Service brags on its Web site that local waterfowl hunting is world famous and spectacular. Come on out. If you want to be a sportsman, come out and go hunt on the refuge here. But you can't have this 10-mile, one-lane, gravel, noncommercial-use road there because someone has to watch out for the birds.

The decision reflects a double standard when you think about refuges in other parts of the country. We have roads through our refuges throughout the country, whether in Florida, Maryland, Texas, Louisiana, North Carolina, Arizona, Montana, Missouri, Illinois,

New Mexico, Nevada, or Washington State. So this would not be the first time you would have a small, narrow road through a refuge area.

It is also ignorant. It is ignorant of the fact that human lives have been lost in King Cove as medevacs were attempted in bad weather. We have had a total of 19 people who have died since 1980, either in plane crashes or because they didn't last before they could be taken out.

The decision of the Department of the Interior was cynical. It was callous. It devastated the people of King Cove, who finally thought help was on the way. It shattered the trust responsibility the Federal Government is supposed to have to our Native people, and it has left these people in the same situation they have been in for decades now. They are at the mercy of the elements. They have the potential to suffer needless pain, perhaps even death, if they should have a medical emergency.

People have said to me: Well, LISA, there are lots of places in Alaska where it is really tough to get in and out of, where weather shuts you down and you are not connected by a road. So why is King Cove so different, so special? It is not that they are so different or so special; it is that there is an easier answer that is right there. In many of the communities, there is not an easier answer. Again, we are talking about a small connector road that could be the answer here.

It has been nearly 1,000 days since Secretary Jewell decided just to wash her hands of this issue. She promised the local residents she was going to figure out a way to help them gain reliable transportation to Cold Bay. Instead of working toward a real solution, she has decided to run the clock out. We have seen no engagement with local residents, no budget request, no administrative action, just one topical study of alternatives. And this alternative is one that has been examined before and rejected before as unworkable.

As chairman of the Energy and Natural Resources Committee, I held an oversight hearing earlier this year, and the Presiding Officer had an opportunity to hear from the residents of King Cove, to hear what they have gone through, the anguish this has caused their community. We heard about King Cove's decades-long fight for a lifesaving road from its mayor and from its spokeswoman of the Agdaagux Tribe. We heard strong support for the road from Alaska's Lieutenant Governor, a member of the Democratic Party and an Alaskan Native. We also heard from a representative of the National Congress of American Indians.

We also heard some really unsettling things. We heard about the Valium dispenser at the local medical clinic, where many of the residents who have such anxiety and stress about flying—because of the hazards of flying out of this little strip—are given two pills out of these dispensaries, one for the flight out of King Cove and one for when they return.

We also heard from a retired Coast Guard commander who led a mission to locate a plane crash that killed four individuals, including a fisherman who was being medevaced out because of an amputated foot. The commander told us about the horror of finding these bodies still upright, belted into their seats, with limbs that were frozen and could not be untangled—a memory you just don't ever forget.

King Cove has now had a total of 51 more medevacs—51 more medevacs—since Secretary Jewell's decision in December of 2013 when she rejected this road. Our U.S. Coast Guard has carried out 17 of those medevacs, risking their own crews to rescue those in need. We thank them for that, though that is not the Coast Guard's mission. But they are there when you call them.

Those patients who have been medevaced have been individuals in terrible pain and trauma. One man had dislocated both hips when a 600-pound crab pot fell on him. We have had elderly residents with internal bleeding or sepsis or apparent heart attacks. We had an infant baby boy who was struggling to breathe.

Just this past month—we think: Oh, summertime, August, good weather. This was a bad month for King Cove. No fewer than four medevacs have been carried out. One was an elderly woman who arrived at the medical clinic with a hip fracture. She needed to be medevaced to Anchorage but had to wait for more than 40 hours because the heavy fog on the ground would not lift.

So that is what is happening in King Cove without a lifesaving road. And I know, Mr. President, that King Cove, AK, is a long way from where we are here. Many in this Chamber—most in this Chamber—will never go there. Most people in America will not ever go there. But as remote as they are, as small as this community is, I would remind my colleagues this is still an American community. These are Americans. These are people who deserve to have our help, and it is our job to assist them. They are not asking for much.

We should not let this continue. The people of King Cove are suffering, and it is entirely within our power to protect them. My amendment, and what I have offered in legislation and in amendments, is an opportunity, after decades of waiting and delay and frustration and pain, to finally authorize a short, one-lane, gravel, noncommercial-use road.

As I mentioned, I am not going to be raising my amendment to a vote on the WRDA bill, but I do want the Senate to understand it is well past time to help the good people of King Cove. We need to ensure they have reliable access to emergency medical transportation, and we need to do it this year so that we can put an end to the dangers, an end to the anxiety, an end to the suffering this community is enduring because of a decision by our own Federal Government.

With that, Mr. President, I thank the Chair, and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. GARDNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DAINES). Without objection, it is so ordered.

CONSTITUTION WEEK

Mr. MCCONNELL. Mr. President, for the last 229 years, one document has shaped our system of government and embodied the character of our country. It has guided us through crisis and promoted our national ideals of equal justice, limited government, and the rule of law.

I speak, of course, of the U.S. Constitution. More than two centuries ago, the Founders met to write it in the same Pennsylvania State House, now called Independence Hall, where the Declaration of Independence was signed and where George Washington received his commission as commander of the Continental Army.

The Constitution was drafted in 1787 and signed in that year on September 17. That is why this coming week of September 17 to the 23 is Constitution Week, a time we set aside to commemorate this revered document.

During Constitution Week, we teach the history of our Constitution and of America's promise of liberty for all to the younger generations. One organization that has taken the lead in helping young Kentuckians learn about the Constitution is the Bryan Station chapter of the National Society Daughters of the American Revolution. Located in Lexington, the Bryan Station NSDAR will reach out to several schools in the area to help students understand the historical significance of our guiding document.

They will work to educate students of their rights and responsibilities as citizens. They will show them how the Constitution lays the foundation for our country's heritage of liberty. And they will encourage students to study the historical events which led to the drafting of the Constitution and its signing on September 17, 1787.

So in commemoration of Constitution Week 2016, I want to commend the Bryan Station NSDAR for their commitment to civic participation and civic education in the Commonwealth. I want to recognize all the students, teachers, and community leaders in Kentucky and across the Nation who are working to spread an understanding of the Constitution and the ideals it symbolizes.

I also want to especially recognize and thank the men and women in uniform who swear an oath to defend our

Constitution, particularly those who serve in Kentucky at Fort Knox, Fort Campbell, the Blue Grass Army Depot, or as Reservists or members of the National Guard. Without their service and sacrifice, we would not enjoy the liberties enshrined in this historical document.

As Abraham Lincoln once said, ours is a government of the people, by the people, and for the people. The Constitution begins with the very words, ''We the people.'' It ensures that, in America, power is dependent on the consent of the people. And that principle has helped to build a nation that represents the greatest hope for freedom around the world.

TRIBUTE TO MARGARET HOULIHAN SMITH

Mr. DURBIN. Mr. President, today I want to congratulate a former member of my Senate staff, Margaret Houlihan Smith. Margaret served as my Chicago director and previously as a senior member of my 1996 campaign team. Since 2004, Margaret has served as director of corporate and government affairs for United Airlines, responsible for advancing its legislative objectives and protecting its commercial interests in Illinois.

Next week, Margaret is receiving the Rerum Novarum Award at St. Joseph College Seminary in Chicago. The Rerum Novarum Award, or Rights and Duties of Capital and Labor, is named after an encyclical written by Pope Leo XIII in 1891 that addressed issues facing the working class. Specifically, Rerum Novarum's fundamental principles are respect for the dignity of every person and their labor, the right to organize and belong to a union, and the right to a living wage.

Every year, on behalf of St. Joseph College Seminary, the Seminary Salutes Committee honors men and women who have supported these ideals in the Chicagoland area. Well, I want to tell you that the committee couldn't have made a better choice than Margaret Houlihan Smith.

Margaret learned the importance of these values and public service from her father, Dan Houlihan. Known as Dan-the-man to his constituents—he represented the South Side of Chicago—the Beverly neighborhood—in the Illinois House of Representatives. Public service was in Margaret's blood.

So it is no surprise that, after graduating from St. Mary's College in Winona, MN, Margaret started right at the top in Illinois politics and began working for Michael Madigan, Speaker of the Illinois House of Representatives. In 1995, she helped run my first Senate campaign. And in 1996, Margaret agreed to be the director of my Chicago office. Her boundless energy, quick wit, and great judgment made her an outstanding member of my staff and set a high bar for those that followed.

One day, while working in my Chicago office, Margaret lost her voice. When she tried to talk, she croaked like a frog. Her doctor urged her to stop talking for about a week. But anyone that knows Margaret knows this would be a challenge. You see, Margaret is the definition of an Irish lass: a wonderful sense of humor and, above all, a great storyteller—so great that she never stops telling stories. And let me assure you, her doctor's urgings didn't stop her. But I couldn't be more proud that Margaret is still out there sharing stories and lending her voice to the issues that matter in her community.

Margaret is driven by a willingness to offer a helping hand and is one of the most generous people I have had the pleasure to know. In her spare time, she serves on the boards of Misericordia Heart of Mercy, Abraham Lincoln Presidential Library and Museum, Irish Fellowship of Chicago, the Civic Federation, and the Chicagoland Chamber of Commerce PAC Board. If that wasn't enough, Margaret is also a founding member of the Illinois Women's Institute for Leadership.

She is an extraordinarily accomplished professional, but it is her caring heart that makes Margaret such a deserving recipient of this award. For more than a decade, Margaret has served on the Seminary Salutes Committee, tirelessly advocating for the St. Joseph College Seminary. Year after year, she works to raise money and vocation awareness in Chicagoland. And because of her efforts, the Seminary Salutes annual fundraising event, which benefits the scholarship program for low-income students, continues to be a success. I am honored to congratulate her on all the work she has done for St. Joseph College Seminary.

Despite her many achievements, her proudest accomplishment is her family. Never forgetting where she comes from—a trait her father and his beloved wife of 50 years, Mary Alice Houlihan, instilled in her—Margaret lives in the Beverly neighborhood of Chicago with her husband, Jim, and their two children: 8-year-old son Jack and 6-year-old daughter Maeve.

Let me close with this: Margaret's father used to have a favorite saying—''He has a big hat size.'' It was Dan's way to describe someone who was full of themselves. Well, Margaret has never forgotten those words and always stayed humble. I couldn't be more proud of the work she has done and the person she has become. And although her father is no longer with us, I know he feels the same way.

Congratulations, Margaret, on a well-deserved honor.

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, for 2 years, President Obama's five eminently qualified nominees to the U.S. Court of Federal Claims have been awaiting a vote. This court has been referred to as the ''keeper of the nation's conscience'' and ''the People's Court.'' It was created by Congress approximately 160 years ago and embodies the constitutional principle that individuals have rights against their government. As President Lincoln said, ''It is as much the duty of Government to render prompt justice against itself, in favor of citizens, as it is to administer the same between private individuals.'' That is what this Court does: it allows citizens to seek prompt justice against our government.

Yet 2 years of obstruction by a single Senator, the junior Senator from Arkansas, has forced the court to operate without one-third of its allotted judges. While these five nominees have been waiting for a vote, another judge retired, leaving the court with only 10 judges for 16 seats, or a vacancy rate of 38 percent. This takes Senate Republican obstruction of judicial nominees to a new level.

The court's jurisdiction is authorized by statute, and it primarily hears monetary claims against the U.S. Government deriving from the Constitution, Federal statutes, executive regulations, and civilian or military contracts. For example, the court has presided over such important cases as the savings and loan crisis of the 1980s and the World War II internment of Japanese-Americans. It also presides over civilian and military pay claims and money claims under the Fifth Amendment's Takings Clause.

I have heard no objections to the qualifications of any of the five nominees to this court. One of these nominees, Armando Bonilla, would be the first Hispanic judge to hold a seat on the Court. He is endorsed by the Hispanic National Bar Association. He has spent his entire career—now spanning over two decades—as an attorney for the Department of Justice. He was hired out of law school in the Department's prestigious honors program and has risen to become the Associate Deputy Attorney General in the Department. Mr. Bonilla should be confirmed without further delay.

Another nominee, Jeri Somers, also has a long record of public service. She served her country in the Air Force, retiring with the rank of lieutenant colonel. She spent over two decades serving first as a judge advocate general and then as a military judge in the U.S. Air Force and the District of Columbia's Air National Guard. In 2007, she became a board judge with the U.S. Civilian Board of Contract Appeals and currently serves as its vice chair.

Armando Bonilla and Jeri Somers are just two of the five nominees that Senate Republicans have been denying a confirmation vote. These are two individuals that have done right every step of the way in their careers and are willing to serve the American people on this important Court. They have dedicated the majority of their careers in service to our Nation. They deserve better than the treatment they are receiving from the Senate.

During the Bush administration, the Senate confirmed nine judges to the Court of Federal Claims, with the support of every Senate Republican. So far, during the Obama administration, only three Court of Federal Claims nominees have received confirmation votes. That is nine CFC judges during the Bush administration to only three so far in the Obama administration.

It appears that the Senate Republicans' obstruction playbook leaves no court behind. It spans from the very top, with their complete refusal to give a hearing and a vote to Chief Judge Merrick Garland, to the article III circuit and district courts, to the article I Court of Federal Claims, where citizens go to sue their government.

This blockade of all five CFC nominees makes no sense, especially because not a single Republican on the Senate Judiciary Committee raised a concern about these nominees either during the committee hearings on these nominations 2 years ago or during the Committee debate 2 years ago or last year.

None of President Bush's nominees to the Court of Federal Claims spent longer than 4 months on the Senate floor before receiving a confirmation vote. Two of them waited only a single day. After 2 years, it is well past time for these five nominees to receive a vote so they can get to work on the shorthanded Court of Federal Claims.

RECOGNIZING THE VERMONT CENTER FOR EMERGING TECHNOLOGIES

Mr. LEAHY. Mr. President, Vermonters are proud of the innovation and creativity that generate successful businesses in our small State. And for years, Vermont's tech incubator, the Vermont Center for Emerging Technology, VCET, has been providing space for entrepreneurs to take the next steps in driving their startup businesses. As demonstrated in a recent profile of VCET in the New York Times, any objective observer can see Vermont as more than just an outdoor enthusiasts' playground—but also as an oyster community of emerging technologies and innovative thinking in building smart cities and the infrastructure to go with them.

It is no secret that Vermont is full of entrepreneurs eager to take the next steps in their respective fields. From ice cream to craft beverages, digital forensics to game programming, our State is home to many successful business endeavors. The Vermont Center for Emerging Technologies plays a key role in expanding Vermont's tech network while addressing the skilled labor shortage in the State. At its helm is president and fund manager David Bradbury, whose vision for the city of Burlington as an east coast Silicon Valley has driven the nonprofit's development and success.

Housed in a brick building in downtown Burlington, VCET is powered by a city-owned green energy grid with an enviable fast internet connection. The small but skilled team not only manages the Vermont Seed Capital Fund to administer initial funding for high-opportunity businesses and teams but also provides mentoring and advice to new startups. In collaboration with other Burlington-based companies and nonprofits, including BTV Ignite and Vermont HITECH, VCET encourages technology pioneers to dream big. With the help of local colleges offering courses in high growth fields, students learn the skills needed to thrive in a fast-changing economy. In turn, Vermont employers benefit from a larger pool of skilled technology workers, while employees gain access to better jobs and benefits.

The success of David's vision to grow Burlington into a technology hub while addressing the lack of skilled workers is rooted in something deeper than the rapidly expanding field of technology. Vermont's community and socially focused values bring neighbors together to benefit from shared experiences while providing local, sustainable, and accessible services. Corporate responsibility and attention to green energy reflect Vermont's commitment to lessening our environmental footprint while promoting energy conservation and efficiency. Whether encouraging Vermonters to pursue their passion for technology or forging new paths in the field, VCET is spurring economic development and technology jobs throughout our Green Mountain State.

I ask unanimous consent that a New York Times article from July 20, ''A 'Smart' Green Tech Hub in Vermont Reimagines the Status Quo,'' be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The New York Times, July 20, 2016]

A ''SMART'' GREEN TECH HUB IN VERMONT REIMAGINES THE STATUS QUO

(By Constance Gustke)

Inside a plain brick building in Burlington lies the Vermont Center for Emerging Technologies, a buzzing hipster incubator that looks as if it could be in Silicon Valley. It is powered invisibly by forces that any city would envy: a green grid that is highly energy-efficient and a superfast one-gigabit internet connection.

''People would kill for this internet connection,'' said Tom Torti, president of the Lake Champlain Regional Chamber of Commerce. ''For us to grow our tech network, we needed to double down on fiber network.'' The new Burlington economy is going to be knowledge- and skills-based, he added.

This digital superhighway runs through beautiful Burlington, a small city sandwiched between the distant Green Mountains and the 125-mile-long Lake Champlain. It is an outlier as far as emerging technology hubs and so-called smart cities go. But Burlington, which has a lower unemployment rate than Silicon Valley, is now spawning a wave of technology pioneers.

The technology center, called VCET, provides free advice, mentoring, seed money and gorgeous co-working spaces that are available to entrepreneurs for a low fee. Students can use these spaces free, so Max Robbins and Peter Silverman, 20-year-old college students, are starting their business, Beacon VT, there. It is similar to the dating site OkCupid, but for employment, matching students with employers.

''We're trying to give people an unfair advantage,'' said David Bradbury, president and fund manager at VCET. ''There's nothing too big that you can't dream here. And the snowball is moving faster.''

An ultrahigh-speed internet backbone even helped Burlington form a partnership with US Ignite, which aims to build the next generation of internet apps, to form BTV Ignite. Its goal is to mindfully build on the city's network and further innovation, said Michael Schirling, who heads BTV Ignite.

''Smart cities and new technologies have the potential to change everything,'' said Mr. Schirling, a former Burlington police chief ''When you put in the right building blocks, you get a collision of ideas, which can become self-generating. It's attitude and infrastructure.''

A result is that Burlington, once a timber port, has a stunningly low unemployment rate of 2.3 percent. On the downside, the city is also experiencing a skilled-labor shortage; hundreds of coding jobs alone languish on job boards. Burlington was named a TechHire city by the White House in 2016 to help link local employers with local workers, and to help these workers get the skills they need for a fast-changing economy. The designation does not come with funding, but it does help Burlington get grants for free training.

The TechHire mandate in Burlington is to train 400 technology workers through 2020.

''We want younger people to know that there are career opportunities here,'' Mr. Torti said. ''We're trying to grow our work force rather than importing it.''

A nonprofit organization known as Vermont Hitec is a crucial part of that vision.

It works in partnership with local companies to offer boot camps online and in classrooms that teach skills such as medical coding and programming that lead to good-paying jobs with benefits.

Vermont Information Processing, which develops software for the beverage industry, has been working with Vermont Hitec so that it can retrain or recruit employees as its business grows and it becomes less interested in outsourcing.

Colleges like the University of Vermont, which offers a biotechnology program, and Champlain College are also helping solve the employment puzzle Champlain College offers degrees in high-demand careers like digital forensics and game programming, along with a special program for federal employees who can get online degrees in high-growth fields.

''We're responsive, nimble and entrepreneurial,'' said Don Laackman, president of Champlain College. ''There's a connection between employment needs and sources offered.''

Burlington got its first push into technology start-ups when IDX Systems, a health care software maker, was founded there in 1969. It was sold to General Electric about 10 years ago.

''IDX created a lot of wealth and talent, and these people could be angel investors,'' Mr. Bradbury said. ''It was a tipping point.''

The next wave of innovation has come from internet companies like MyWebGrocer, which offers digital grocery services, and Dealer.com, which offers digital marketing services for the auto industry. Dealer.com became a legend in Burlington after it was sold for $1 billion a couple of years ago. Mike Lane, one of Dealer.com's founders and its former chief operations officer, who is now on the VCET board, is an angel investor who has funded eight start-ups. One of his investments is Faraday Inc., which uses data analytics to help companies target customers.

''In the future, there will be several $50 million to $100 million exits here,'' Mr. Lane said, ''along with other larger ones mixed in.''

He credits Vermont's community and socially conscious spirit with his success. ''We didn't buy the philosophy that we had to be in a hot spot,'' said Mr. Lane, who returned to Vermont after working in Cambridge, Mass. ''Even Zuckerberg realized that he could have been anywhere to build Facebook.''

That can-do spirit also inspired Marguerite Dibble, 26, who began her firm GameTheory while she was still a student at Champlain College. Its mission is to use gaming to inspire behavior changes, such as teaching teens financial literacy.

''In Burlington, I can call anyone and learn from their experience,'' said Ms. Dibble, who was born in a small Vermont town with no ZIP code. ''The degrees of separation are lessened here. There's a shared Vermontiness.''

The energy to power GameTheory's innovation comes from Burlington's green grid, which is owned by the city. The state has long been one of the country's greenest. But in 2014, Burlington upped the ante by turning only to wind, water and biomass to power the city—one of the first cities in the nation to do so. There are also incentives for reducing energy. Landlords, for example, can choose to have free energy audits, and more than 100 have done so.

Other Burlington businesses also work hard to save energy on their own. Seventh Generation, which makes environmentally conscious household products and was founded in Burlington, gives its employees bonuses for helping reduce greenhouse gases. Like many other companies in Burlington, Seventh Generation also aims to be socially responsible and was formed as a B Corp, which means it has to meet social, environmental, accountability and transparency standards.

With this focus on energy efficiency, the city's electricity rates have not risen in eight years, said Neale Lunderville, general manager of the Burlington Electric Department. ''And there are no rate increases on the horizon,'' he said, ''since we're not chasing the next kilowatt-hour.''

Electric cars even have their own parking spaces with chargers.

Burlington will eventually become a net-zero city, said the mayor, Miro Weinberger. ''Our isolation promotes a commitment to pride and place,'' he said.

The city that helped propel Senator Bernie Sanders also has its own nonprofit urban farm called the Intervale Center. The land was once an abandoned dumping ground with old tires and cars. That space now contains 350 acres with bee hives, commercial farms, greenhouses and other projects. Through its food hub, local foods are delivered to area businesses and individuals.

Intervale's farm incubator, a five-year program, even teaches new farmers the ropes, said Travis Marcotte, executive director of Intervale Center. ''They then transition out of the Intervale,'' he said, ''So we're spinning off whole farms.''

It is a hopeful message, Mr. Marcotte said.

MAKE THE LAW WORK FOR EVERYONE WITH DISABILITIES

Mr. TILLIS. Mr. President, the constituencies in North Carolina are as varied as any in America. I am honored to represent America's largest Army Post—Fort Bragg—as well as 45 percent of the U.S. Marine Corps at Camp Lejeune and Cherry Point. Because of their presence and our proud military tradition, by 2020, one in every nine North Carolinians will be a veteran. We are also home to outstanding companies that serve our disabled citizens like the Winston-Salem Industries for the Blind. The confluence of these two communities—veterans and services for the disabled—and how each is treated by the Federal Government is of particular concern to me.

For decades, both the general disabled community and the disabled veterans' community have existed in a harmonious balance when it came to securing jobs and competitive contracts with the Federal Government. The Javits Wagner O'Day Act of 1938, the AbilityOne Program, and the Veterans Benefits, Health Insurance, and Information Technology Act of 2006 assist Americans who are blind, citizens with severe disabilities, and our U.S. military veterans through leveraging the procurement power of the U.S. Department of Veteran Affairs. Unfortunately, the recent Kingdomware Technologies, Inc. v. United States Supreme Court ruling reinterpreted these acts to preclude certain disabled groups from bidding for jobs and business with the Department of Veterans Affairs. These are not laws designed to build barriers to stop disabled veterans from bidding for work outside of the Veterans Administration or the blind for bidding for work within the VA, but that is what has happened.

I am asking my colleagues in Congress to take another look at this situation. Level the playing field. These laws should continue their mutual coexistence by maintaining set-aside opportunities that create sustainable employment opportunities for the 70 percent of blind or severely disabled Americans who are seeking jobs, in addition to competitive contract opportunities for veterans who take the initiative to start their own small businesses. Let's get this right.

ADDITIONAL STATEMENTS

RECOGNIZING MARION COUNTY'S COMMITMENT TO VETERANS

● Mr. BOOZMAN. Mr. President, I rise today to recognize Marion County, AR, on becoming the first Purple Heart County in Arkansas on November 15, 2015.

Created by George Washington in 1782, the Purple Heart is our Nation's oldest military medal. The Purple Heart is awarded to members of the Armed Forces who are wounded or killed in combat. These men and women are some of the finest heroes that our Nation has to offer.

Last year, Marion County chose to honor the service and sacrifice of our Purple Heart heroes in Arkansas by becoming the first Purple Heart County in Arkansas. Marion County's unwavering support of the heroic actions of our Purple Heart recipients stands as a reflection of the appreciation and gratitude of its residents.

Marion County recently held a celebration of its designation as Arkansas' first Purple Heart County that brought the community together to honor Purple Heart recipients. Showing our admiration for those who have served and sacrificed so much for our freedom is such a worthy endeavor, and this recognition is well deserved.

On behalf of all Arkansans, I echo the sentiments of the citizens of Marion County in saying how grateful we are for our veterans and their willingness to serve their country. There truly is no greater display of service and sacrifice than that.

I would like to take this opportunity to applaud Marion County for publicly recognizing our veterans and Purple Heart recipients by becoming Arkansas' first Purple Heart County. Arkansas is proud that our local communities are paying respect to our veterans and standing behind them.●

RECOGNIZING CRAWFORD COUNTY ADULT EDUCATION CENTER

● Mr. BOOZMAN. Mr. President, today I wish to recognize the Crawford County Adult Education Center as it celebrates its 50th anniversary this year.

Founded in 1966, the Crawford County Adult Education Center offers ongoing learning opportunities and helps prepare students for career advancement, postsecondary education, technological innovation, and life enrichment. Among many other services, the center offers classes in computer literacy, English as a Second Language, and citizenship, as well as courses that allow adult learners to earn their GED. It also provides students the opportunity to take college-level classes through Vincennes University.

While we strive to give our children the best educational opportunities available, it is important to recognize that some people in our communities are forced to put their educations on hold for various reasons. Adult education programs are an important resource in helping these individuals to better themselves, continue their educational development, seek out tools to help them advance in their careers, or learn new skills.

The Crawford County Adult Education Center lives up to those responsibilities and then some. It has helped many Crawford County residents realize their full potential and pursue their dreams.

It is never too late for anybody to set new goals or invest in themselves through continued education. As many who have benefitted from the services of the adult education center in Crawford County have attested, the excellent staff and volunteers play such a vital role in providing opportunities to citizens in all stages of life. Additionally, the results of the center's high-quality services and programs speak for themselves.

Let me again reiterate my gratitude for the wonderful work that the Crawford County Adult Education Center does each day. I congratulate the center on achieving this milestone as it celebrates 50 years of service, and I look forward to hearing many more success stories as a result of the center's ongoing work.●

RECOGNIZING THE IDAHO STATE POLICE

● Mr. CRAPO. Mr. President, my colleague Senator JIM RISCH joins me today in honoring the Idaho State Police, ISP, of Meridian, ID, for being selected as a recipient of the 2016 Secretary of Defense Employer Support Freedom Award, known as the Freedom Award.

The U.S. Department of Defense indicates that the Freedom Award is the highest recognition it gives to employers for ''exceptional support of their National Guard and Reserve employees.'' The ISP is one of only 15 employers chosen this year for this national recognition out of the 2,424 nominations submitted by National Guard and Reserve Servicemembers. U.S. Defense Secretary Ash Carter stated, ''Without the unfaltering support of employers like them, the men and women of the National Guard and Reserve would not be able to fulfill their vital roles in our National Security Strategy.'' The Freedom Award has been given to 220 employers over the past 20 years.

Guard and Reserve members or their family members nominate employers for the Freedom Award. This makes the award especially meaningful, as nominators have direct knowledge of their treatment at work. The Department reported that Army National Guard Sgt. Sara Breckon, who suffered a concussion during Active-Duty training, nominated the ISP for this year's award. She described to the Department how her supervisor went the extra mile working with her medical team to assist with her progressive return to work, successful therapy, and recovery. Her coworkers also assisted by donating 80 hours of personal leave so she could receive her pay. Sergeant Breckon told the department, ''It is a privilege to work for ISP as they set the bar for all leaders in the military and civilian sectors.''

The Department of Defense also noted that the Idaho State Police actively recruits Guardsmen and Reservists through the Hero2Hired program, and 18 percent of the Idaho State Police workforce has served or is serving in the U.S. Armed Forces. The ISP joins a group of four Idaho employers selected for the award since the Freedom Award was established.

Being recognized as a great employer of Guardsmen and women and Reservists is a distinct accomplishment. We commend the Idaho State Police for setting a model leadership standard. The men and women who serve in the Guard and Reserve and their families give immensely of their time and talents to serving our Nation. Their skills and commitment add great value to the workforce and our communities. This award is a tribute to the excellent treatment and regard Idaho employers have demonstrated to valued members of our communities. Congratulations to the Idaho State Police on this achievement.●

RECOGNIZING ELECTRIC MEMBERSHIP COOPERATIVE EMPLOYEES

● Mr. ISAKSON. Mr. President, today I would like to recognize and thank Steve Robinson, Wesley Thames, David Baskin, James Abbott, Andrew Harris, and Ian Hansman. They work for Cowetta-Fayette EMC, and Cobb EMC, and Carroll EMC, electric cooperatives in the great State of Georgia.

In July, these gentlemen traveled to Costa Rica as volunteers for the National Rural Electric Cooperative Association International Foundation. During their time in the town of Guanacaste, they helped construct an electric distribution system and worked alongside employees at the local electric co-op, Coopeguanacaste.

Along with local linemen, their volunteer efforts connected five families in Guanacaste with first-time access to electricity by building almost 2 kilometers of power lines. While working together, they shared safety and best construction practices with their counterparts at Coopeguanacaste.

Access to electric service for these families will improve their quality of life and allow them to compete in a growing and competitive economy. With electricity, these families can improve their livestock farming by preserving meats and dairy products, beginning their own businesses or selling at the market. This first-time access to electricity also will help with environmental conservation because residents will no longer need to burn wood and other traditional fuels for cooking and light.

National Rural Electric Cooperative Association International has been active in rural electrification development in Costa Rica since 1963, with direct involvement in the establishment of four electric cooperatives in Costa Rica. Today these co-ops serve approximately 200,000 consumer members.

Thanks to these volunteers, more families in the world now have a chance to a better life. Once again, thank you to these fine Georgians for their work, dedication, and selfless commitment to improving the lives of others.●

RECOGNIZING ROYAL MISSIONARY BAPTIST CHURCH

● Mr. SCOTT. Mr. President, I would like to congratulate and honor Royal Missionary Baptist Church in North Charleston, SC, for their 100th anniversary, which will be celebrated on September 25, 2016.

Originally founded in 1916 by Rev. Handy Washington, the Royal Missionary Baptist Church was first housed in the home of Sister Brooks. In its early years, many of the members worked together to construct their own building in Burton Quarters. The church then purchased their Pearson Street property and today is blessed with both the Pearson Sanctuary and their Luella Street property to better serve God.

Rev. Isaac J. Holt, Jr., has served the church as its pastor since 1993. Under his leadership, the church has prospered and expanded to such an extent that it was necessary to add two new services and build an additional sanctuary. The church has faithfully upheld its motto, ''The Church where Everybody is Somebody But Christ is Essential,'' and proudly credits the guidance of Jesus and the Holy Spirit for their success. I acknowledge with pleasure the church's influence in North Charleston and recognize their growth and success.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 6, 2015, the Secretary of the Senate, on September 12, 2016, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mr. THORNBERRY) has signed the following enrolled bill:

S. 2040. An act to deter terrorism, provide justice for victims, and for other purposes.

Under the authority of the order of the Senate of January 6, 2015, the enrolled bill was signed on September 12, 2016, during the adjournment of the Senate, by the Acting President pro tempore (Mr. CORNYN).

MESSAGES FROM THE HOUSE

At 12:08 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1579. An act to enhance and integrate Native American tourism, empower Native

American communities, increase coordination and collaboration between Federal tourism assets, and expand heritage and cultural tourism opportunities in the United States.

The message also announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 246. An act to establish the Alyce Spotted Bear and Walter Soboleff Commission on Native Children, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution:

S. Con. Res. 46. Concurrent resolution expressing support for the goal of ensuring that all Holocaust victims live with dignity, comfort, and security in their remaining years, and urging the Federal Republic of Germany to continue to reaffirm its commitment to comprehensively address the unique health and welfare needs of vulnerable Holocaust victims, including home care and other medically prescribed needs.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 295. An act to reauthorize the Historically Black Colleges and Universities Historic Preservation program.

H.R. 921. An act to provide protections for certain sports medicine professionals who provide certain medical services in a secondary State.

H.R. 1301. An act to direct the Federal Communications Commission to amend its rules so as to prohibit the application to amateur stations of certain private land use restrictions, and for other purposes.

H.R. 3471. An act to amend title 38, United States Code, to make certain improvements in the provision of automobiles and adaptive equipment by the Department of Veterans Affairs.

H.R. 4576. An act to implement the Convention on the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean, to implement the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean, and for other purposes.

H.R. 4979. An act to foster civilian research and development of advanced nuclear energy technologies and enhance the licensing and commercial deployment of such technologies.

H.R. 5104. An act to prohibit, as an unfair and deceptive act or practice in commerce, the sale or use of certain software to circumvent control measures used by Internet ticket sellers to ensure equitable consumer access to tickets for any given event, and for other purposes.

H.R. 5111. An act to prohibit the use of certain clauses in form contracts that restrict the ability of a consumer to communicate regarding the goods or services offered in interstate commerce that were the subject of the contract, and for other purposes.

H.R. 5484. An act to modify authorities that provide for rescission of determinations of countries as state sponsors of terrorism, and for other purposes.

H.R. 5936. An act to authorize the Secretary of Veterans Affairs to enter into certain leases at the Department of Veterans Affairs West Los Angeles Campus in Los Angeles, California, to make certain improvements to the enhanced-use lease authority of the Department, and for other purposes.

H.R. 5937. An act to amend title 36, United States Code, to authorize the American Battle Monuments Commission to acquire, operate, and maintain the Lafayette Escadrille Memorial in Marnes-la-Coquette, France, and for other purposes.

The message further announced that pursuant to section 803(a) of the Congressional Recognition for Excellence in Arts Education Act (2 U.S.C. 803(a)), the Minority Leader appoints Mr. Steven L. Roberts of St. Louis, Missouri, to the Congressional Award Board.

The message also announced that pursuant to section 214(a) of the Help America Vote Act of 2002 (52 U.S.C. 20944), the Minority Leader appoints Dr. Philip B. Stark of Berkeley, California, to the U.S. Election Assistance Commission Board of Advisors.

ENROLLED BILLS SIGNED

At 5:30 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1579. An act to enhance and integrate Native American tourism, empower Native American communities, increase coordination and collaboration between Federal tourism assets, and expand heritage and cultural tourism opportunities in the United States.

H.R. 3969. An act to designate the Department of Veterans Affairs community-based outpatient clinic in Laughlin, Nevada, as the ''Master Chief Petty Officer Jesse Dean VA Clinic''.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 295. An act to reauthorize the Historically Black Colleges and Universities Historic Preservation program; to the Committee on Energy and Natural Resources.

H.R. 921. An act to provide protections for certain sports medicine professionals who provide certain medical services in a secondary State; to the Committee on Health, Education, Labor, and Pensions.

H.R. 3471. An act to amend title 38, United States Code, to make certain improvements in the provision of automobiles and adaptive equipment by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

H.R. 4979. An act to foster civilian research and development of advanced nuclear energy technologies and enhance the licensing and commercial deployment of such technologies; to the Committee on Energy and Natural Resources.

H.R. 5104. An act to prohibit, as an unfair and deceptive act or practice in commerce, the sale or use of certain software to circumvent control measures used by Internet ticket sellers to ensure equitable consumer access to tickets for any given event, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 5484. An act to modify authorities that provide for rescission of determinations of countries as state sponsors of terrorism, and for other purposes; to the Committee on Foreign Relations.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3318. A bill to amend the Consumer Financial Protection Act of 2010 to subject the Bureau of Consumer Financial Protection to the regular appropriations process, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on September 12, 2016, she had presented to the President of the United States the following enrolled bill:

S. 2040. An act to deter terrorism, provide justice for victims, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2383. A bill to withdraw certain Bureau of Land Management land in the State of Utah from all forms of public appropriation, to provide for the shared management of the withdrawn land by the Secretary of the Interior and the Secretary of the Air Force to facilitate enhanced weapons testing and pilot training, enhance public safety, and provide for continued public access to the withdrawn land, to provide for the exchange of certain Federal land and State land, and for other purposes (Rept. No. 114–349).

By Ms. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment:

S. 2548. A bill to establish the 400 Years of African-American History Commission, and for other purposes (Rept. No. 114–350).

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. MCCAIN for the Committee on Armed Services.

Air Force nomination of Lt. Gen. Timothy M. Ray, to be Lieutenant General.

Air Force nomination of Lt. Gen. Mark C. Nowland, to be Lieutenant General.

Air Force nomination of Maj. Gen. Jerry P. Martinez, to be Lieutenant General.

Army nomination of Maj. Gen. Paul M. Nakasone, to be Lieutenant General.

Army nomination of Maj. Gen. Aundre F. Piggee, to be Lieutenant General.

Navy nomination of Rear Adm. Charles A. Richard, to be Vice Admiral.

Navy nomination of Rear Adm. Philip G. Howe, to be Vice Admiral.

Air Force nomination of Col. Charles L. Plummer, to be Brigadier General.

Air Force nomination of Lt. Gen. Samuel A. Greaves, to be Lieutenant General.

Air Force nomination of Maj. Gen. Mark D. Kelly, to be Lieutenant General.

Army nomination of Col. Joseph F. Jarrard, to be Brigadier General.

Army nomination of Col. Laurel J. Hummel, to be Brigadier General.

Army nomination of Lt. Gen. Gustave F. Perna, to be General.

Army nomination of Lt. Gen. Daniel R. Hokanson, to be Lieutenant General.

Navy nomination of Vice Adm. James G. Foggo III, to be Vice Admiral.

Air Force nomination of Lt. Gen. John W. Raymond, to be General.

Mr. MCCAIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with Nathan J. Abel and ending with Bai Lan Zhu, which nominations were received by the Senate and appeared in the Congressional Record on June 16, 2016.

Air Force nominations beginning with Ebon S. Alley and ending with Kendra S. Zbir, which nominations were received by the Senate and appeared in the Congressional Record on June 16, 2016.

Air Force nominations beginning with Olujimisola M. Adelani and ending with Kellie J. Zentz, which nominations were received by the Senate and appeared in the Congressional Record on June 16, 2016.

Air Force nominations beginning with Steven S. Alexander and ending with Stacey Scott Zdanavage, which nominations were received by the Senate and appeared in the Congressional Record on July 13, 2016.

Air Force nomination of Rebecca L. Powers, to be Major.

Air Force nomination of William L. White, to be Major.

Air Force nomination of Anthony B. Mulhare, to be Colonel.

Air Force nominations beginning with Robert M. Clontz II and ending with Rebecca K. Kemmet, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2016.

Air Force nomination of Paul K. Clark, to be Major.

Air Force nomination of Anthony S. Robbins, to be Lieutenant Colonel.

Army nomination of Andrell J. Hardy, to be Lieutenant Colonel.

Army nomination of Hector I. Martinezpineiro, to be Colonel.

Army nominations beginning with Chattie N. Levy and ending with Lisa G. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on July 14, 2016.

Army nominations beginning with Arthur J. Bilenker and ending with Inez E. Wright, which nominations were received by the Senate and appeared in the Congressional Record on July 14, 2016.

Army nominations beginning with John J. Brady and ending with Elizabeth A. Werns, which nominations were received by the Senate and appeared in the Congressional Record on July 14, 2016.

Army nominations beginning with Richard J. Butalla and ending with Mark B. Young, which nominations were received by the Senate and appeared in the Congressional Record on July 14, 2016.

Army nominations beginning with Christopher B. Aasgaard and ending with William A. Socrates, which nominations were received by the Senate and appeared in the Congressional Record on July 14, 2016.

Army nomination of Paul V. Rahm, to be Colonel.

Army nominations beginning with Michael A. Dean and ending with Mark O. Worley, which nominations were received by the Senate and appeared in the Congressional Record on July 14, 2016.

Army nominations beginning with Jonnie L. Bailey and ending with Ilona L. Wright, which nominations were received by the Senate and appeared in the Congressional Record on July 14, 2016.

Army nominations beginning with Gordon B. Chiu and ending with Paul A. Viator, which nominations were received by the Senate and appeared in the Congressional Record on July 14, 2016.

Army nominations beginning with Scott B. Armen and ending with Jon S. Yamaguchi, which nominations were received by the Senate and appeared in the Congressional Record on July 14, 2016.

Army nominations beginning with Thad J. Collard and ending with Michael L. Yost, which nominations were received by the Senate and appeared in the Congressional Record on July 14, 2016.

Army nominations beginning with Ann M. B. Hall and ending with David W. Rose, which nominations were received by the Senate and appeared in the Congressional Record on July 14, 2016.

Army nominations beginning with Garry E. Oneal and ending with Cristopher A. Young, which nominations were received by the Senate and appeared in the Congressional Record on July 14, 2016.

Army nominations beginning with Freddy L. Adams II and ending with D012362, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2016.

Army nominations beginning with Alissa R. Ackley and ending with D003185, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2016.

Army nominations beginning with Geoffrey R. Adams and ending with D005579, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2016.

Army nominations beginning with Brian Bickel and ending with Melissa F. Tucker, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2016.

Army nominations beginning with Kyle D. Aemisegger and ending with Sarah M. Zate, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2016.

Army nomination of John E. Shemanski, to be Major.

Army nominations beginning with Christopher D. Baysa and ending with Sarah A. Williams Brown, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2016.

Army nominations beginning with Adrienne B. Ari and ending with Charles D. Zimmerman, Jr., which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2016.

Army nominations beginning with Norman W. Gill III and ending with Michael A. Robertson, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2016.

Army nominations beginning with Derron A. Alves and ending with Chad A. Weddell, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2016.

Army nomination of Chantil A. Alexander, to be Major.

Army nomination of Yevgeny S. Vindman, to be Lieutenant Colonel.

Army nomination of David G. Ott, to be Colonel.

Army nomination of Geoffrey J. Cole, to be Lieutenant Colonel.

Army nomination of Jeffrey D. McCoy, to be Colonel.

Army nominations beginning with Joseph T. Alwan and ending with Nicholas D. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2016.

Army nominations beginning with Dustin M. Albert and ending with Jennifer E. Zuccarelli, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2016.

Army nominations beginning with Buster D. Akers, Jr. and ending with Michael T. Zell, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2016.

Army nomination of Richard L. Weaver, to be Colonel.

Army nomination of Gail E. S. Yoshitani, to be Colonel.

Army nomination of Richard A. Dorchak, Jr., to be Lieutenant Colonel.

Army nomination of Aristidis Katerelos, to be Major.

Army nomination of Scott C. Moran, to be Colonel.

Army nomination of Mona M. McFadden, to be Major.

Army nominations beginning with Nicole N. Clark and ending with Susan R. Singalewitch, which nominations were received by the Senate and appeared in the Congressional Record on September 8, 2016.

Army nomination of Clayton T. Herriford, to be Major.

Army nominations beginning with James R. Boulware and ending with Matthew S. Wysocki, which nominations were received by the Senate and appeared in the Congressional Record on September 8, 2016.

Army nomination of David E. Foster, to be Lieutenant Colonel.

Army nomination of Justin J. Orton, to be Major.

Army nomination of Tina R. Hartley, to be Colonel.

Army nomination of Melaine A. Williams, to be Colonel.

Army nomination of Anthony T. Sampson, to be Colonel.

Navy nominations beginning with Kenric T. Aban and ending with Eric H. Yeung, which nominations were received by the Senate and appeared in the Congressional Record on July 13, 2016.

Navy nominations beginning with Brent N. Adams and ending with Emily L. Zywicke, which nominations were received by the Senate and appeared in the Congressional Record on July 13, 2016.

Navy nominations beginning with Teresita Alston and ending with Erin K. Zizak, which nominations were received by the Senate and appeared in the Congressional Record on July 13, 2016.

Navy nominations beginning with Dylan T. Burch and ending with Luke A. Whittemore, which nominations were received by the Senate and appeared in the Congressional Record on July 13, 2016.

Navy nominations beginning with Brooke M. Basford and ending with Malissa D. Wickersham, which nominations were received by the Senate and appeared in the Congressional Record on July 13, 2016.

Navy nominations beginning with Ryan P. Anderson and ending with Scott A. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on July 13, 2016.

Navy nominations beginning with Jennifer D. Bowden and ending with Robert B. Wills, which nominations were received by the Senate and appeared in the Congressional Record on July 13, 2016.

Navy nominations beginning with Bradley M. Baer and ending with Gregory J. Woods, which nominations were received by the Senate and appeared in the Congressional Record on July 13, 2016.

Navy nomination of Richard M. Camarena, to be Commander.

Navy nominations beginning with Julio A. Alarcon and ending with Jodi M. Williams, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2016.

Navy nominations beginning with Rolanda A. Findlay and ending with Daphne P. Morrisonponce, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2016.

Navy nomination of Russell A. Maynard, to be Captain.

Navy nomination of William J. Kaiser, to be Captain.

Navy nominations beginning with Nicole A. Aguirre and ending with Amy F. Zucharo, which nominations were received by the Senate and appeared in the Congressional Record on September 8, 2016.

Navy nominations beginning with Alice A. T. Alcorn and ending with Malka Zipperstein, which nominations were received by the Senate and appeared in the Congressional Record on September 8, 2016.

Navy nominations beginning with Julie M. C. Anderson and ending with Bradley S. Wells, which nominations were received by the Senate and appeared in the Congressional Record on September 8, 2016.

Navy nominations beginning with Benjamin D. Adams and ending with Michael F. Whitican, which nominations were received by the Senate and appeared in the Congressional Record on September 8, 2016.

Navy nominations beginning with Stephen K. Afful and ending with Alessandra E. Ziegler, which nominations were received by the Senate and appeared in the Congressional Record on September 8, 2016.

Navy nominations beginning with Scott E. Adams and ending with Charmaine R. Yap, which nominations were received by the Senate and appeared in the Congressional Record on September 8, 2016.

Navy nominations beginning with Raymond B. Adkins and ending with Gale B. White, which nominations were received by the Senate and appeared in the Congressional Record on September 8, 2016.

Navy nominations beginning with Paul I. Ahn and ending with Shannon L. Wright, which nominations were received by the Senate and appeared in the Congressional Record on September 8, 2016.

Navy nominations beginning with Dennis L. Lang, Jr. and ending with Yasmira Leffakis, which nominations were received by the Senate and appeared in the Congressional Record on September 8, 2016.

Navy nomination of Karen J. Sankesritland, to be Lieutenant Commander.

Navy nominations beginning with Mark F. Bibeau and ending with Jason A. Laurion, which nominations were received by the Senate and appeared in the Congressional Record on September 8, 2016.

Navy nomination of Randall L. McAtee, to be Lieutenant Commander.

Navy nomination of John F. Capacchione, to be Captain.

Navy nomination of Stuart T. Kirkby, to be Commander.

Navy nomination of Carrie M. Mercier, to be Lieutenant Commander.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CARDIN (for himself, Mr. MCCAIN, Mr. DURBIN, and Mr. SCHATZ):

S. 3313. A bill to authorize assistance to Burma and to support a principled engagement strategy for a peaceful, prosperous, and democratic Burma that respects the human rights of all its people, and for other purposes; to the Committee on Foreign Relations.

By Mr. MENENDEZ (for himself and Mr. CORNYN):

S. 3314. A bill to establish within the Smithsonian Institution the Smithsonian American Latino Museum, and for other purposes; to the Committee on Rules and Administration.

By Ms. MURKOWSKI:

S. 3315. A bill to authorize the modification or augmentation of the Second Division Memorial, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HEINRICH (for himself and Mr. FLAKE):

S. 3316. A bill to maximize land management efficiencies, promote land conservation, generate education funding, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LEE (for himself and Mr. HATCH):

S. 3317. A bill to prohibit the further extension or establishment of national monuments in the State of Utah except by express authorization of Congress; to the Committee on Energy and Natural Resources.

By Mr. PERDUE:

S. 3318. A bill to amend the Consumer Financial Protection Act of 2010 to subject the Bureau of Consumer Financial Protection to the regular appropriations process, and for other purposes; read the first time.

By Mr. BROWN:

S. 3319. A bill to require the Administrator of the Environmental Protection Agency to appoint a harmful algal bloom coordinator; to the Committee on Environment and Public Works.

By Mr. SULLIVAN (for himself and Ms. MURKOWSKI):

S. 3320. A bill to waive the essential health benefits requirements for certain States; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. SHAHEEN (for herself and Mr. PERDUE):

S. Res. 553. A resolution expressing the sense of the Senate on the challenges the conflict in Syria poses to long-term stability and prosperity in Lebanon; to the Committee on Foreign Relations.

By Ms. KLOBUCHAR (for herself and Mr. FRANKEN):

S. Res. 554. A resolution honoring the life of Jacob Wetterling and the efforts of Patty Wetterling and the Wetterling family to find abducted children and support their families; to the Committee on the Judiciary.

By Mr. SCHUMER:

S. Res. 555. A resolution congratulating the Optical Society on its 100th anniversary; to the Committee on Commerce, Science, and Transportation.

By Mr. CORNYN (for himself, Mr. BOOKER, Mr. WHITEHOUSE, Mr. PETERS, and Ms. MIKULSKI):

S. Res. 556. A resolution expressing support for the designation of the week of September 12 through September 16, 2016, as ''National Family Service Learning Week''; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FISCHER (for herself and Mr. BOOKER):

S. Res. 557. A resolution designating September 2016 as ''School Bus Safety Month''; considered and agreed to.

By Mr. CASSIDY (for himself, Mr. VITTER, Mr. CORNYN, Mr. CRUZ, and Mr. LANKFORD):

S. Res. 558. A resolution honoring the memory and legacy of the 12 Louisiana citizens and 1 Texas citizen who lost their lives due to the tragic flooding in the State of Louisiana in August 2016; considered and agreed to.

ADDITIONAL COSPONSORS

S. 539

At the request of Mr. CARDIN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 539, a bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

S. 602

At the request of Mr. WYDEN, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 602, a bill to amend title 38, United States Code, to consider certain time spent by members of reserve components of the Armed Forces while receiving medical care from the Secretary of Defense as active duty for purposes of eligibility for Post-9/11 Educational Assistance, and for other purposes.

S. 624

At the request of Mr. BROWN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 624, a bill to amend title XVIII of the Social Security Act to waive coinsurance under Medicare for colorectal cancer screening tests, regardless of whether therapeutic intervention is required during the screening.

S. 689

At the request of Mr. THUNE, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 689, a bill to provide protections for certain sports medicine professionals who provide certain medical services in a secondary State.

S. 743

At the request of Mr. BOOZMAN, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 743, a bill to amend title 38, United States Code, to recognize the service in the reserve components of the Armed Forces of certain persons by honoring them with status as veterans under law, and for other purposes.

S. 1013

At the request of Mr. SCHUMER, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1013, a bill to amend title XVIII of the Social Security Act to provide for coverage and payment for complex rehabilitation technology items under the Medicare program, and for other purposes.

S. 1588

At the request of Mr. FRANKEN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1588, a bill to amend the Public Health Service Act to revise and extend projects relating to children and violence to provide access to school-based comprehensive mental health programs.

S. 2373

At the request of Ms. CANTWELL, the name of the Senator from Minnesota

(Mr. FRANKEN) was added as a cosponsor of S. 2373, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of certain lymphedema compression treatment items as items of durable medical equipment.

S. 2424

At the request of Mr. PORTMAN, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 2424, a bill to amend the Public Health Service Act to reauthorize a program for early detection, diagnosis, and treatment regarding deaf and hard-of-hearing newborns, infants, and young children.

S. 2645

At the request of Mrs. SHAHEEN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 2645, a bill to impose sanctions with respect to foreign persons responsible for gross violations of internationally recognized human rights against lesbian, gay, bisexual, and transgender individuals, and for other purposes.

S. 2680

At the request of Mr. ALEXANDER, the names of the Senator from North Carolina (Mr. TILLIS) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 2680, a bill to amend the Public Health Service Act to provide comprehensive mental health reform, and for other purposes.

S. 2782

At the request of Mr. BLUNT, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 2782, a bill to amend the Public Health Service Act to provide for the participation of pediatric subspecialists in the National Health Service Corps program, and for other purposes.

S. 2791

At the request of Mr. FRANKEN, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 2791, a bill to amend title 38, United States Code, to provide for the treatment of veterans who participated in the cleanup of Enewetak Atoll as radiation exposed veterans for purposes of the presumption of service-connection of certain disabilities by the Secretary of Veterans Affairs.

S. 2849

At the request of Mr. SASSE, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 2849, a bill to ensure the Government Accountability Office has adequate access to information.

S. 2873

At the request of Mr. HATCH, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 2873, a bill to require studies and reports examining the use of, and opportunities to use, technology-enabled collaborative learning and capacity building models to improve programs of the Department of Health and Human Services, and for other purposes.

S. 2927

At the request of Mr. LANKFORD, the names of the Senator from Nebraska (Mrs. FISCHER), the Senator from Georgia (Mr. ISAKSON), the Senator from North Carolina (Mr. TILLIS) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 2927, a bill to prevent governmental discrimination against providers of health services who decline involvement in abortion, and for other purposes.

S. 3056

At the request of Mr. LEAHY, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 3056, a bill to provide for certain causes of action relating to delays of generic drugs and biosimilar biological products.

S. 3179

At the request of Ms. HEITKAMP, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Ohio (Mr. PORTMAN) were added as cosponsors of S. 3179, a bill to amend the Internal Revenue Code of 1986 to improve and extend the credit for carbon dioxide sequestration.

S. 3183

At the request of Mr. MORAN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 3183, a bill to prohibit the circumvention of control measures used by Internet ticket sellers to ensure equitable consumer access to tickets for any given event, and for other purposes.

S. 3195

At the request of Mr. CASSIDY, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 3195, a bill to amend title XVIII of the Social Security Act to preserve Medicare beneficiary access to ventilators, and for other purposes.

S. 3198

At the request of Mr. HATCH, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3198, a bill to amend title 38, United States Code, to improve the provision of adult day health care services for veterans.

S. 3285

At the request of Mr. RUBIO, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of S. 3285, a bill to prohibit the President from using funds appropriated under section 1304 of title 31, United States Code, to make payments to Iran, to impose sanctions with respect to Iranian persons that hold or detain United States citizens, and for other purposes.

S. 3296

At the request of Mr. MCCAIN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 3296, a bill to amend the Internal Revenue Code of 1986 to provide an exemption to the individual mandate to maintain health coverage for individuals residing in counties with fewer than 2 health insurance issuers offering plans on an Exchange.

S. 3297

At the request of Mr. COTTON, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 3297, a bill to amend the Internal Revenue Code of 1986 to provide an exemption to the individual mandate to maintain health coverage for certain individuals whose premium has increased by more than 10 percent, and for other purposes.

S.J. RES. 16

At the request of Mr. MENENDEZ, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S.J. Res. 16, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

S.J. RES. 39

At the request of Mr. PAUL, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S.J. Res. 39, a joint resolution relating to the disapproval of the proposed foreign military sale to the Government of the Kingdom of Saudi Arabia of M1A1/A2 Abrams Tank structures and other major defense equipment.

AMENDMENT NO. 4992

At the request of Mr. WYDEN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 4992 intended to be proposed to S. 2848, a bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

AMENDMENT NO. 5004

At the request of Mrs. GILLIBRAND, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of amendment No. 5004 intended to be proposed to S. 2848, a bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

AMENDMENT NO. 5038

At the request of Mrs. CAPITO, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of amendment No. 5038 intended to be proposed to S. 2848, a bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 553—EXPRESSING THE SENSE OF THE SENATE ON THE CHALLENGES THE CONFLICT IN SYRIA POSES TO LONG-TERM STABILITY AND PROSPERITY IN LEBANON

Mrs. SHAHEEN (for herself and Mr. PERDUE) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 553

Whereas the stability of Lebanon, a pluralistic democracy in the Middle East, is in the interests of the United States and United States allies in the region;

Whereas the United States has provided more than $2,000,000,000 in assistance to Lebanon in the past decade, including training and equipment for the Lebanese Armed Forces (LAF);

Whereas the conflict in Syria threatens stability in Lebanon as a result of violent attacks against Lebanese citizens perpetrated by combatants active in Syria, as well as a massive influx of refugees fleeing the conflict;

Whereas the United States has contributed more than $5,500,000,000 in humanitarian assistance for victims of the conflict in Syria, including for refugees in Lebanon;

Whereas the people of Lebanon have shown great generosity in welcoming more than 1,000,000 refugees from Syria, a refugee population equal to ¼ of its native population;

Whereas Lebanon is hosting more refugees proportionally than any nation in the world;

Whereas the refugee crisis has challenged Lebanon's economy, which faces a national debt that is approximately 140 percent of gross domestic product and underperforming economic growth;

Whereas the LAF have been called into direct conflict with the Islamic State in Iraq and al-Sham (ISIS) as a result of attacks carried out by the terrorist group in Lebanon;

Whereas the Syrian conflict has placed additional strains on the Government of Lebanon as it continues to confront political deadlock that has kept the presidency vacant for more than two years;

Whereas the unique political constitution of Lebanon hinges on that nation's distinct demographic and social equilibrium;

Whereas the prolongation of the Syrian conflict has the potential to upset the precarious social and political balance in Lebanon;

Whereas the constitution of Lebanon is further undermined by undue foreign influence, particularly by the Islamic Republic of Iran through its terrorist proxy Hizbollah;

Whereas the United Nations Security Council passed Resolution 1701 in 2006, which calls for the disarmament of all armed groups in Lebanon and stresses the importance of full control over Lebanon by the Government of Lebanon; and

Whereas Hizbollah continues to violate United Nations Security Council Resolution 1701, including by replenishing its stock of rockets and missiles in South Lebanon: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the importance of bilateral United States assistance to the Government of Lebanon in building its capacity to provide services and security for Lebanese citizens and curbing the influence of Hizbollah;

(2) encourages continued coordination between the Department of State, the United Nations High Commissioner for Refugees, and humanitarian organizations to ensure that refugees from the conflict in Syria, including those in Lebanon, are supported in such a way as to mitigate any potentially adverse effect on their host countries;

(3) recognizes that it is in the interests of the United States to seek a negotiated end to the conflict in Syria that includes the ultimate departure of Bashar al-Assad, which would allow for the eventual return of the millions of Syrian refugees in Lebanon, Jordan, Turkey, and other countries around the world;

(4) supports full implementation of United Nations Security Council Resolution 1701; and

(5) recognizes the LAF as the sole institution entrusted with the defense of Lebanon's sovereignty and supports United States partnerships with the LAF, particularly through the global coalition to defeat the terrorist group ISIS.

SENATE RESOLUTION 554—HONORING THE LIFE OF JACOB WETTERLING AND THE EFFORTS OF PATTY WETTERLING AND THE WETTERLING FAMILY TO FIND ABDUCTED CHILDREN AND SUPPORT THEIR FAMILIES

Ms. KLOBUCHAR (for herself and Mr. FRANKEN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 554

Whereas Patty and Jerry Wetterling faced the unimaginable tragedy of having their 11-year-old son, Jacob Wetterling, abducted near their home in Stearns County, Minnesota, on October 22, 1989;

Whereas Jacob Wetterling was taken at gunpoint and his disappearance remained unsolved for nearly 27 years;

Whereas Jacob Wetterling's body was not recovered until September of 2016;

Whereas Patty Wetterling bravely turned her grief into action and devoted her life to advocating for missing and exploited children;

Whereas Patty Wetterling has become a nationally recognized educator on child abduction and the sexual exploitation of children;

Whereas Patty Wetterling serves on the Board of Directors of the National Center for Missing and Exploited Children;

Whereas Patty Wetterling and her husband co-founded the Jacob Wetterling Resource Center to educate communities about child safety issues to prevent child exploitation and abductions;

Whereas Patty Wetterling authored the publication ''When Your Child is Missing: A Family Survival Guide'', along with 4 other families;

Whereas Patty Wetterling served for more than 7 years as Director of Sexual Violence Prevention for the Minnesota Department of Health;

Whereas the Star Tribune selected Patty Wetterling as one of the ''100 Most Influential Minnesotans of the Century'';

Whereas Patty Wetterling's efforts led to the passage of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (Public Law 103–322; 108 Stat. 2038), a Federal law that requires States to implement a sex offender and crimes against children registry; and

Whereas Jacob Wetterling's memory lives on through the efforts of the Wetterling family: Now, therefore, be it

Resolved, That the Senate honors—

(1) the life of Jacob Wetterling; and

(2) the efforts of Patty Wetterling and the Wetterling family to prevent child exploitation and abductions across the United States.

SENATE RESOLUTION 555—CONGRATULATING THE OPTICAL SOCIETY ON ITS 100TH ANNIVERSARY

Mr. SCHUMER submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 555

Whereas the Optical Society is the leading professional association in optics and photonics, supporting research and collaboration in the science of light;

Whereas the Optical Society was founded in 1916 in Rochester, New York, as the research catalyst for the science of light and has since become the leading voice for advancing the study and application of optics and photonics;

Whereas, today, the Optical Society connects 270,000 scientists, students, engineers, and business leaders in 177 countries around the world;

Whereas, over the course of the 100-year history of the Optical Society, 34 members of the society have been awarded the Nobel Prize in Physics, Chemistry, or Physiology or Medicine;

Whereas optics and photonics is the science of light, serving as the backbone for modern national security applications, industrial controls, telecommunications, advanced manufacturing, health care, and consumer and business products;

Whereas a 2012 National Research Council study, entitled ''Optics and Photonics: Essential Technologies for our Nation'', outlined the utility of optics and photonics and their role in facilitating economic growth, recognizing their extraordinary impact on communications, information processing and data storage, defense and national security, energy, health and medicine, advanced manufacturing, and strategic materials;

Whereas the United States Government has recognized the importance of photonics, the contributions of photonics to economic development, and the benefits of public-private partnerships by recently announcing a consortium working with the Department of Defense known as the American Institute for Manufacturing Integrated Photonics; and

Whereas optics and photonics create more than $3,000,000,000,000 in revenue annually in the United States and support more than 7,400,000 jobs: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Optical Society on its 100th anniversary;

(2) reaffirms the critical role that optics and photonics have played over the last 100 years and continue to play in the economy of the United States and the lives of the people of the United States; and

(3) recognizes the importance of continued investment in fundamental optics and photonics research.

SENATE RESOLUTION 556—EXPRESSING SUPPORT FOR THE DESIGNATION OF THE WEEK OF SEPTEMBER 12 THROUGH SEPTEMBER 16, 2016, AS ''NATIONAL FAMILY SERVICE LEARNING WEEK''

Mr. CORNYN (for himself, Mr. BOOKER, Mr. WHITEHOUSE, Mr. PETERS, and

Ms. MIKULSKI) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 556

Whereas family service learning is a method under which children and families learn and solve problems together in a multigenerational approach with active participation in thoughtfully organized service that—

(1) is conducted in and meets the needs of their communities;

(2) is focused on children and families solving community issues together;

(3) applies college and career readiness skills for children and relevant workforce training skills for adults; and

(4) is coordinated between the community and an elementary school, secondary school, institution of higher education, or family community service program;

Whereas family service learning—

(1) is multi-generational learning that involves parents, children, caregivers, and extended family members in shared learning experiences in physical and digital environments;

(2) is integrated into and enhances the academic achievement of the children or the educational components of a family service program in which the families may be enrolled; and

(3) encompasses skills, such as investigation, planning and preparation, action, reflection, demonstration of results, and sustainability;

Whereas family service learning has been shown to have positive 2-generational effects and encourages families to invest in their communities to improve economic and societal well-being;

Whereas, through family service learning, children and families are offered the opportunity to solve community issues and learn together, thereby enabling the development of life and career skills, such as flexibility and adaptability, initiative and self-direction, social and cross-cultural skills, productivity and accountability, and leadership and responsibility;

Whereas family service learning activities provide opportunities for families to improve essential skills, such as organization, research, planning, reading and writing, technology, teamwork, and sharing;

Whereas families participating together in service are afforded quality time learning about their communities;

Whereas adults engaged in family service learning serve as positive role models for their children;

Whereas family service learning projects enable families to build substantive connections with their communities, develop a stronger sense of self-worth, experience a reduction in social isolation, and improve parenting skills;

Whereas family service learning has added benefits for English language learners by helping individuals and families to—

(1) feel more connected with their communities; and

(2) practice language skills;

Whereas family service learning is particularly important for at-risk families because it—

(1) provides opportunities for leadership and civic engagement; and

(2) helps build the capacity to advocate for the needs of children and families; and

Whereas the value that parents place on civic engagement and relationships within the community has been shown to transfer to the child who, in turn, replicates values, such as responsibility, empathy, and caring for others: Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of the week of September 12 through September 16, 2016, as ''National Family Service Learning Week'' to raise public awareness about the importance of family service learning, family literacy, community service, and 2-generational learning experiences;

(2) encourages people across the United States to support family service learning and community development programs;

(3) recognizes the importance that family service learning plays in cultivating family literacy, civic engagement, and community investment; and

(4) calls upon public, private, and nonprofit entities to support family service learning opportunities to aid in the advancement of families.

SENATE RESOLUTION 557—DESIGNATING SEPTEMBER 2016 AS ''SCHOOL BUS SAFETY MONTH''

Mrs. FISCHER (for herself and Mr. BOOKER) submitted the following resolution; which was considered and agreed to:

S. RES. 557

Whereas approximately 480,000 public and private school buses carry 26,000,000 children to and from school every weekday in the United States;

Whereas America's 480,000 public and private school buses comprise the largest mass transportation fleet in the Nation;

Whereas during the school year, school buses make more than 55,000,000 passenger trips daily and students ride these school buses 10,000,000,000 times per year as the Nation's fleet travels over 5,600,000,000 miles per school year;

Whereas in an average year, about 25 school children are killed in school bus accidents, with one-third of these children struck by their own school buses in loading/unloading zones, one-third struck by motorists who fail to stop for school buses, and one-third killed as they approach or depart a school bus stop;

Whereas The Child Safety Network, celebrating 28 years of national public service, has collaborated with the National PTA and the school bus industry to create public service announcements to reduce distracted driving near school buses, increase ridership, and provide free resources to school districts in order to increase driver safety training, provide free technology for tracking school buses, reduce on-board bullying, and educate students; and

Whereas the adoption of School Bus Safety Month will allow broadcast and digital media and social networking industries to make commitments to disseminate public service announcements designed to save children's lives by making motorists aware of school bus safety issues: Now, therefore, be it

Resolved, That the Senate designates September 2016 as ''School Bus Safety Month''.

SENATE RESOLUTION 558—HONORING THE MEMORY AND LEGACY OF THE 12 LOUISIANA CITIZENS AND 1 TEXAS CITIZEN WHO LOST THEIR LIVES DUE TO THE TRAGIC FLOODING IN THE STATE OF LOUISIANA IN AUGUST 2016

Mr. CASSIDY (for himself, Mr. VITTER, Mr. CORNYN, Mr. CRUZ, and Mr. LANKFORD) submitted the following resolution; which was considered and agreed to:

S. RES. 558

Whereas, during mid-August 2016, a historic flood swept through the southern part of the State of Louisiana, taking the lives of 13 people, damaging over 130,000 homes, displacing thousands of families, and causing over $8,700,000,000 of material damages;

Whereas William Mayfield, 67, of Zachary, Louisiana, perished on August 12, 2016;

Whereas Linda Coco Bishop, 63, perished on August 14, 2016;

Whereas Brett Broussard, 55, of Baton Rouge, Louisiana, perished on August 15, 2016;

Whereas William F. ''Bill'' Borne, 58, of Baton Rouge, Louisiana, perished on August 16, 2016;

Whereas Richard James Jr., 57, of Baton Rouge, Louisiana, perished on August 15, 2016;

Whereas Samuel Muse, 54, of Greensburg, Louisiana, perished on August 13, 2016;

Whereas Kenneth Slocum, 59, of Tangipahoa Village, Louisiana, perished on August 14, 2016;

Whereas Earrol Lewis, 49, of Houston, Texas, perished on August 15, 2016;

Whereas Stacy Ruffin, 44, of Roseland, Louisiana, perished on August 13, 2016;

Whereas Alexandra ''Ally'' Budde, 20, of Hammond, Louisiana, perished on August 14, 2016;

Whereas Ordatha Hoggatt, 57, of Leesville, Louisiana, perished on August 14, 2016;

Whereas an unnamed woman, 93, of Denham Springs, Louisiana, perished on August 17, 2016;

Whereas an unidentified man of Denham Springs, Louisiana, perished on August 17, 2016; and

Whereas the people of the United States stand united with the people of Louisiana and the families of the victims—

(1) to support all individuals affected; and

(2) to pray for healing and restoration: Now, therefore, be it

Resolved, That the Senate—

(1) honors the memory and legacy of the 12 Louisiana citizens and 1 Texas citizen who lost their lives in the August 2016 flooding;

(2) extends its heartfelt condolences and prayers to the families of the victims and to all affected individuals in the communities of the flooded parishes;

(3) recognizes the skill and sacrifice of the law enforcement officers, first responders, and volunteers who have demonstrated tremendous resolve throughout the recovery;

(4) commends the efforts of individuals who are working to care and provide for the injured and displaced;

(5) applauds the generous support, assistance, and aid provided by people across the United States; and

(6) pledges to continue to work together—

(A) to support Louisiana in its time of need.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5061. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 4979 proposed by Mr. MCCONNELL (for Mr. INHOFE (for himself and Mrs. BOXER)) to the bill S. 2848, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table.

SA 5062. Mr. PERDUE (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed to amendment SA 4979 proposed by Mr. MCCONNELL (for Mr. INHOFE (for himself and Mrs. BOXER)) to the bill S. 2848, supra; which was ordered to lie on the table.

SA 5063. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 5042 proposed by Mr. INHOFE (for himself and Mrs. BOXER) to the amendment SA 4979 proposed by Mr. MCCONNELL (for Mr. INHOFE (for himself and Mrs. BOXER)) to the bill S. 2848, supra; which was ordered to lie on the table.

SA 5064. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 5042 proposed by Mr. INHOFE (for himself and Mrs. BOXER) to the amendment SA 4979 proposed by Mr. MCCONNELL (for Mr. INHOFE (for himself and Mrs. BOXER)) to the bill S. 2848, supra; which was ordered to lie on the table.

SA 5065. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 5042 proposed by Mr. INHOFE (for himself and Mrs. BOXER) to the amendment SA 4979 proposed by Mr. MCCONNELL (for Mr. INHOFE (for himself and Mrs. BOXER)) to the bill S. 2848, supra; which was ordered to lie on the table.

SA 5066. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 5042 proposed by Mr. INHOFE (for himself and Mrs. BOXER) to the amendment SA 4979 proposed by Mr. MCCONNELL (for Mr. INHOFE (for himself and Mrs. BOXER)) to the bill S. 2848, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 5061. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 4979 proposed by Mr. MCCONNELL (for Mr. INHOFE (for himself and Mrs. BOXER)) to the bill S. 2848, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

Subtitle B—Irrigation Rehabilitation and Renovation for Indian Tribal Governments and Their Economies

SEC. 8101. SHORT TITLE.

This subtitle may be cited as the ''Irrigation Rehabilitation and Renovation for Indian Tribal Governments and Their Economies Act'' or the ''IRRIGATE Act''.

SEC. 8102. DEFINITIONS.

In this subtitle:

(1) DEFERRED MAINTENANCE.—The term ''deferred maintenance'' means any maintenance activity that was delayed to a future date, in lieu of being carried out at the time at which the activity was scheduled to be, or otherwise should have been, carried out.

(2) FUND.—The term ''Fund'' means the Indian Irrigation Fund established by section 8111.

(3) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

PART I—INDIAN IRRIGATION FUND

SEC. 8111. ESTABLISHMENT.

There is established in the Treasury of the United States a fund, to be known as the ''Indian Irrigation Fund'', consisting of—

(1) such amounts as are deposited in the Fund under section 8113; and

(2) any interest earned on investment of amounts in the Fund under section 8115.

SEC. 8112. DEPOSITS TO FUND.

(a) IN GENERAL.—For each of fiscal years 2017 through 2038, the Secretary of the Treasury shall deposit in the Fund $35,000,000 from the general fund of the Treasury.

(b) AVAILABILITY OF AMOUNTS.—Amounts deposited in the Fund under subsection (a) shall be used, subject to appropriation, to carry out this subtitle.

SEC. 8113. EXPENDITURES FROM FUND.

(a) IN GENERAL.—Subject to subsection (b), for each of fiscal years 2017 through 2038, the Secretary may, to the extent provided in advance in appropriations Acts, expend from the Fund, in accordance with this subtitle, not more than the sum of—

(1) $35,000,000; and

(2) the amount of interest accrued in the Fund.

(b) ADDITIONAL EXPENDITURES.—The Secretary may expend more than $35,000,000 for any fiscal year referred to in subsection (a) if the additional amounts are available in the Fund as a result of a failure of the Secretary to expend all of the amounts available under subsection (a) in 1 or more prior fiscal years.

SEC. 8114. INVESTMENTS OF AMOUNTS.

(a) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary, required to meet current withdrawals.

(b) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund.

SEC. 8115. TRANSFERS OF AMOUNTS.

(a) IN GENERAL.—The amounts required to be transferred to the Fund under this part shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(b) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates are in excess of or less than the amounts required to be transferred.

SEC. 8116. TERMINATION.

On September 30, 2038—

(1) the Fund shall terminate; and

(2) the unexpended and unobligated balance of the Fund shall be transferred to the general fund of the Treasury.

PART II—REPAIR, REPLACEMENT, AND MAINTENANCE OF CERTAIN INDIAN IRRIGATION PROJECTS

SEC. 8121. REPAIR, REPLACEMENT, AND MAINTENANCE OF CERTAIN INDIAN IRRIGATION PROJECTS.

(a) IN GENERAL.—The Secretary shall establish a program to address the deferred maintenance needs and water storage needs of Indian irrigation projects that—

(1) create risks to public or employee safety or natural or cultural resources; and

(2) unduly impede the management and efficiency of the Indian irrigation program.

(b) FUNDING.—Consistent with section 8113, the Secretary shall use or transfer to the Bureau of Indian Affairs not less than $35,000,000 of amounts in the Fund, plus accrued interest, for each of fiscal years 2017 through 2038 to carry out maintenance, repair, and replacement activities for 1 or more of the Indian irrigation projects described in section 8122 (including any structures, facilities, equipment, personnel, or vehicles used in connection with the operation of those projects), subject to the condition that the funds expended under this part shall not be—

(1) subject to reimbursement by the owners of the land served by the Indian irrigation projects; or

(2) assessed as debts or liens against the land served by the Indian irrigation projects.

SEC. 8122. ELIGIBLE PROJECTS.

The projects eligible for funding under section 8121(b) are the Indian irrigation projects in the western United States that, on the date of enactment of this Act—

(1) are owned by the Federal Government, as listed in the Federal inventory required by Executive Order 13327 (40 U.S.C. 121 note; relating to Federal real property asset management);

(2) are managed and operated by the Bureau of Indian Affairs (including projects managed, operated, or maintained under contracts or compacts pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.); and

(3) have deferred maintenance documented by the Bureau of Indian Affairs.

SEC. 8123. REQUIREMENTS AND CONDITIONS.

Not later than 120 days after the date of enactment of this Act and as a precondition to amounts being expended from the Fund to carry out this part, the Secretary, in consultation with the Assistant Secretary for Indian Affairs and representatives of affected Indian tribes, shall develop and submit to Congress—

(1) programmatic goals to carry out this part that—

(A) would enable the completion of repairing, replacing, modernizing , or performing maintenance on projects as expeditiously as practicable;

(B) facilitate or improve the ability of the Bureau of Indian Affairs to carry out the mission of the Bureau of Indian Affairs in operating a project;

(C) ensure that the results of government-to-government consultation required under section 8125 be addressed; and

(D) would facilitate the construction of new water storage using non-Federal contributions to address tribal, regional, and watershed-level supply needs; and

(2) funding prioritization criteria to serve as a methodology for distributing funds under this part, that take into account—

(A) the extent to which deferred maintenance of qualifying irrigation projects poses a threat to public or employee safety or health;

(B) the extent to which deferred maintenance poses a threat to natural or cultural resources;

(C) the extent to which deferred maintenance poses a threat to the ability of the Bureau of Indian Affairs to carry out the mission of the Bureau of Indian Affairs in operating the project;

(D) the extent to which repairing, replacing, modernizing, or performing maintenance on a facility or structure will—

(i) improve public or employee safety, health, or accessibility;

(ii) assist in compliance with codes, standards, laws, or other requirements;

(iii) address unmet needs; and

(iv) assist in protecting natural or cultural resources;

(E) the methodology of the rehabilitation priority index of the Secretary, as in effect on the date of enactment of this Act;

(F) the potential economic benefits of the expenditures on job creation and general economic development in the affected tribal communities;

(G) the ability of the qualifying project to address tribal, regional, and watershed level water supply needs; and

(H) such other factors as the Secretary determines to be appropriate to prioritize the use of available funds that are, to the fullest extent practicable, consistent with tribal and user recommendations received pursuant to the consultation and input process under section 8125.

SEC. 8124. STUDY OF INDIAN IRRIGATION PROGRAM AND PROJECT MANAGEMENT.

(a) TRIBAL CONSULTATION AND USER INPUT.—Before beginning to conduct the

study required under subsection (b), the Secretary shall—

(1) consult with the Indian tribes that have jurisdiction over the land on which an irrigation project eligible to receive funding under section 8122 is located; and

(2) solicit and consider the input, comments, and recommendations of—

(A) the landowners served by the irrigation project; and

(B) irrigators from adjacent irrigation districts.

(b) STUDY.—Not later than 2 years after the date of enactment of this Act, the Secretary, acting through the Assistant Secretary for Indian Affairs, shall complete a study that evaluates options for improving programmatic and project management and performance of irrigation projects managed and operated in whole or in part by the Bureau of Indian Affairs.

(c) REPORT.—On completion of the study under subsection (b), the Secretary, acting through the Assistant Secretary for Indian Affairs, shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report that—

(1) describes the results of the study;

(2) determines the cost to financially sustain each project;

(3) recommends whether management of each project could be improved by transferring management responsibilities to other Federal agencies or water user groups; and

(4) includes recommendations for improving programmatic and project management and performance—

(A) in each qualifying project area; and

(B) for the program as a whole.

(d) STATUS REPORT.—Not later than 2 years after the date of enactment of this Act, and not less frequently than every 2 years thereafter, the Secretary, acting through the Assistant Secretary for Indian Affairs, shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report that includes a description of—

(1) the progress made toward addressing the deferred maintenance needs of the Indian irrigation projects described in section 8122, including a list of projects funded during the fiscal period covered by the report;

(2) the outstanding needs of those projects that have been provided funding to address the deferred maintenance needs pursuant to this part;

(3) the remaining needs of any of those projects;

(4) how the goals established pursuant to section 8123 have been met, including—

(A) an identification and assessment of any deficiencies or shortfalls in meeting those goals; and

(B) a plan to address the deficiencies or shortfalls in meeting those goals; and

(5) any other subject matters the Secretary, to the maximum extent practicable consistent with tribal and user recommendations received pursuant to the consultation and input process under this section, determines to be appropriate.

SEC. 8125. TRIBAL CONSULTATION AND USER INPUT.

Before expending funds on an Indian irrigation project pursuant to section 8121 and not later than 120 days after the date of enactment of this Act, the Secretary shall—

(1) consult with the Indian tribe that has jurisdiction over the land on which an irrigation project eligible to receive funding under section 8122 is located; and

(2) solicit and consider the input, comments, and recommendations of—

(A) the landowners served by the irrigation project; and

(B) irrigators from adjacent irrigation districts.

SEC. 8126. ALLOCATION AMONG PROJECTS.

(a) IN GENERAL.—Subject to subsection (b), to the maximum extent practicable, the Secretary shall ensure that, for each of fiscal years 2017 through 2038, each Indian irrigation project eligible for funding under section 8122 that has critical maintenance needs receives part of the funding under section 8121 to address critical maintenance needs.

(b) PRIORITY.—In allocating amounts under section 8121(b), in addition to considering the funding priorities described in section 8123, the Secretary shall give priority to eligible Indian irrigation projects serving more than 1 Indian tribe within an Indian reservation and to projects for which funding has not been made available during the 10-year period ending on the day before the date of enactment of this Act under any other Act of Congress that expressly identifies the Indian irrigation project or the Indian reservation of the project to address the deferred maintenance, repair, or replacement needs of the Indian irrigation project.

(c) CAP ON FUNDING.—

(1) IN GENERAL.—Subject to paragraph (2), in allocating amounts under section 8121(b), the Secretary shall allocate not more than $15,000,000 to any individual Indian irrigation project described in section 8122 during any consecutive 3-year period.

(2) EXCEPTION.—Notwithstanding the cap described in paragraph (1), if the full amount under section 8121(b) cannot be fully allocated to eligible Indian irrigation projects because the costs of the remaining activities authorized in section 8121(b) of an irrigation project would exceed the cap described in paragraph (1), the Secretary may allocate the remaining funds to eligible Indian irrigation projects in accordance with this part.

(d) BASIS OF FUNDING.—Any amounts made available under this section shall be nonreimbursable.

(e) APPLICABILITY OF ISDEAA.—The Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.) shall apply to activities carried out under this section.

SA 5062. Mr. PERDUE (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed to amendment SA 4979 proposed by Mr. MCCONNELL (for Mr. INHOFE (for himself and Mrs. BOXER)) to the bill S. 2848, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 1_____. PROJECTS OF NATIONAL SIGNIFICANCE.

Section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) is amended by adding at the end the following:

''(c) PROJECTS OF NATIONAL SIGNIFICANCE.—

''(1) IN GENERAL.—In the case of a project of national significance (as described in paragraph (2)) that has not been completed, subsection (a)(1) shall not apply.

''(2) PROJECTS OF NATIONAL SIGNIFICANCE DESCRIBED.—A project of national significance means a project for water resources development and conservation and related purposes authorized to be carried out by the Secretary that has a benefit-to-cost ratio equal to or greater than 3.5 to 1, as identified in a report of the Chief of Engineers or a Post Authorization Change Report.''.

SA 5063. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 5042 proposed by Mr. INHOFE (for himself and Mrs. BOXER) to the amendment SA 4979 proposed by Mr. MCCONNELL (for Mr. INHOFE (for himself and Mrs. BOXER)) to the bill S. 2848, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 125, between lines 18 and 19, insert the following:

SEC. 3008. REHABILITATION OF CORPS OF ENGINEERS CONSTRUCTED FLOOD CONTROL DAMS.

(a) IN GENERAL.—If the Secretary determines that the project is feasible, the Secretary may carry out a project for the rehabilitation of a dam described in subsection (b).

(b) ELIGIBLE DAMS.—A dam eligible for assistance under this section is a dam—

(1) that has been constructed, in whole or in part, by the Corps of Engineers for flood control purposes;

(2) for which construction was completed before 1940;

(3) that is classified as ''high hazard potential'' by the State dam safety agency of the State in which the dam is located; and

(4) that is operated by a non-Federal entity.

(c) COST SHARING.—Non-Federal interests shall provide 35 percent of the cost of construction of any project carried out under this section, including provision of all land, easements, rights-of-way, and necessary relocations.

(d) AGREEMENTS.—Construction of a project under this section shall be initiated only after a non-Federal interest has entered into a binding agreement with the Secretary—

(1) to pay the non-Federal share of the costs of construction under subsection (c); and

(2) to pay 100 percent of any operation, maintenance, and replacement and rehabilitation costs with respect to the project in accordance with regulations prescribed by the Secretary.

(e) COST LIMITATION.—The Secretary shall not expend more than $10,000,000 for a project at any single dam under this section.

(f) FUNDING.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2017 through 2026.

SA 5064. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 5042 proposed by Mr. INHOFE (for himself and Mrs. BOXER) to the amendment SA 4979 proposed by Mr. MCCONNELL (for Mr. INHOFE (for himself and Mrs. BOXER)) to the bill S. 2848, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 80____. PROTECTION OF CONGRESSIONAL OVERSIGHT.

Notwithstanding any other provision of law, the Secretary or the Administrator of

the Environmental Protection Agency may not enter into an agreement related to resolving a dispute or claim with an individual that would restrict in any way the individual from speaking to members of Congress or their staff on any topic not otherwise prohibited from disclosure by Federal law.

SA 5065. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 5042 proposed by Mr. INHOFE (for himself and Mrs. BOXER) to the amendment SA 4979 proposed by Mr. MCCONNELL (for Mr. INHOFE (for himself and Mrs. BOXER)) to the bill S. 2848, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1009 and insert the following:

SEC. 1009. GAO REVIEW AND REPORT.

Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct a review, and submit to Congress a report on the implementation and effectiveness of the projects carried out under section 219 of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4835).

SA 5066. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 5042 proposed by Mr. INHOFE (for himself and Mrs. BOXER) to the amendment SA 4979 proposed by Mr. MCCONNELL (for Mr. INHOFE (for himself and Mrs. BOXER)) to the bill S. 2848, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 65, between lines 5 and 6, insert the following:

SEC. 10____. GAO REVIEW AND REPORT.

Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct a review, and submit to Congress a report on the implementation and effectiveness of the projects carried out under section 219 of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4835).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. RUBIO. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on September 13, 2016, at 10 a.m., in room SR–328A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. RUBIO. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on September 13, 2016, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. RUBIO. Mr. President, I ask unanimous consent that the Committee on Banking, Housing and Urban Affairs be authorized to meet during the session of the Senate on September 13, 2016, at 10:30 a.m. to conduct a hearing entitled ''The National Flood Insurance Program: Reviewing the Recommendations of the Technical Mapping Advisory Council's 2015 Annual Report.''.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. RUBIO. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on September 13, 2016, at 2:30 p.m., in room SR–253 of the Russell Senate Office Building to conduct a Subcommittee hearing entitled ''Examining the Better Online Ticket Sales Act of 2016.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. RUBIO. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 13, 2016, at 2:30 p.m., in room SH–219 of the Hart Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. GARDNER. Mr. President, I ask unanimous consent that my military fellow, Ashley Ritchey, be granted floor privileges for the remainder of the Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING USE OF THE CAPITOL GROUNDS

Mr. GARDNER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H. Con. Res. 131, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The senior assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 131) authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. GARDNER. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 131) was agreed to.

ENCOURAGING THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF THE CONGO TO ABIDE BY CONSTITUTIONAL PROVISIONS REGARDING THE HOLDING OF PRESIDENTIAL ELECTIONS IN 2016

Mr. GARDNER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 574, S. Res. 485.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 485) to encourage the Government of the Democratic Republic of the Congo to abide by constitutional provisions regarding the holding of presidential elections in 2016, with the aim of ensuring a peaceful and orderly democratic transition of power.

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Foreign Relations, with an amendment and an amendment to the preamble and an amendment to the title.

(Strike out all after the resolving clause and insert the part printed in italic.)

(Strike the preamble and insert the part printed in italic.)

Whereas the United States and the Democratic Republic of the Congo (''DRC'') have a partnership grounded in economic development, investment, and mutual interests in security and stability, and marked by efforts to address the protracted humanitarian crisis facing the DRC;

Whereas, in 2006, the Government of the DRC adopted a new constitution with a provision limiting the President to two consecutive terms;

Whereas the constitution requires that elections be held in time for the inauguration of a new president on December 19, 2016, when the current presidential term expires;

Whereas events in the DRC over the last year and a half have called into serious question the commitment of the Government of the DRC to hold such elections on the required timeline, and President Joseph Kabila has not publicly committed to stepping down at the end of his term;

Whereas security and intelligence officials of the DRC have arrested, harassed, and detained peaceful activists (such as Fred Bauma and Yves Makwambala), members of civil society, political leaders, and others, and international and domestic human rights groups have reported on the worsening of the human rights situation in the DRC;

Whereas there are 12 presidential elections slated to take place on the continent of Africa by the end of 2017, and what transpires in the DRC will send an important message to leaders in the region;

Whereas President Barack Obama spoke with President Kabila on March 31, 2015, and ''emphasized the importance of timely, credible, and peaceful elections that respect the Constitution of the DRC and protect the rights of all DRC citizens'';

Whereas, on March 30, 2016, the United Nations Security Council unanimously adopted Resolution 2277, which expresses deep concern with ''the delays in the preparation of the presidential elections'' in the DRC and ''increased restrictions of the political space in the DRC'' and calls for ensuring ''the successful and timely holding of elections, in particular presidential and legislative elections on November 2016, in accordance with the Constitution'';

Whereas many observers have expressed concern that failure to move ahead with elections in the DRC could lead to violence and instability inside the DRC, which could reverberate throughout the region;

Whereas, on June 23, 2016, the Department of the Treasury imposed sanctions against General Célestin Kanyama, the Congolese National Police (PNC) Provincial police commissioner for Kinshasa, the capital city of the DRC; and

Whereas the Department of the Treasury noted that these sanctions send a ''clear message that the United States condemns the regime's violence and repressive actions, especially those of Célestin Kanyama, which threaten the future of democracy for the people of the DRC'': Now, therefore, be it

Resolved, That the Senate—

(1) expresses concern with respect to the failure of the DRC to take actions required to hold elections in November 2016 as required by the Constitution of the DRC;

(2) recognizes that impunity and lack of effective rule of law undermine democracy, and that the arrest and detention of civil society activists and the harassment of political opponents close political space and repress peaceful dissent;

(3) reaffirms its support for democracy and good governance in sub-Saharan Africa;

(4) calls on the Government of the DRC and all other parties to respect the Constitution of the DRC and to ensure a free, open, peaceful, and democratic transition of power as constitutionally required;

(5) urges the Government of the DRC to demonstrate leadership and commitment to elections by accelerating concrete steps towards holding elections, including voter registration and protecting partisan political speech and activities;

(6) encourages the Government of the DRC and all other relevant parties to engage now in a focused, urgent discussion to advance the electoral process and reach consensus rapidly on the way forward by establishing a detailed electoral calendar for all elections and enabling the candidate selection and campaign process; and

(7) urges the President of the United States, in close coordination with regional and international partners, to—

(A) continuously verify that such necessary technical dialogue occurs and proceeds in a time and manner required to ensure the conduct of timely elections;

(B) use appropriate means to ensure these objectives, which may include imposition of additional targeted sanctions on individuals or entities responsible for violence and human rights violations and undermining democratic processes in the DRC at any point in the process; and

(C) continue United States policy with respect to providing support for the organizing of free, fair, and peaceful national elections.

Mr. GARDNER. Mr. President, I ask unanimous consent that the committee-reported amendment to the resolution be agreed to; the resolution, as amended, be agreed to; the committee-reported amendment to the preamble be agreed to; the preamble, as amended, be agreed to; and that the committee-reported title amendment be agreed to; and, finally, that the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendment in the nature of a substitute was agreed to.

The resolution (S. Res. 485), as amended, was agreed to.

The committee-reported amendment to the preamble in the nature of a substitute was agreed to.

The preamble, as amended, was agreed to.

The committee-reported title amendment was agreed to, as follows:

Amend the title so as to read: ''A resolution urging the Government of the Democratic Republic of the Congo to comply with constitutional limits on presidential terms and fulfill its constitutional mandate for a democratic transition of power in 2016.''.

SCHOOL BUS SAFETY MONTH

Mr. GARDNER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 557, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 557) designating September 2016 as ''School Bus Safety Month.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. GARDNER. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 557) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

HONORING THE MEMORY AND LEGACY OF THE 12 LOUISIANA CITIZENS AND 1 TEXAS CITIZEN WHO LOST THEIR LIVES DUE TO THE TRAGIC FLOODING IN THE STATE OF LOUISIANA IN AUGUST 2016

Mr. GARDNER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 558, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 558) honoring the memory and legacy of the 12 Louisiana citizens and 1 Texas citizen who lost their lives due to the tragic flooding in the State of Louisiana in August 2016.

There being no objection, the Senate proceeded to consider the resolution.

Mr. GARDNER. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 558) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

MEASURE READ THE FIRST TIME—S. 3318

Mr. GARDNER. Mr. President, I understand that there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The senior assistant legislative clerk read as follows:

A bill (S. 3318) to amend the Consumer Financial Protection Act of 2010 to subject the Bureau of Consumer Financial Protection to the regular appropriations process, and for other purposes.

Mr. GARDNER. I now ask for a second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will be read for the second time on the next legislative day.

ORDERS FOR WEDNESDAY, SEPTEMBER 14, 2016

Mr. GARDNER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, September 14; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that following leader remarks, the Senate be in a period of morning business, with Senators permitted to speak therein until 11 a.m.; further, that the Democrats control the time from 10 a.m. until 10:30 a.m. and the majority control the time from 10:30 a.m. until 11 a.m.; further, that following morning business, the Senate resume consideration of S. 2848; further, that notwithstanding the provisions of rule XXII, all postcloture time with respect to amendment No. 4979 expire at 2:45 p.m. tomorrow; finally, that if cloture on S. 2848, as amended, if amended, is invoked, the time count as if cloture was invoked at 1 a.m., Wednesday, September 14.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. GARDNER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:41 p.m., adjourned until Wednesday, September 14, 2016, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

UNITED NATIONS

CHRISTOPHER COONS, OF DELAWARE, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SEVENTY-FIRST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

RONALD H. JOHNSON, OF WISCONSIN, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SEVENTY-FIRST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

VALERIE BIDEN OWENS, OF DELAWARE, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SEVENTY-FIRST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

CYNTHIA RYAN, OF THE DISTRICT OF COLUMBIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SEVENTY-FIRST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

THE JUDICIARY

DIANE GUJARATI, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK, VICE JOHN GLEESON, RESIGNED.

EXTENSIONS OF REMARKS

VETERANS MOBILITY SAFETY ACT OF 2016

SPEECH OF

HON. TAMMY DUCKWORTH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 2016

Ms. DUCKWORTH. Mr. Speaker, I strongly support the Veterans Mobility Safety Act of 2015.

As a Veteran with a service-connected disability, I have personally participated in the Automobile Adaptive Equipment Program (AAEP) and I know how valuable this program is to Veterans across the country.

As a mother of a toddler, I care about the safety of my car more than ever. I am committed to making the best choices for my daughter and strive to keep her out of danger.

My story is not unique. There are so many Veterans out there that depend on the AAEP to provide transportation for their families.

Safety and the quality of services provided to our wounded Veterans should be a top priority.

Last Congress, I wrote a letter to the U.S. Department of Veterans Affairs (VA) urging them to reevaluate the AAEP because it does not require vendors to meet any standards of quality, performance and safety.

I am extremely concerned that this obvious lack of guidelines exposes our most vulnerable Veterans to vendors who manufacture and install subpar, low quality and dangerous equipment.

It can also lead to higher maintenance costs and wastes taxpayer money.

Unfortunately, this gap in the statute allows improper and unsafe installations for our Veterans and also puts the general driving public in harm's way.

The fix here is simple—we must have high quality and certification standards for those who provide automobile adaptive equipment, installations and maintenance for disabled Veterans.

Veterans with disabilities have earned the right to be able to have safe, quality adaptive equipment in their cars that meets their needs and allows them to live full, independent lives.

I urge my Colleagues to support this measure, and to remedy the VA's lack of minimum standards for the AAE program in order to hold vendors accountable, increase quality of VA healthcare and ensure safe driving conditions for Veterans, their families and civilians.

ELDON LAIDIG

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2016

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Eldon Laidig for receiving the West Chamber's 2016 Jefferson County Hall of Fame Award.

Known for his passion for education and community service, Eldon has been a pillar of the Jefferson County community for more than fifty years. Before becoming a financial planner, Eldon spent 42 years in the U.S. Coast Guard Reserves and 27 years working for Jefferson County Public Schools, 25 of which were spent as a middle school principal.

In 1990, Eldon became an associate with Personal Benefit Services Wealth Management, which has been recognized by 5280 Magazine and the Arvada Chamber of Commerce. Eldon's involvement in the Arvada community is unparalleled. He was named the Arvada Sentinel's Man of the Year, has served as club president of the Arvada Council for the Arts and Humanities and Arvada Rotary Club and Friendship Force of Greater Denver, as well as vice president of the Arvada Historical Society. In his five decades in the Jefferson County area, Eldon has worked tirelessly to improve the City of Arvada through community service.

I extend my deepest congratulations to Eldon Laidig for this well-deserved recognition by the West Chamber.

CONGRATULATING MR. RAY JENNINGS ON THE OCCASION OF HIS RETIREMENT

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2016

Mr. SHUSTER. Mr. Speaker, I rise today to celebrate Mr. Ray Jennings on the occasion of his well-deserved retirement from the Bedford County Airport in Bedford, PA.

Ray began a distinguished military career in the Air Force Air Defense Command, serving tours across North America. From there, his career advanced as he gained extensive international flying experience. He later attended the Air Force Institute of Technology, Squadron Officers School, the Air Command and Staff College, and the University of Illinois, where he studied aeronautical engineering.

Next, Ray spent time helping develop and test aircraft until he was dispatched to Vietnam, where he flew 138 combat missions. As a result of his courageous service, he was awarded the Distinguished Flying Cross, two Purple Hearts, and various Air Medals. After being shot down and rescued, Ray returned home, where he continued to serve his country admirably until his retirement at Andrews Air Force Base.

Following his remarkable military career, Ray was a member of the Bedford County Air Authority from 1985 to 2009, serving as its Secretary and Treasurer from 1994 to 2009. For the past 22 years, Ray has been the Manager of the local Bedford County Airport. Through these experiences, he proved himself instrumental in establishing the Airport as a significant, award-winning asset for the county.

Ray has also provided his extensive expertise and service to aviation and transportation boards at the state and local levels. Additionally, he has been a member of Southern Alleghenies Planning and Development Commission, which has been a notable force in promoting economic and community development in Cambria, Blair, Huntingdon, Somerset, Bedford, and Fulton Counties.

It is my honor to recognize the selfless and impactful career of Mr. Ray Jennings, who not only sacrificed for his country but also his state, community, and family. The impact of his service is sure to live on, and I wish him the absolute best in his hard-earned retirement.

HONORING JOANNE WHITE

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2016

Mr. CONAWAY. Mr. Speaker, today the House of Representatives is losing a treasure. After more than 41 years of service, Joanne White, or Miss Joanne as she is affectionately known, is taking her well-earned retirement. She has never been elected, she has never introduced a bill and she has never cast a vote on the House floor but she has meant more to this institution than many of us lucky enough to be called members.

It is no secret that so much of what successful Members are able to accomplish is because of dedicated staff. Staff keeps the trains moving, they sweat the details, and they are the experts on so many of the issues of the day. In her 41 years here, Miss Joanne has done more, seen more, and forgotten more than I ever will. Her experience and institutional knowledge is irreplaceable.

I am fortunate enough to have known Miss Joanne during my time as chairman of the House Ethics Committee, where she has served the past twenty five years. As a new chairman, I was the beneficiary of her accumulated wisdom and the recipient of her sage counsel. Miss Joanne is unique because of her dedication to this institution and her bipartisan service to 13 different Committee chairmen.

While she is retiring today, she is leaving indelible marks behind. The Ethics Committee reflects her warm and gracious demeanor. And, there are two generations of staffers who she taught not how to work for Congress, but how to serve in Congress. Finally, like my predecessors, I am grateful to have had Miss Joanne by my side as I navigated the challenges of chairing the Ethics Committee. She taught me lessons that I will not forget either.

I am indebted to her. Her colleagues are indebted to her. The House of Representatives is indebted to her. As she retires, I wish her happiness and joy as she spends time with her family and friends. Thank you, Joanne, for your service.

PERSONAL EXPLANATION

HON. TAMMY DUCKWORTH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2016

Ms. DUCKWORTH. Mr. Speaker, on September 12, 2016, on Roll Call Number 496 on the motion to suspend the rules and agree to H. Res. 847, Expressing the sense of the House of Representatives about a national strategy for the Internet of Things to promote economic growth and consumer empowerment, I am not recorded. Had I been present, I would have voted YES on the motion to suspend the rules and agree to the resolution, H. Res. 847.

On September 12, 2016, on Roll Call Number 497 on the motion to suspend the rules and agree to H. Res. 835, Expressing the sense of the House of Representatives that the United States should adopt a national policy for technology to promote consumers' access to financial tools and online commerce to promote economic growth and consumer empowerment, I am not recorded. Had I been present, I would have voted YES on the motion to suspend the rules and agree to the resolution, H. Res. 835.

IN HONOR OF JO BARTON

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2016

Mr. FARR. Mr. Speaker, I rise today to honor the life of Jo Clough Barton. Jo died peacefully, surrounded by her family, in her home in Annapolis, Maryland on August 3, 2016. She was 85 years old.

Born Martha Jo Clough on March 19, 1931 to Sara Jo and Arthur Clough in Oklahoma City, she attended Edgemere Elementary School before her family moved to Ardmore, OK in 1941. She graduated from Ardmore High School in 1949 and then attended the University of Oklahoma where she met and married her husband Gerald (Jerry) Barton. She attended and graduated second in her class from the University of Oklahoma College of Law in 1955 and was admitted to the prestigious honor society, the Order of Coif. She was admitted to the Oklahoma Bar Association in 1955.

Jo practiced law in Oklahoma from 1958 to 1968 for the firm Mosteller, Andrews, Mosberg (now Andrews, Davis) and later opened an independent book store in the Avondale Shopping Center. She was a volunteer at Beta Theta Chapter of Kappa Kappa Gamma Fraternity at OU, mentoring many young women. She also volunteered in many of her children's activities and at their school. An ardent Democrat, she championed liberal causes and raised money for progressive candidates throughout her life.

She and Jerry later moved to Big Sur, CA where she served as president of the Carmel Bach Festival, on the board of Hospice of the Monterey Peninsula and opened a children's clothing store called Nana's. She moved to Annapolis, MD in 2015 to be close to her children.

She is survived by her children, Joann Vaughan, Doug Barton and Martha Doherty, all of Annapolis MD; her grandchildren; Barton Vaughan, Elizabeth Vaughan, Christopher Austin, Robert Vaughan, Sam Barton, Alison Doherty, Caroline Vaughan Kreutzer, Sarah Doherty, Kylee Barton and Harrison Barton; and two great granddaughters; Georgina Vaughan and Caroline Vaughan.

We honor and remember Jo's memory by opening a wonderful bottle of wine and cooking a favorite meal. "Grieve not, nor speak of me with tears, but laugh and talk of me as if I were beside you . . . loved you so—'twas Heaven here with you.'"—Isla Paschal Richardon

TEXAS RANGER—LAWRENCE SULLIVAN ROSS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2016

Mr. POE of Texas. Mr. Speaker, the year was 1839 and thousands of families were looking to settle new lands for their families across the prairies and for the Ross family, Texas was where they chose to raise their young children. Lawrence Sullivan Ross was still an infant when they moved to Texas, and he grew up seeing just how wild the land of this fledgling nation was. He was only eleven when he was involved in his first Indian fight, and through the years helped his father protect the area around Waco from attacks. Though he wanted to follow in his father's footsteps and become an Indian fighter, as a young man he realized the need for an education and enrolled at Baylor University.

After graduation, he joined the Texas Rangers and quickly won favor among many of his superiors, including the governor of Texas, Sam Houston. Houston gave Ross the authority to raise a small militia and Ross spent the next several years fighting against Comanche raiding parties. He only halted his service when the Civil War broke out. He fought in the Sixth Texas Calvary division and was promoted to brigadier general in 1863, and began commanding the Texas Calvary Brigade (later called "Ross's Brigade.")

While his health suffered during the war, Ross's desire to serve the state that he loved stayed as strong as ever. So instead of continuing to fight, his friends convinced him to run for public office. He served in the Senate for a full term, but later found that state politics were more agreeable with him, and ran for governor. Working hard to serve those around him, people would later describe his terms in office as "one of good will and harmony." But it wasn't until he left office that he started doing what he considered his greatest public service. After his last term finished as governor, he stepped right into his role as the new president of the small, failing Agricultural and Mechanical College of Texas. Through his leadership the school was able to start growing again, and many new buildings were added on. Today that college enjoys its status as a world-class school, and goes by the name of Texas A&M University. He passed away during his tenure as president in the then-small town of College Station.

His love for the people of Texas was evident in all that he did. Whether it in the armed forces, up here on Capitol Hill, or paving the way for Texas's next generation, he was always striving to serve his community. Mr. Speaker, I hope that every one of us here, regardless of our party or political stance, would take after his example, always viewing our time here as an opportunity to serve the great people of this nation.

And that's just the way it is.

PERSONAL EXPLANATION

HON. TERRI A. SEWELL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2016

Ms. SEWELL of Alabama. Mr. Speaker, during Roll Call votes held on September 13, 2016, I was inescapably detained handling important matters related to my District and the State of Alabama. If I had been present, I would have voted NO on the Motion on Ordering the Previous Question on the Rule providing for consideration of H.R. 5620, NO on H. Res. 859, NO on the Motion on Ordering the Previous Question on the Rule providing for consideration of H.R. 3590, and NO on H. Res. 858. Also, I would have voted NO on final passage of H.R. 3590, YES on final passage of H.R. 5587, and YES on H. Res. 729.

POLICE LIEUTENANT GARY TOLDNESS

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2016

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Federal Heights Police Lieutenant Gary Toldness for his decades of service to the City of Federal Heights, Colorado. For more than forty years, Lieutenant Toldness has been active within the community and the police department serving constituents of Federal Heights.

Lieutenant Toldness started his career in 1976 as a reserve police officer at the Federal Heights Police Department (FHPD). From there he served in various parts of the department including Detective, Sergeant, Lieutenant, and Commander. He worked his way up through the Department serving as the Federal Heights Police Department public information officer, the FHPD SWAT team where he served both as a sniper and the Commander, and as the first supervisor of the 17th Judicial District Critical Incident Team. His hard work and dedication each and every day to making the community of Federal Heights a great place to live and work demonstrates his exemplary work as a police officer.

I extend my deepest thanks to Lieutenant Toldness for his dedication and service to the Federal Heights community.

TRIBUTE TO JAN FRANK-DE OIS

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Jan

Frank-de Ois of Shenandoah, Iowa on her retirement as the Director of the Shenandoah Public Library. Jan has been serving the citizens of Shenandoah and Page County for 27 years.

Jan has connected people with literature, information and the world. Over the 27 years at the library she has worked to accomplish many new operating techniques, such as, moving from paper to online services. She said, ''We work hard on customer service.'' Jan knew at an early age of her interest in libraries. She volunteered at the Essex, Iowa Public Library while attending high school and continued volunteering at the Dunn Library at Simpson College.

Mr. Speaker, Jan has made a difference in her community by helping and serving others. It is with great pride that I recognize her today. I know that my colleagues in the United States House of Representatives join me in honoring her service and accomplishments. I thank her for her commitment to the Shenandoah Public Library and wish her nothing but continued success in her retirement.

PERSONAL EXPLANATION

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2016

Ms. ROYBAL-ALLARD. Mr. Speaker, I was unavoidably detained and was not present for two roll call votes on Tuesday, September 13, 2016. Had I been present, I would have voted in this manner:

Roll Call Vote number 496–H. Res. 847—Expressing the sense of the House of Representatives about a national strategy for the Internet of Things to promote economic growth and consumer empowerment—YES.

Roll Call Vote number 497–H. Res. 835—Expressing the sense of the House of Representatives that the United States should adopt a national policy for technology to promote consumers access to financial tools and online commerce to promote economic growth and consumer empowerment—YES.

IN HONOR OF PASTOR C.L. DANIEL AND HIS 70 YEARS IN THE MINISTRY

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2016

Mr. ROGERS of Alabama. Mr. Speaker, I ask for the House's attention today to recognize Pastor C.L. Daniel and the 70 years he has served in the ministry.

C.L. Daniel was born on June 31, 1931, and at the age of 15, he felt the call to ministry. He wanted to share his faith and spread the gospel of Jesus Christ.

Pastor Daniel has served as pastor at several churches with devotion and steadfast determination. He retired from York Town Baptist Church in Mobile, Alabama, in 2006 after 25 years. During that time, he and his wife would commute to and from Mobile every weekend from Opelika, Alabama.

Pastor Daniel has served several small churches since his retirement and is currently serving as pastor at Historic Shiloh Baptist Church in Notasulga, Alabama.

The Daniels have seven children: John White, Jr. (Deceased), Donald Daniel (Deceased), Renae Daniel (Deceased), Annie Lauren Poles, Cynthia Sheffield, Marilyn Daniel and Rosalyn Gilbreath. They have been blessed with five grandchildren, 15 great-grandchildren and five great-great grandchildren.

Mr. Speaker, please join me in celebrating Pastor Daniel and his 70 years serving in the ministry.

PERSONAL EXPLANATION

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2016

Ms. MCCOLLUM. Mr. Speaker, yesterday I was still at a Democratic Steering and Policy Meeting and missed a vote on H. Res. 847.

Had I been present, I would have voted in support of H. Res. 847, Expressing the sense of the House of Representatives about a national strategy for the Internet of Things to promote economic growth and consumer empowerment.

TRIBUTE TO JACQUELINE AND KENNETH GLEASON

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Jacqueline and Kenneth Gleason of Essex, Iowa, on the very special occasion of their 50th wedding anniversary. They celebrated their anniversary on June 15, 2016.

Jacqueline and Kenneth's lifelong commitment to each other and their family truly embodies Iowa values. As they reflect on their 50th anniversary, I hope it is filled with happy memories. May their commitment grow even stronger as they continue to love, cherish, and honor one another for many years to come.

Mr. Speaker, I commend this great couple on their 50th year together and I wish them many more. I know my colleagues in the United States House of Representatives will join me in congratulating them on this momentous occasion.

PERSONAL EXPLANATION

HON. LUIS V. GUTIÉRREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2016

Mr. GUTIÉRREZ. Mr. Speaker, I was unavoidably absent in the House Chamber for votes on Monday, September 12, 2016. Had I been present, I would have voted ''yea'' on roll call votes 496 and 497.

PERSONAL EXPLANATION

HON. TODD C. YOUNG

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2016

Mr. YOUNG of Indiana. Mr. Speaker, on roll call numbers 496 and 497, had I been present I would have voted yea.

PERSONAL EXPLANATION

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2016

Ms. ESHOO. Mr. Speaker, I was not present during roll call vote numbers 496 and 497 on September 12, 2016. I would like the record to reflect how I would have voted:

On roll call vote no. 496 I would have voted YES.

On roll call vote no. 497 I would have voted YES.

TRIBUTE TO VIVIAN GOLLY

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Mrs. Vivian Golly on the occasion of her 100th birthday on June 28, 2016.

Vivian was born in Zearing, Iowa and graduated from Zearing High School in 1933. She married Ernest Golly in 1935 and they had three children, Jo, Louis and Robert. Ernest and Vivian settled in Corning, Iowa. Vivian worked for 15 years as a house mother for deaf children and learned sign language. She attributes hard work and healthy habits for her longevity.

Mr. Speaker, it is an honor to represent Vivian in the United States Congress and it is my pleasure to wish her a very happy 100th birthday. I invite my colleagues in the United States House of Representatives to join me in congratulating Vivian on reaching this incredible milestone, and wishing her even more health and happiness in the years to come.

PERSONAL EXPLANATION

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2016

Mr. BLUMENAUER. Mr. Speaker, had I been present for the vote on H. Res. 847, a resolution expressing support for a national strategy for the ''Internet of Things'' to promote economic growth and consumer empowerment (Roll Call Number 496), I would have voted ''aye.'' The Internet of Things is the platform for existing and emerging technologies that are revolutionizing everyday life, from self-driving cars to ''smart homes,'' where lighting, temperature, and security can be controlled and monitored from a phone. A national

strategy can help guide this technology to meet goals of sustainability, equity, and economic growth.

Likewise, had I been present for the vote on H. Res. 835, a resolution expressing support for a national policy for technology to promote consumer access to financial tools and online commerce (Roll Call Number 497), I would have voted ''aye.'' With nearly a third of the U.S. population underbanked or unbanked, it is critical that we focus emerging technology development to provide additional support, financial tools, and security to consumers.

RECOGNIZING RON O'CONNER'S RETIREMENT FROM FARM CREDIT OF CENTRAL FLORIDA

HON. DENNIS A. ROSS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2016

Mr. ROSS. Mr. Speaker, I rise today to recognize and celebrate the career and retirement of my good friend Ron O'Conner of Florida Farm Credit in Lakeland, Florida.

Ron is a native Floridian and a University of Florida graduate. He began his career at Farm Credit of Central Florida in 1987 as Marketing Manager. During his time at Farm Credit, he and the marketing department earned many outstanding achievement awards.

Ron is an exceptional representative of the Farm Credit system. Currently, he chairs Farm Credit of Florida's statewide marketing committee, providing maximum exposure for Farm Credit of Florida's most important agriculture events.

Farm Credit of Central Florida's mission is to provide reliable, consistent credit and financial services to the agricultural and rural communities of Central Florida. Ron is dedicated to this mission, and to the people and business of agriculture—the heart and lifeblood of the United States.

Everyone knows Ron can be found at every agricultural event throughout the 15th District of Florida, documenting everything with his camera.

Ron's service and excellence has helped make Florida Farm Credit the largest single lender to agriculture in my home State of Florida.

Not only is Ron known as a diligent and valuable representative of Farm Credit, but also as a man of great integrity. I am proud to call Ron my friend.

Best wishes for an enjoyable retirement.

RECOGNIZING NEW LENOX'S PROUD AMERICAN DAYS MILITARY TRIBUTE

HON. BILL FOSTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2016

Mr. FOSTER. Mr. Speaker, I rise today to highlight New Lenox's annual military tribute during Proud American Days. Since 1984, the New Lenox Chamber of Commerce has been steadfastly dedicated to the commitments and sacrifices of our nation's service members. What started out as a small gathering is now one of the largest programs attended in the area.

New Lenox's motto reads, ''The Home of Proud Americans'' and they certainly live up to that slogan. On Sunday, July 31, 2016, more than two hundred people, including veterans, paid homage to those who have sacrificed so much to protect our great nation. These brave Americans endured so much so that we can enjoy the freedoms we have today and for that, we owe them our eternal gratitude.

During the tribute this year, the following veterans were recognized:

Machinist's Mate Second Class Robert Beazley, United States Navy

Master Sergeant Edward Dima, United States Air Force

Gunner's Mate Third Class Leonard Kapocius, United States Navy

Mr. Speaker, I am proud to submit these names for all to see, and I ask my colleagues to join me in honoring all of our nation's veterans.

TRIBUTE TO LYNETTA BLEEKER

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Lynetta Bleeker, a middle school teacher at Parkview Middle School in Ankeny, Iowa. On Thursday, September 8, 2016, Lynetta was a recipient of The Presidential Awards for Excellence in Mathematics and Science Teaching at a ceremony in Washington, D.C.

The Presidential Awards for Excellence in Mathematics and Science Teaching (PAEMST) are the highest honors bestowed upon K–12 mathematics and science teachers by the federal government. Established by Congress in 1983, the PAEMST program has been a benchmark that all teachers strive to achieve. Ms. Bleeker's dedication to her students and steadfastness in her commitment to excellence has not gone unnoticed. I am honored to recognize her as one of this year's recipients.

Mr. Speaker, I applaud and congratulate Lynetta Bleeker for receiving this award and for providing the youth in Iowa's 3rd Congressional District the education that they will need to be successful in the future. I am proud to represent her, her fellow teachers and students in the United States Congress. I know that my colleagues in the United States House of Representatives will join me in congratulating Lynetta Bleeker and wishing her well and continued success in the future.

TRIBUTE TO LINDA RAWL SHEALY

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2016

Mr. WILSON of South Carolina. Mr. Speaker, on Saturday, September 10, 2016, a memorial service was conducted for Linda Rawl Shealy by Dr. Mark S. Bredholt. Eulogies were provided by former Columbia television news anchor Cheryl Irwin and myself I was honored to provide the following tribute:

Family and friends of Linda Rawl Shealy, this is a loving service honoring a dear lady, but, additionally, it is fitting for me to participate as this is also a reunion of former staff members of my predecessor, the late Congressman Floyd Spence, who was a Patriot, Statesman and Southern Gentleman.

Congressman Spence was a good judge of character and integrity, selecting talented young people for his staff. Especially extraordinary was Chief of Staff Craig Metz, along with District Director Sammy Hendrix. Sammy was perceptive enough to recommend his fellow Lexington High School classmate, Linda Rawl Shealy, to the Congressman.

In 1984, Congressman Spence was the Ranking Member of the House Ethics Committee and Linda Shealy was selected to be a Staff Assistant for the Committee—a tough job for a Committee which is Solomonic as issues were presented equivalent to counting the number of angels who danced on a pin.

She served with young attorneys Mark Elam and John Hoefer, who were counsels to the committee, fresh out of law school, and today are among the most highly respected attorneys of Charleston and Columbia, with Mark as Director of State and Local Relations for Boeing and John as a Partner in the law firm of Willoughby and Hoefer.

In 1995, Linda shifted to become Special Assistant to Floyd Spence as he was elected Chairman of the House Armed Services Committee, where she faithfully served dependably and loyally until his death on August 16, 2016.

I was grateful that Linda led transition efforts for the Second Congressional District Office upon my election on December 18, 2001, and, in June 2002, she was selected as the second staff member of the House Office of Emergency Planning. This important office was established following the September 11th attacks by Islamic Terrorists.

Current Director Joe Lowry praised Linda as the ''First Lady of the Emergency Planning Office,'' through her retirement in January 2014, as the longest serving employee of the Office.

Linda's achievements reflected well on her heritage with the Rawl Family being among the earliest German-Swiss families to settle here in the Saxe Gotha Region.

Welcoming attendees were other original families of Shealy, Addy, Meetze, and Price, who established a positive community where they are a tiny percentage of Lexington County, one of America's fastest growing, with transplants from the Northeast and Midwest along with worldwide residents. It was also fitting to be at the Caughman-Harman Funeral Home, established by original families Virl and Steve Caughman with Daisy Wilson and Harry Harman.

As we reflect on the dedicated life of Linda Rawl Shealy, it can clearly be established that she made a positive difference for a better community and nation.

IN HONOR OF THE 90TH BIRTHDAY OF FANNIE TAYLOR

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2016

Mr. ROGERS of Alabama. Mr. Speaker, I ask for the House's attention today to recognize Fannie Taylor.

Mrs. Taylor was born on January 11, 1926 in Lee County, Alabama.

She joined Ferguson Chapel C.M.E. Church at the age of nine years old. She has served

in several capacities throughout the years which included: President of the Stewardess Board, Treasurer of the Missionary Department, Chairperson of Circle Five.

She moved to Central Park, New York and lived there for 19 years. While living there, she attended Williams Chapel Institutional CME Church.

In 1996, she returned to Opelika, Alabama and to Ferguson Chapel CME Church.

She presently sings in the Senior Choir, is a member of Sunday School and Bible Study Group. She serves on the Opelika House Authority Resident Advisory Board and has for 19 years.

She has one son, Bobby Melton (Deceased), a daughter-in-law, Doris Melton, three grandchildren and nine great-grandchildren.

Her favorite song is ''Precious Lord, Take My Hand.''

Mr. Speaker, please join me in wishing Mrs. Taylor a happy 90th birthday.

HONORING DR. OLLYE SHIRLEY

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2016

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor the life and legacy of Dr. Ollye Shirley who has touched the lives of many in Mississippi. She recently passed away on September 10, 2016.

Dr. Ollye Shirley grew up the big sister to two brothers in the home of two teachers in Mound Bayou, MS. Ms. Ollye Brown's parents taught at a one-room school and their home was situated on land that her family still owns. When Ollye Brown graduated from high school, she went on to attend Tougaloo College. Fond Tougaloo memories conjure images of singing under the trees and playing baseball.

Ollye also remembers Tougaloo as a college ''small enough to make really good close friends—kind of like a family. If somebody needed something, alumni or other students would pitch in.'' While lettering in basketball and being an all-conference guard, Ollye Brown maintained her status on the Dean's list.

Miss Brown met and was courted by her college sweetheart Aaron Shirley '55 at Tougaloo College.

This self-motivated honor student graduated from Tougaloo in 1953 with a Bachelor of Arts in English and gained employment at Burglund High School in McComb, MS. When her husband graduated from Tougaloo in 1955, the family moved to Nashville for his medical education at Meharry Medical College. Over those four years, Ollye worked as a secretary for Tennessee State University and earned extra money typing theses for graduate students. She also worked for Davidson County as a welfare worker for their last two Nashville years.

Because the Civil Rights Movement did not receive much or very accurate coverage, several branches of the Mississippi Freedom Democratic Party published their own newsletters. Dr. Aaron Shirley graduated from Meharry, the family moved back to Mississippi, and Ollye shared with Dilla E. Irwin the editorship of the Vicksburg branch's newsletter, the Citizen's Appeal.

Dr. Ollye Shirley later worked for the Children's Television Workshop; then served on the JPS school board from 1978–1993, the last four years as president.

In her years of education, Dr. Shirley has served the children of Mississippi admirably. She worked with PBS' CTW for almost 25 years, helping determine the direction of educational television by bringing programs such as ''Sesame Street,'' ''Electric Company'' and ''Ghostwriters.'' In her last position in the CTW, Dr. Shirley served as regional director, training teachers how to use these shows as educational tools.

Dr. Ollye Brown Shirley's recent recognitions include Link of the Decade for Services to Youth from the Jackson Chapter of The Links. In addition, the story of her achievements is told on the 2010 documentary 'In Spite of it All' by Wilma Mosley Clopton. Dr. Ollye Brown Shirley is also a member of Delta Sigma Theta Sorority, Inc., initiated through Tougaloo's Gamma Psi Chapter.

Doctors Aaron and Ollye Brown Shirley's marriage bore four children: Kevin, Terrence, Christal S. Porter, and Erin Shirley Orey and her five much loved grandchildren. Mr. Speaker, I ask my colleagues to join me in celebrating the life and legacy of Dr. Ollye Shirley.

TRIBUTE TO MARIE POOL

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Mrs. Marie Pool on the occasion of her 101st birthday on March, 15, 2016.

Marie was born on a farm near Williamson, Iowa and spent her youth helping on the farm and milking cows. She attended country school and Bridgewater High School. She married Virgil Pool in 1933 and they had three children, Donnie, Betty and Peggy. Marie quilted and loved to dance. Now, she lives at Greenfield Rehabilitation and Health Care Center in Greenfield, Iowa and enjoys bingo and ice cream socials. She attributes clean living and hard work to her longevity.

Mr. Speaker, it is an honor to represent Marie Pool in the United States Congress and it is my pleasure to wish her a very happy 101st birthday. I invite my colleagues in the United States House of Representatives to join me in congratulating Marie on reaching this incredible milestone, and wishing her even more health and happiness in the years to come.

HONORING JUSTIN-SIENA HIGH SCHOOL

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2016

Mr. THOMPSON of California. Mr. Speaker, I rise today to honor Justin-Siena High School upon the 50th Anniversary of the school's founding. While we honor five decades of academic achievement, we also celebrate the future of Justin-Siena High School in keeping with the school's motto Sempre Avanti, or ''Always Forward.''

The De La Salle Christian Brothers and the Dominican Sisters of San Rafael founded Justin-Siena in 1966 to educate and inspire young people to live the Lasallian values of scholarship, bravery, and faith. The school connects its students and our community to the Lasallian network of schools, which spans 82 countries around the world.

Located in Napa, California the school serves students from across the North Bay and from 15 countries around the world and maintains a commitment to academic excellence. Its 12:1 student-instructor ratio fosters close academic relationships, and an impressive 99 percent of the students receive college admission offers. In the tradition of Christian generosity espoused by its founders, Justin-Siena supports more than one-third of its students with tuition assistance to help families of all economic backgrounds.

The school's commitment to community service has offered students opportunities for service-based learning across our country from San Francisco, to Montana to Arizona. Students also participate in a variety of projects in our community. They work to address the needs of our local migrant farmworkers, contribute to environmental projects that restore ecosystems and help promote natural habitat growth.

Mr. Speaker, Justin-Siena has been a leading institution in our Napa Valley for five decades and has provided generations of students with a world-class education. It is therefore fitting and proper that we honor the school here today.

PERSONAL EXPLANATION

HON. ERIC SWALWELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2016

Mr. SWALWELL of California. Mr. Speaker, I was unable to be present for some votes taken last Thursday, September 8, and all votes on Friday, September 9, due to attending my brother's wedding in Northern California. Had I been present, I would have voted as follows:

Roll Call Vote Number 492 (Motion to Recommit H.R. 2357): YES.

Roll Call Vote Number 493 (Passage of H.R. 4909, the Accelerating Access to Capital Act of 2015): NO.

Roll Call Vote Number 494 (Motion to Recommit H.R. 5424): YES.

Roll Call Vote Number 495 (Passage of H.R. 5424, the Investment Advisers Modernization Act of 2016): NO.

TRIBUTE TO LINDA LYNCH

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2016

Mrs. BLACKBURN. Mr. Speaker, I would like to acknowledge Linda Lynch for 29 years of service as the Brentwood City Community

Relations Director. Her hard work and dedication to excellence has helped our city grow exponentially. Through her position she was able to bring members of Brentwood, Tennessee, around special causes and efforts.

Linda Lynch was born in Leipers Fork, Tennessee, and was raised in Franklin, Tennessee. She taught in Memphis, Tennessee, and Oklahoma. She also supported her husband who ran a transportation company before she took on her role in Brentwood.

As a liaison, she was instrumental in building bridges between residents and government. This was accomplished by how she planned events for the city. By doing so, government officials could hear the needs and concerns of the people and the community was heard by their leaders. Linda also played a major role in the education of historical sites and advocated for preservation of historic places. Outside of her regular duties she took the initiative and founded the Brentwood Historic Commission. Linda was also involved with the Brentwood Tree Board, the Adopt a Mile Program, and the Brentwood Library. She is also a lifetime member of the Williamson County Heritage Foundation.

Linda Lynch has left the city of Brentwood, Tennessee, a better place than when she first started in her role. I ask my colleagues to join me in honoring her service and commitment to the city of Brentwood, Tennessee.

TRIBUTE TO FRIEDA PORTER

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Mrs. Frieda Porter on the occasion of her 100th birthday on March 23, 2016.

Frieda was born near Fontanelle, Iowa and attended Fontanelle schools. She married Max Porter in 1938 and they had three children, Becky, Randy and Pat. Frieda was active in the community and was an Avon representative for many years. She also taught Sunday school at the Greenfield Lutheran Church. Frieda attributes a healthy life, attendance at church and her belief in God to her long and happy life.

Mr. Speaker, it is an honor to represent Frieda in the United States Congress and it is my pleasure to wish her a very happy 100th birthday. I invite my colleagues in the United States House of Representatives to join me in congratulating Frieda on reaching this incredible milestone and wishing her even more health and happiness in the years to come.

WILLIAM ''BILL'' SHERRILL—TEXAN

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2016

Mr. POE of Texas. Mr. Speaker, this month William ''Bill'' Sherrill turns 90 years young. This energetic veteran still has the same passion for our country and our military that he had the day he enlisted into the Marines at 15 years of age in 1941. As a young teenager, Bill served during World War Two and participated in the island hopping campaign until he was wounded in Iwo Jima.

Born in the 1920s, Bill grew up in the Depression of the 1930s poor, in Houston, Texas. At the age of 15, two weeks after Pearl Harbor, Bill dropped out of Lanier Middle School and answered his country's call of duty to serve by joining the U.S. Marines. Bill said ''he didn't lie about his age; I'm from Texas, I exaggerated my age.''

During this time, the United States' major strategy was launched against Japan in a strategy called island hopping. This tactic was employed by the United States to gain military bases and secure small islands in the Pacific. Our military took control of the islands and quickly constructed landing strips and military bases. Then they proceeded to attack other islands from the bases they had established. Bill belonged to the 3rd Marines, 9th Battalion, and they participated in several campaigns along Bougainville, Guam and Iwo Jima.

In February 1945, his troop invaded Iwo Jima on the seventh day. It was a month long bloody battle against Imperial Japan that resulted in 7,000 Marines who were killed and over 20,000 were injured; mostly young Marines. Bill lasted seven days, before being shot through the left arm; he went out on the fourteenth day of the battle. Bill recalls seeing the flag ''Old Glory'' that was famously waved over Mount Suribachi. From that experience, Bill knew that the Marines go where others fear to tread, and the timid are not found. For his injuries, Bill was treated at Oakland Naval Hospital. The bullet severed the nerve in his left arm, leaving his arm paralyzed and causing Bill to spiral into depression. But, Bill's story is not over. For his service and bravery, Bill received the Purple Heart, American Campaign Medal and the Good Conduct Medal. While recovering at the Naval Hospital, Bill also earned his GED (General Education Diploma). This would set him on a new course of training—from the battlefield to the classroom.

After his discharge in 1946, he moved back to Texas and enrolled at the University of Houston. Four years later, he earned his Bachelor's Degree in Business Administration and then his Master's at the Harvard School of Business. Bill never gave up. He was wounded, uneducated and paralyzed but he continued to press forward.

With his determination to never give in, Bill has had many successes. He has owned several businesses and even helped develop Tiki and Jamaica Island in Galveston. Banking and real estate were his main interests. He was employed by the City of Houston, served as president of a local bank, owned a financial consulting firm, and even served on the Federal Reserve's Board of Governors. With this diverse and fascinating career, it wasn't until 1990, that Bill discovered his true passion—teaching. He returned to his alma mater, the University of Houston, to teach at the Bauer College of Business Administration. Three years later, he founded the Center for Entrepreneurship and Innovation at University of Houston.

Ronald Reagan best summed it up when he said, ''Some people spend an entire lifetime wondering if they made a difference. The Marines don't have that problem.'' That's certainly true for Bill, a remarkable man who has certainly made a difference in our community and in the lives of many. Happy 90th, Oooh Rah. Semper Fi.

And that's just the way it is.

GEORGIA AMBASSADOR ARCHIL GEGESHIDZE

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2016

Mr. POE of Texas. Mr. Speaker, as co-chair of the Georgia Caucus, I would like to take a moment to thank Ambassador Archil Gegeshidze for his dedication to developing a deep and meaningful U.S.-Georgia partnership. His Excellency Gegeshidze was appointed as the Ambassador of Georgia to the United States in March 2013. Since that time, he has served his country faithfully and worked tirelessly to improve Tbilisi's relationship with Washington.

Georgia sits in a region full of dictators, but it remains a stalwart beacon of democracy. It is on the basis of democracy and freedom for all that Ambassador Gegeshidze has worked to strengthen Georgia's ties with the United States. While there is still work to be done, with the Ambassador's help, Georgia has made significant strides ensuring freedom of the press, preventing corruption, and pursuing a free market system.

Throughout Ambassador Gegeshidze's appointment in the U.S., he has shown time and time again that Georgians share the same values as Americans. Georgian soldiers forged a strong bond with American soldiers as they fought alongside each other on the battlefield in Afghanistan. Georgians have also helped facilitate the growth of American law firms, colleges, energy and IT companies in their country. Our peoples' mutual dedication to being forces for good in the international community shines through in all aspects of our relationship. I am proud of the way Ambassador Gegeshidze has represented the Georgian people here in America and worked to achieve our shared strategic goals.

Together Georgians and Americans alike must continue the good work of the Ambassador. Given Russia's aggression in the region, we must continue to press for Georgia's membership in NATO. Also, in light of the increased trade between our two countries, it would be a smart move to start negotiations on a U.S-Georgia free trade agreement.

Thanks to the efforts of Ambassador Gegeshidze, the bond between Georgia and the United States is strong. He will be greatly missed, but he leaves Washington with a robust U.S.-Georgia partnership in place for his successor.

And that's just the way it is.

TRIBUTE TO RICHARD BROOKS

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Richard Brooks, a High School teacher at Johnston

Community School District in Johnston, Iowa. On Thursday, September 8, 2016, Richard Brooks was a recipient of The Presidential Awards for Excellence in Mathematics and Science Teaching at a ceremony in Washington, D.C.

The Presidential Awards for Excellence in Mathematics and Science Teaching (PAEMST) are the highest honors bestowed upon K–12 mathematics and science teachers by the federal government. Established by Congress in 1983, the PAEMST program has been a benchmark that all teachers strive to achieve. Richard Brooks' dedication to his students and steadfastness in his commitment to excellence has not gone unnoticed. I am honored to recognize him as one of this year's recipients.

Mr. Speaker, I applaud and congratulate Richard Brooks for receiving this award and for providing the youth in Iowa's 3rd Congressional District the education that they will need to be successful in the future. I am proud to represent him, his fellow teachers and students in the United States Congress. I know that my colleagues in the United States House of Representatives will join me in congratulating Richard Brooks and wishing him well and continued success in the future.

COMMEMORATING THE OPENING OF CITRUS RIDGE: A CIVICS ACADEMY

HON. DENNIS A. ROSS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2016

Mr. ROSS. Mr. Speaker, I rise today to commemorate the opening of Citrus Ridge: A Civics Academy, a new charter school for Kindergarten through eighth grade students, located in Florida's 15th Congressional District.

Citrus Ridge integrates Civics content and skills throughout all its students' curriculum. There, students will learn the skills and responsibilities associated with good citizenship by contributing to their school community.

Middle School students have the special opportunity to participate in the Civics Leadership Academy with a variety of civics electives, including Speech and Debate, Engaged Citizenship through Service Learning, and Law Studies.

By engaging in these courses, along with their regular curriculum, students will learn the importance of civic engagement and the valuable principles of self-government.

This great nation has a system of self-government in place, thoughtfully set forth by our Founding Fathers.

Self-government is the ability to govern one's self. Without this ability, individuals and politicians cease to vote for and promote policies contributing to the sustaining of our Republic.

We need to teach our children the principles of self-government at an early age and throughout their lives, so they may become well-informed and contributing citizens in our society.

I congratulate and thank all those who have been engaged in and helped with this amazing effort, and I offer my continued support to Citrus Ridge moving forward. It is my hope Citrus Ridge will be an example of civic learning and engagement throughout the 15th District, the entire State of Florida, and the United States of America.

RECOGNIZING SEPTEMBER IS CHILDHOOD CANCER AWARENESS MONTH AND THE LIFE OF AMANDA CONROW

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2016

Ms. SLAUGHTER. Mr. Speaker, I rise today to observe September as National Childhood Cancer Awareness Month. This year over 16,000 children and adolescents will be diagnosed with cancer. This horrifying disease does not know race, nationality, religion, gender, or socio-economic status. As a mother and a grandmother, one of my greatest hopes is that one day every person can live a healthy, long life without the fear of cancer. I'm especially proud that a bill I wrote, the Genetic Information Nondiscrimination Act (GINA), is now playing a leading role in much of the cancer research being done across the country today, after a 14 year fight to get it signed into law.

Eliminating childhood cancer is one issue that I am grateful to see is bipartisan. As a member of the Congressional Childhood Cancer Caucus, I am proud to work with my friends on both sides of the aisle to advocate and support robust funding for research to prevent the suffering and long-term effects of childhood cancer.

With significant advances in medicine in the past 40 years, the mortality rate for childhood cancer has declined by more than 50 percent. Still, 1,250 children may lose their battle with cancer by the end of this year. We must continue to push for robust funding for institutions such as the National Institutes of Health and the National Cancer Institute. We must work to increase awareness for early detection and support those in our community who face this reality with our compassion and support.

Further, Mr. Speaker, I wish to pay tribute to the extraordinary life of Rochester's own Amanda Conrow. In 2012, when she was just three years old, Amanda was diagnosed with ependymoma, a cancer of the brain and central nervous system. Doctors told Amanda's parents she would maybe live another year. Amanda, like so many other courageous children, proved the doctors wrong. With the support and love of her mother Liz, her father Paul, and her amazing siblings Samantha, Michael, Jessica and Emily, Amanda lived to see her sixth birthday. Her determination and tenaciousness inspired many in the community and helped to bring awareness to childhood cancer in the Rochester area. Sadly, Amanda lost her battle in the early hours of February 8, 2015.

Mr. Speaker, let us all be inspired by Amanda's life and the courage and bravery of every child facing this disease. It is my deepest hope that we can support the work of doctors and researchers that are committed to working tirelessly so that one day we will achieve the ultimate goal of eliminating cancer as a threat to all.

TRIBUTE TO KAREN AND DONALD TYE

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Karen and Donald Tye of Macedonia, Iowa on the very special occasion of their 50th wedding anniversary. They celebrated their anniversary on July 9, 2016.

Karen and Donald's lifelong commitment to each other and their family truly embodies Iowa values. As they reflect on their 50th anniversary, I hope it is filled with happy memories. May their commitment grow even stronger, as they continue to love, cherish, and honor one another for many years to come.

Mr. Speaker, I commend this great couple on their 50th year together and I wish them many more. I know my colleagues in the United States House of Representatives will join me in congratulating them on this momentous occasion.

IN HONOR OF THE LIFE OF JAMES G. PATTERSON

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2016

Mr. ROGERS of Alabama. Mr. Speaker, I ask for the House's attention today to recognize the life of James G. Patterson.

August 22nd marks the birthday of Mr. Patterson who served his country in Korea until the conflict ended on July 27, 1953. Mr. Patterson returned to Alabama in the late 1950s and joined the Alabama National Guard. He served at the integration of the University of Alabama in June of 1963 and during the third Civil Rights march from Selma to Montgomery in 1965.

His Army and National Guard experience were important to him and he shared his admiration and respect for Korea, education, religion and Civil Rights with his son, James E. Patterson, an Auburn University graduate, an Associate Member of the Korean War Veterans Association and a life member of the America Foreign Service Association.

Mr. Patterson's son honored his father, who passed away in 2003, by appearing as a reporter in the 2015 film ''Selma.'' His son had his late father's military photo in his pocket as his scenes were filmed in Atlanta the week of Father's Day in 2014. James also wrote an article in the April 2015 issue of the National Guard Magazine titled, ''Proud of My Father.''

On August 22, the Patterson family remembers and celebrates the life of James G. Patterson by volunteering at libraries, churches and schools.

PERSONAL EXPLANATION

HON. BILL HUIZENGA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2016

Mr. HUIZENGA of Michigan. Mr. Speaker, I rise today regarding missed votes on Monday,

September 12, 2016. Had I been present for roll call vote number 496, H. Res. 847, Expressing the sense of the House of Representatives about a national strategy for the Internet of Things to promote economic growth and consumer empowerment, I would have voted "yea." Had I been present for roll call vote number 497, H. Res. 835, Expressing the sense of the House of Representatives that the United States should adopt a national policy for technology to promote consumers' access to financial tools and online commerce to promote economic growth and consumer empowerment, I would have voted "yea."

RECOGNIZING RABBI EMERITUS AMIEL WOHL

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2016

Mrs. LOWEY. Mr. Speaker, I rise to recognize my friend, Rabbi Emeritus Amiel Wohl, who will be honored this Friday during a special farewell Shabbat Dinner and Service at Temple Israel of New Rochelle in New Rochelle, New York.

Throughout his life, Rabbi Wohl has dedicated himself to his faith and his community. He has served as Rabbi at Temple Israel in New Rochelle since 1973. Previously, he served congregations in Waco, Texas; Baltimore, Maryland; and Sacramento, California, where he was the Chaplain of the California Senate. Since moving to Westchester, he has served as President of the Westchester Jewish Council, represented the Central Conference of American Rabbis on the Conference of Presidents of Major Jewish Organizations, and is a past President of the Westchester Board of Rabbis. He was also instrumental in creating the only Sabbath service radio broadcast in the New York Metropolitan Area.

As a local leader, Rabbi Wohl has worked to advance peaceful cooperation in our diverse community. He was a founder of the Interreligious Council of New Rochelle, and served on the Human Rights Commission of New Rochelle and the Westchester County Human Rights Commission. He also helped create the Coalition for Mutual Respect, an organization that supports dialogue and understanding between Black and Jewish members of the community.

Mr. Speaker, Rabbi Wohl's many accomplishments have left an indelible imprint on the communities he served. I congratulate my dear friend on a lifetime of commitment to the Jewish people and steadfast embodiment of, and devotion to, Jewish values.

TRIBUTE TO JEANETTE AND BILL CREES

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Jeanette and Bill Crees of Casey, Iowa, on the very special occasion of their 50th wedding anniversary. They celebrated their anniversary on June 12, 2016.

Jeanette and Bill's lifelong commitment to each other, and to their children, grandchildren, and great-grandchild, truly embodies Iowa values. As they reflect on their 50th anniversary, I hope it is filled with happy memories. May their commitment grow even stronger, as they continue to love, cherish, and honor one another for many years to come.

Mr. Speaker, I commend this great couple on their 50th year together and I wish them many more. I know my colleagues in the United States House of Representatives will join me in congratulating them on this momentous occasion.

PERSONAL EXPLANATION

HON. BEN RAY LUJÁN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2016

Mr. BEN RAY LUJÁN of New Mexico. Mr. Speaker, on roll call No. 496, had I been present, I would have voted YES.

HONORING JOANNE WHITE

HON. CHARLES W. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2016

Mr. DENT. Mr. Speaker, as Chairman of the Committee on Ethics, and along with my colleague, Representative LINDA SÁNCHEZ, the Ranking Member of the Committee on Ethics, we rise today so that we may recognize the long and dedicated service of Mattie Joanne White to the House of Representatives. Joanne is retiring from the Ethics Committee this year, after more than 25 years of service to the Committee, and over 41 years of service to the House of Representatives.

Joanne started her service with the Committee as a Staff Assistant, and through hard work and dedication, she rose to become the Committee's Administrative Staff Director. The Committee on Ethics is the only standing committee of the House whose membership is evenly divided between each political party. The Committee includes five members of each party. Also, unlike other committees, the day-to-day work of the Committee on Ethics is conducted by a staff that is nonpartisan by rule. Throughout that time, Joanne has been the model of the Committee's non-partisan, professional staff.

We congratulate Joanne on the completion of an exemplary career in public service. We will miss her knowledge and leadership, but we know that she will remain our friend.

TRIBUTE TO JEAN AND BOB BOOTS

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and honor Jean and Bob Boots of Atlantic, Iowa, on the very special occasion of their 60th wedding anniversary. They were married on June 17, 1956 at the Congregational Church in Stuart, Iowa.

Jean and Bob's lifelong commitment to each other and their children, Steve, Judy, and Linda, eight grandchildren and three great-grandchildren truly embodies Iowa values. As they reflect on their 60th anniversary, I hope it is filled with happy memories. May their commitment grow even stronger, as they continue to love, cherish, and honor one another for many years to come.

Mr. Speaker, I commend this great couple on their 60th year together and I wish them many more. I know my colleagues in the United States House of Representatives will join me in congratulating them on this momentous occasion.

IN RECOGNITION OF 45 YEARS OF CONGRESSIONAL BLACK CAUCUS LEADERSHIP

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2016

Mr. RANGEL. Mr. Speaker, I rise today to recognize the continued service over the last 45 years of the members of the Congressional Black Caucus. Since its inception, the Congressional Black Caucus has been committed to advancing justice, fairness, and equal protection under the law. I am proud to work with Caucus Chair G. K. BUTTERFIELD, original founding member Representative JOHN CONYERS, Jr., and over forty other members of Congress who diligently highlight inequalities and advocate for solutions to some of our nation's most significant problems.

As an active member of the Caucus since its foundation, I am humbled to serve for a body that protects the most vulnerable, and serves as a mouthpiece for those who often find themselves without a voice. What began 45 years ago as a group of thirteen individuals who expressed their concerns to President Richard Nixon has grown nearly three times in size, and has become an institution in the fight for social, economic, educational, and judicial change.

In many Congressional districts, including the 13th district of New York, our constituents face challenges of discrimination and, if not for the Congressional Black Caucus, might not have representation on issues of significance. While we have come a long way from the marches for Civil Rights in the 1960s, we still have many miles to go. Until we get there, I am confident that the Congressional Black Caucus will continue its dedication to resolve critical issues that affect minority communities.

This week as we approach the annual Congressional Black Caucus Foundation's Legislative Conference, we celebrate the achievements and advocacy of the Congressional Black Caucus, but realize there is more to be done. As we look to the future, the Congressional Black Caucus will remain the conscience of Congress and continue to improve the lives for all.

HONORING JOANNE WHITE

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2016

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise to thank Joanne White for her remarkable career and service to the House and the Committee on Ethics. To reach a milestone of 41 years in any field is an accomplishment. To do it in public service requires a servant's heart—and Joanne truly has a servant's heart.

During more than 25 years at Ethics, Joanne has worked with 67 Members of the House; 13 Chairmen and 9 Ranking Members; and scores of House staff. Miss Joanne, as she is lovingly known, has been a sounding board and institutional memory for Members of the Committee. She has been a steady and stalwart colleague to all of her co-workers, and a mentor to younger staffers. To all of us, she has also been a valued friend.

Joanne will never really be gone from the Committee or the House. She will be with us in the tone of collegiality and respect she helped to foster and in the example she set for so many staffers over the years. Since many of them have gone on to other positions of public service, her impact will be felt far beyond the Ethics Committee. That is a wonderful and fitting legacy for a true public servant.

We thank Joanne's family for sharing Joanne with the House for these many years, and for letting her become part of our family here. Most of all, we thank Joanne for her many years of service and wish her the best in her well-earned retirement.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S5583–S5679

Measures Introduced: Eight bills and six resolutions were introduced, as follows: S. 3313–3320, and S. Res. 553–558. **Page S5671**

Measures Reported:

S. 2383, to withdraw certain Bureau of Land Management land in the State of Utah from all forms of public appropriation, to provide for the shared management of the withdrawn land by the Secretary of the Interior and the Secretary of the Air Force to facilitate enhanced weapons testing and pilot training, enhance public safety, and provide for continued public access to the withdrawn land, to provide for the exchange of certain Federal land and State land, with an amendment in the nature of a substitute. (S. Rept. No. 114–349)

S. 2548, to establish the 400 Years of African-American History Commission, with an amendment. (S. Rept. No. 114–350) **Page S5669**

Measures Passed:

District of Columbia Special Olympics Law Enforcement Torch Run: Senate agreed to H. Con. Res. 131, authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run. **Page S5677**

Republic of Congo Presidential Elections: Senate agreed to S. Res. 485, urging the Government of the Democratic Republic of the Congo to comply with constitutional limits on presidential terms and fulfill its constitutional mandate for a democratic transition of power in 2016, after agreeing to the committee amendment in the nature of a substitute, and the title amendment. **Pages S5677–78**

School Bus Safety Month: Senate agreed to S. Res. 557, designating September 2016 as "School Bus Safety Month". **Page S5678**

State of Louisiana flooding: Senate agreed to S. Res. 558, honoring the memory and legacy of the 12 Louisiana citizens and 1 Texas citizen who lost their lives due to the tragic flooding in the State of Louisiana in August 2016. **Page S5678**

Measures Considered:

Water Resources Development Act—Agreement: Senate continued consideration of S. 2848, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, taking action on the following amendments proposed thereto: **Pages S5585–94, S5594–S5660**

Adopted:

Inhofe/Boxer Modified Amendment No. 5042 (to Amendment No. 4979), of a perfecting nature. **Pages S5603–60**

Pending:

McConnell (for Inhofe) Amendment No. 4979, in the nature of a substitute. **Page S5585**

During consideration of this measure today, Senate also took the following action:

Inhofe Amendment No. 4980 (to Amendment No. 4979), to make a technical correction, fell when Inhofe/Boxer Amendment No. 5042 (to Amendment No. 4979) was agreed to. **Pages S5585, S5660**

A unanimous-consent agreement was reached providing for further consideration of the bill at 11 a.m., on Wednesday, September 14, 2016; that notwithstanding the provisions of rule XXII, all post-cloture time with respect to McConnell (for Inhofe) Amendment No. 4979 (listed above) expire at 2:45 p.m.; and that if cloture on the bill, as amended, if amended, is invoked, the post-cloture time count as if cloture was invoked at 1 a.m., on Wednesday, September 14, 2016. **Page S5678**

Nominations Received: Senate received the following nominations:

Christopher Coons, of Delaware, to be Representative of the United States of America to the Seventy-first Session of the General Assembly of the United Nations.

Ronald H. Johnson, of Wisconsin, to be Representative of the United States of America to the Seventy-first Session of the General Assembly of the United Nations.

Valerie Biden Owens, of Delaware, to be an Alternate Representative of the United States of America

to the Seventy-first Session of the General Assembly of the United Nations.

Cynthia Ryan, of the District of Columbia, to be an Alternate Representative of the United States of America to the Seventy-first Session of the General Assembly of the United Nations.

Diane Gujarati, of New York, to be United States District Judge for the Eastern District of New York.

Page S5679

Messages from the House: Pages S5668–69

Measures Referred: Page S5669

Measures Read the First Time: Pages S5669, S5678

Enrolled Bills Presented: Page S5669

Executive Reports of Committees: Page S5669

Additional Cosponsors: Pages S5671–72

Statements on Introduced Bills/Resolutions: Pages S5673–74

Additional Statements: Pages S5667–68

Amendments Submitted: Pages S5674–77

Authorities for Committees to Meet: Page S5677

Privileges of the Floor: Page S5677

Adjournment: Senate convened at 10 a.m. and adjourned at 6:41 p.m., until 9:30 a.m. on Wednesday, September 14, 2016. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S5678.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Agriculture, Nutrition, and Forestry: Committee ordered favorably reported H.R. 2647, to expedite under the National Environmental Policy Act of 1969 and improve forest management activities on National Forest System lands, on public lands under the jurisdiction of the Bureau of Land Management, and on tribal lands to return resilience to overgrown, fire-prone forested lands, with an amendment in the nature of a substitute.

ENCRYPTION AND CYBER MATTERS

Committee on Armed Services: Committee concluded a hearing to examine encryption and cyber matters, after receiving testimony from Marcell J. Lettre II, Under Secretary for Intelligence, and Admiral Michael S. Rogers, USN, Commander, Cyber Command/Director, National Security Agency/Chief, Central Security Services, both of the Department of Defense.

NATIONAL FLOOD INSURANCE PROGRAM

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the National Flood Insurance Program, focusing on reviewing the recommendations of the Technical Mapping Advisory Council's 2015 Annual Report, including S. 1679, to amend the Flood Disaster Protection Act of 1973 to require that certain buildings and personal property be covered by flood insurance, after receiving testimony from Roy E. Wright, Deputy Associate Administrator for Insurance and Mitigation, Federal Emergency Management Agency, Department of Homeland Security; John Dorman, North Carolina Flood Risk Management Program, Charlotte; and Scott K. Edelman, AECOM, Washington, DC.

BETTER ONLINE TICKET SALES ACT

Committee on Commerce, Science, and Transportation: Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security concluded a hearing to examine S. 3183, to prohibit the circumvention of control measures used by Internet ticket sellers to ensure equitable consumer access to tickets for any given event, after receiving testimony from Bob Bowlsby, Big 12 Conference, Irving, Texas; Jeffrey Seller, Adventureland, New York, New York; Tod Cohen, StubHub, Oakland, California; and Jeremy Liegl, Pandora Media, Inc. and Ticketfly, LLC, San Francisco, California.

INTELLIGENCE

Select Committee on Intelligence: Committee met in closed session to receive a briefing on certain intelligence matters from officials of the intelligence community.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 20 public bills, H.R. 6000–6019; and 4 resolutions, H.J. Res. 862, 864–866 were introduced. **Pages H5435–36**

Additional Cosponsors: **Pages H5436–37**

Reports Filed: Reports were filed today as follows:

H.R. 3438, to amend title 5, United States Code, to postpone the effective date of high-impact rules pending judicial review, with an amendment (H. Rept. 114–743);

H. Res. 863, providing for consideration of the bill (H.R. 5351) to prohibit the transfer of any individual detained at United States Naval Station, Guantanamo Bay, Cuba, and providing for consideration of the bill (H.R 5226) to amend chapter 3 of title 5, United States Code, to require the publication of information relating to pending agency regulatory actions, and for other purposes (H. Rept. 114–744);

H.R. 4419, to update the financial disclosure requirements for judges of the District of Columbia courts, with amendments (H. Rept. 114–745); and

H.R. 5461, to require the Secretary of the Treasury to submit a report to the appropriate congressional committees on the estimated total assets under direct or indirect control by certain senior Iranian leaders and other figures, and for other purposes (H. Rept. 114–746, Part 1). **Pages H5434–35**

Speaker: Read a letter from the Speaker wherein he appointed Representative Webster (FL) to act as Speaker pro tempore for today. **Page H5341**

Recess: The House recessed at 11 a.m. and reconvened at 12 noon. **Page H5348**

Guest Chaplain: The prayer was offered by the Guest Chaplain, Reverend Wayne Lomax, The Fountain of New Life Church, Miami Gardens, FL. **Page H5348**

Privileged Resolution—Intent to Offer: Representative Fleming announced his intent to offer a privileged resolution. **Pages H5351–52**

Committee Resignation: Read a letter from Representative Cartwright wherein he resigned from the Committee on Oversight and Government Reform and the Committee on Natural Resources. **Page H5365**

Committee Election: The House agreed to H. Res. 862, electing a Member to a certain standing committee of the House of Representatives. **Page H5365**

Halt Tax Increases on the Middle Class and Seniors Act: The House passed H.R. 3590, to amend the Internal Revenue Code of 1986 to repeal the increase in the income threshold used in determining the deduction for medical care, by a yea-and-nay vote of 261 yeas to 147 nays, Roll No. 502. **Pages H5380–86**

Pursuant to the Rule, the amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted. **Page H5380**

H. Res. 858, the rule providing for consideration of the bill (H.R. 3590) was agreed to by a recorded vote of 239 ayes to 169 noes, Roll No. 501, after the previous question was ordered by a yea-and-nay vote of 237 yeas to 171 nays, Roll No. 500. **Pages H5352–57, H5364–65**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Strengthening Career and Technical Education for the 21st Century Act: H.R. 5587, amended, to reauthorize the Carl D. Perkins Career and Technical Education Act of 2006, by a ⅔ yea-and-nay vote of 405 yeas to 5 nays, Roll No. 503; and **Pages H5365–80, H5386**

Department of Veterans Affairs Expiring Authorities Act of 2016: H.R. 5985, amended, to amend title 38, United States Code, to extend certain expiring provisions of law administered by the Secretary of Veterans Affairs. **Pages H5387–90**

Suspension—Proceedings Resumed: The House agreed to suspend the rules and agree to the following measure which was debated on Monday, September 12th:

Expressing support for the expeditious consideration and finalization of a new, robust, and long-term Memorandum of Understanding on military assistance to Israel between the United States Government and the Government of Israel: H. Res. 729, expressing support for the expeditious consideration and finalization of a new, robust, and long-term Memorandum of Understanding on military assistance to Israel between the United States Government and the Government of Israel, by a ⅔ yea-and-nay vote of 405 yeas to 4 nays, Roll No. 504. **Pages H5386–87**

VA Accountability First and Appeals Modernization Act of 2016: The House began consideration of H.R. 5620, to amend title 38, United States Code, to provide for the removal or demotion of employees of the Department of Veterans Affairs based

on performance or misconduct. Consideration is expected to resume tomorrow, September 14th.

Pages H5390–H5417

Agreed to:

Miller (FL) manager's amendment (No. 1 printed in H. Rept. 114–742) that makes technical and conforming changes to the bill and aligns the due process procedures for the recoupment provisions of the bill; **Pages H5404–05**

Michelle Lujan Grisham (NM) amendment (No. 4 printed in H. Rept. 114–742) that adds Members of Congress to the reporting requirements;

Pages H5407–08

Takano amendment (No. 6 printed in H. Rept. 114–742), as modified, that adds section 8, Office of Accountability and Whistleblower Protection, to the bill; **Pages H5409–11**

Newhouse amendment (No. 7 printed in H. Rept. 114–742) that applies the statutory requirements of the Emergency Medical Treatment and Labor Act (EMTALA) to emergency care furnished by the VA to enrolled veterans; requires every enrolled veteran who arrives at the emergency department of a VA medical facility, and indicates an emergency condition exists, be assessed and treated in an effort to prevent further injury or death; **Pages H5411–14**

Takano amendment (No. 10 printed in H. Rept. 114–742) that provides the sense of the Congress honoring American veterans disabled for life and encouraging Americans to do so each year; **Page H5415**

Takano amendment (No. 11 printed in H. Rept. 114–742) that establishes positions of Directors of Veterans Integrated Service Networks (VISN) in the VA's Office of Undersecretary for Health;

Pages H5415–16

Keating amendment (No. 12 printed in H. Rept. 114–742) that directs healthcare providers with VA affiliation to take continuing education courses specific to pain management, opioids, and substance abuse; and **Pages H5416–17**

Lowenthal amendment (No. 13 printed in H. Rept. 114–742) that requires the Secretary of Veterans Affairs or a designee to review covered whistleblower complaints quarterly. **Page H5417**

Withdrawn:

Schweikert amendment (No. 8 printed in H. Rept. 114–742) that was offered and subsequently withdrawn that would have required that the VA use distributive ledger technology when scheduling healthcare appointments to ensure transparency and accountability 1 year after enactment. **Pages H5414–15**

Proceedings Postponed:

Walz amendment (No. 2 printed in H. Rept. 114–742) that seeks to strike sections 2 through 8 and section 10; **Pages H5405–06**

Takano amendment (No. 3 printed in H. Rept. 114–742) that seeks to replace Section 3 with a new provision allowing the Secretary to suspend without pay any VA employee whose performance or misconduct threatens public health or safety, including the health and safety of veterans; and may remove a suspended employee after such investigation and review as the Secretary considers necessary, if the Secretary determines removal is in the interests of public health and safety; and **Pages H5406–07**

Kuster amendment (No. 5 printed in H. Rept. 114–742) that seeks to replace Section 7 with S. 2921 Section 113, which contains an improved process to expedite the removal or demotion of a member of the Senior Executive Service. **Pages H5408–09**

H. Res. 859, the rule providing for consideration of the bill (H.R. 5620) was agreed to by a yea-and-nay vote of 241 yeas to 169 nays, Roll No. 499, after the previous question was ordered by a yea-and-nay vote of 237 yeas to 170 nays, Roll No. 498.

Pages H5357–64

Quorum Calls—Votes: Six yea-and-nay votes and one recorded vote developed during the proceedings of today and appear on pages H5362–63, H5363–64, H5364, H5364–65, H5385–86, H5386 and H5387. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 9:32 p.m.

Committee Meetings

PAST, PRESENT, AND FUTURE OF SNAP: IMPROVING INNOVATION AND SUCCESS IN EMPLOYMENT AND TRAINING PROGRAMS

Committee on Agriculture: Subcommittee on Nutrition held a hearing entitled "Past, Present, and Future of SNAP: Improving Innovation and Success in Employment and Training Programs". Testimony was heard from David Stillman, Assistant Secretary for the Economic Services Administration, Department of Social and Health Services, Olympia, Washington and a public witness.

MISCELLANEOUS MEASURES

Committee on Energy and Commerce: Subcommittee on Communications and Technology concluded a markup on H.R. 2566, the "Improving Rural Call Quality and Reliability Act of 2015"; and H.R. 2669, the "Anti-Spoofing Act of 2015". H.R. 2566 was forwarded to the full committee, as amended. H.R. 2669 was forwarded to the full committee, without amendment.

MISCELLANEOUS MEASURES

Committee on Energy and Commerce: Subcommittee on Health concluded a markup on H.R. 4365, the ''Protecting Patient Access to Emergency Medications Act of 2016''; H.R. 1192, the ''National Diabetes Clinical Care Commission Act''; H.R. 1209, the ''Improving Access to Maternity Care Act''; H.R. 1877, the ''Mental Health First Aid''; and H.R. 2713, the ''Title VIII Nursing Workforce Reauthorization Act of 2015''. The following bills were forwarded to the full committee, as amended: H.R. 4365, H.R. 1192, and H.R. 1877. The following bills were forwarded to the full committee, without amendment: H.R. 1209 and H.R. 2713.

MISCELLANEOUS MEASURE

Committee on Financial Services: Full Committee held a markup on H.R. 5983, the ''Financial CHOICE Act of 2016''. H.R. 5983 was ordered reported, as amended.

MOVING THE LINE OF SCRIMMAGE: RE-EXAMINING THE DEFENSE-IN-DEPTH STRATEGY

Committee on Homeland Security: Subcommittee on Border and Maritime Security held a hearing entitled ''Moving the Line of Scrimmage: Re-examining the Defense-in-Depth Strategy''. Testimony was heard from Mark Morgan, Chief, U.S. Border Patrol, Department of Homeland Security; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Homeland Security: Full Committee held a markup on H.R. 5065, the ''Bottles and Breastfeeding Equipment Screening Act''; H.R. 5346, the ''Securing our Agriculture and Food Act''; H.R. 5459, the ''Cyber Preparedness Act of 2016''; H.R. 5460, the ''First Responder Access to Innovative Technologies Act''; H.R. 5728, the ''Cuban Airport Security Act of 2016''; H.R. 5843, the ''United States-Israel Cybersecurity Cooperation Enhancement Act of 2016''; H.R. 5859, the ''Community Counterterrorism Preparedness Act''; H.R. 5877, the ''United States-Israel Advanced Research Partnership Act of 2016''; H.R. 5943, the ''Transit Security Grant Program Flexibility Act''. The following bills were ordered reported, as amended: H.R. 5065, H.R. 5346, H.R. 5459, H.R. 5460, H.R. 5728, H.R. 5843, H.R. 5859, H.R. 5877, and H.R. 5943.

EXPLORING FEDERAL DIVERSITY JURISDICTION

Committee on the Judiciary: Subcommittee on the Constitution and Civil Justice held a hearing entitled ''Exploring Federal Diversity Jurisdiction''. Testimony was heard from public witnesses.

OVERSIGHT OF THE U.S. PATENT AND TRADEMARK OFFICE

Committee on the Judiciary: Subcommittee on Courts, Intellectual Property, and the Internet held a hearing entitled ''Oversight of the U.S. Patent and Trademark Office''. Testimony was heard from Michelle Lee, Under Secretary of Commerce for Intellectual Property, and Director, Patent and Trademark Office.

REVIEWING THE ECONOMIC IMPACTS FROM THE IMPLEMENTATION OF THE COMMONWEALTH-ONLY WORKER PROGRAM IN THE NORTHERN MARIANA ISLANDS UNDER PUBLIC LAW 110–229

Committee on Natural Resources: Subcommittee on Indian, Insular, and Alaska Native Affairs held a hearing on reviewing the economic impacts from the implementation of the Commonwealth-only worker program in the Northern Mariana Islands under Public Law 110–229. Testimony was heard from Ralph Deleon Guerrero Torres, Governor, Commonwealth of the Northern Mariana Islands; and a public witness.

EXAMINING PRESERVATION OF STATE DEPARTMENT FEDERAL RECORDS

Committee on Oversight and Government Reform: Full Committee began a hearing entitled ''Examining Preservation of State Department Federal Records''. Testimony was heard from a public witness.

21ST CENTURY CONSERVATION PRACTICES

Committee on Oversight and Government Reform: Subcommittee on the Interior held a hearing entitled ''21st Century Conservation Practices''. Testimony was heard from public witnesses.

REGULATORY INTEGRITY ACT OF 2016; A BILL TO PROHIBIT THE TRANSFER OF ANY INDIVIDUAL DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA

Committee on Rules: Full Committee held a hearing on H.R. 5226, the ''Regulatory Integrity Act of 2016''; and H.R. 5351, to prohibit the transfer of any individual detained at United States Naval Station, Guantanamo Bay, Cuba. The committee granted, by record vote of 8–4, a closed rule for H.R. 5351. The rule provides one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Armed Services. The rule waives all points of order against consideration of the bill. The rule provides that the amendment printed in part A of the Rules Committee report shall be considered as adopted and the bill, as amended, shall

be considered as read. The rule waives all points of order against provisions in the bill, as amended. The rule provides one motion to recommit with or without instructions. Additionally, the Committee granted a structured rule for H.R. 5226. The rule provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Oversight and Government Reform. The rule waives all points of order against consideration of the bill. The rule makes in order as original text for the purpose of amendment an amendment in the nature of a substitute consisting of the text of Rules Committee Print 114–63 and provides that it shall be considered as read. The rule waives all points of order against that amendment in the nature of a substitute. The rule makes in order only those further amendments printed in part B of the Rules Committee report. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The rule waives all points of order against the amendments printed in part B of the report. The rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Walorski, Smith of Washington, Walberg, Clay, and Fleming.

PROTECTING THE 2016 ELECTIONS FROM CYBER AND VOTING MACHINE ATTACKS

Committee on Science, Space, and Technology: Full Committee held a hearing entitled ''Protecting the 2016 Elections from Cyber and Voting Machine Attacks''. Testimony was heard from Charles H. Romine, Director, Information Technology Laboratory, National Institute of Standards and Technology; Tom Schedler, Secretary of State, State of Louisiana; and public witnesses.

THE CUMULATIVE BURDEN OF PRESIDENT OBAMA'S EXECUTIVE ORDERS ON SMALL CONTRACTORS

Committee on Small Business: Subcommittee on Investigations, Oversight, and Regulations; and Subcommittee on Contracting and Workforce held a joint hearing entitled ''The Cumulative Burden of President Obama's Executive Orders on Small Contractors''. Testimony was heard from public witnesses.

BACK TO SCHOOL: A REVIEW OF TAX-EXEMPT COLLEGE AND UNIVERSITY ENDOWMENTS

Committee on Ways and Means: Subcommittee on Oversight held a hearing entitled ''Back to School: A Review of Tax-Exempt College and University Endowments''. Testimony was heard from public witnesses.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR WEDNESDAY, SEPTEMBER 14, 2016

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Energy and Water Development, to hold hearings to examine the future of nuclear power, 2:30 p.m., SD–138.

Committee on the Budget: to hold an oversight hearing to examine the Congressional Budget Office, 2:30 p.m., SD–608.

Committee on Foreign Relations: Subcommittee on Western Hemisphere, Transnational Crime, Civilian Security, Democracy, Human Rights, and Global Women's Issues, to hold hearings to examine protecting girls, focusing on global efforts to end child marriage, 9:30 a.m., SD–419.

Full Committee, to hold hearings to examine North Atlantic Treaty Organization expansion, focusing on the accession of Montenegro, 2:15 p.m., SD–419.

Committee on Indian Affairs: business meeting to consider S. 2796, to repeal certain obsolete laws relating to Indians; to be immediately followed by a hearing to examine S. 2636, to amend the Act of June 18, 1934, to require mandatory approval of applications for land to be taken into trust if the land is wholly within a reservation, S. 3216, to repeal the Act entitled ''An Act to confer jurisdiction on the State of Iowa over offenses committed by or against Indians on the Sac and Fox Indian Reservation'', S. 3222, to authorize the Secretary of the Interior to assess sanitation and safety conditions at Bureau of Indian Affairs facilities that were constructed to provide treaty tribes access to traditional fishing grounds and expend funds on construction of facilities and structures to improve those conditions, and S. 3300, to approve the settlement of water rights claims of the Hualapai Tribe and certain allottees in the State of Arizona, to authorize construction of a water project relating to those water rights claims, 2:30 p.m., SD–628.

Committee on Judiciary: Subcommittee on Oversight, Agency Action, Federal Rights and Federal Courts, to hold hearings to examine protecting Internet freedom, focusing on the implications of ending United States oversight of the Internet, 10 a.m., SD–226.

Committee on Veterans' Affairs: to hold hearings to examine the future of the Department of Veterans Affairs, focusing on examining the Commission on Care report and the VA's response, 2:30 p.m., SR–418.

Special Committee on Aging: to hold hearings to examine maximizing Social Security benefits, 2:30 p.m., SD–562.

House

Committee on Agriculture, Full Committee, markup on H.R. 470, the "Chattahoochee-Oconee National Forest Land Adjustment Act of 2015"; H.R. 845, the "National Forest System Trails Stewardship Act"; and H.R. 5883, the "Technical and Clarifying Amendments to the Packers and Stockyards Act of 2016"; and hearing entitled "American Agricultural Trade with Cuba", 10 a.m., 1300 Longworth.

Committee on Armed Services, Subcommittee on Seapower and Projection Forces, hearing entitled "Next Generation Air Space Control—Ensuring Air Force Compliance by January 1, 2020", 3:30 p.m., 2118 Rayburn.

Committee on the Budget, Full Committee, hearing entitled "Growing Risks to the Budget and the Economy", 10 a.m., 210 Cannon.

Committee on Education and the Workforce, Full Committee, markup on H.R. 5963, the "Supporting Youth Opportunity and Preventing Delinquency Act of 2016", 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Health; and Subcommittee on Oversight and Investigations, joint hearing entitled "The Affordable Care Act on Shaky Ground: Outlook and Oversight", 10 a.m., HVC–210.

Subcommittee on Commerce, Manufacturing, and Trade, hearing entitled "Disrupter Series: Advanced Robotics", 10:30 a.m., 2322 Rayburn.

Committee on Foreign Affairs, Full Committee, markup on H.R. 5931, the "Prohibiting Future Ransom Payments to Iran Act", 10 a.m., 2172 Rayburn.

Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations, hearing entitled "Eritrea: A Neglected Regional Threat", 2 p.m., 2172 Rayburn.

Subcommittee on Europe, Eurasia, and Emerging Threats, hearing entitled "Turkey After the July Coup Attempt", 2 p.m., 2200 Rayburn.

Subcommittee on Asia and the Pacific, hearing entitled "North Korea's Perpetual Provocations: Another Dangerous, Escalatory Nuclear Test", 3 p.m., 2255 Rayburn.

Committee on Homeland Security, Full Committee, hearing entitled "Shutting Down Terrorist Pathways into America", 10 a.m., 311 Cannon.

Committee on the Judiciary, Full Committee, markup on H.R. 5992, the "American Job Creation and Investment Promotion Reform Act of 2016"; H.R. 5982, the "Midnight Rules Relief Act of 2016"; and H.R. 5801, the "Protect and Grow American Jobs Act", 10 a.m., 2237 Rayburn.

Committee on Natural Resources, Subcommittee on Federal Lands, hearing on H.R. 5780, the "Utah Public Lands Initiative Act", 10 a.m., 1334 Longworth.

Committee on Oversight and Government Reform, Full Committee, hearing entitled "Examining the Affordable Care Act's Premium Increases", 9 a.m., 2154 Rayburn.

Subcommittee on National Security; and Subcommittee on Government Operations, joint hearing entitled "Radicalization in the U.S. and the Rise of Terrorism", 2 p.m., 2154 Rayburn.

Committee on Rules, Subcommittee on Rules and Organization of the House, hearing entitled "Members' Day Hearing on Proposed Rules Changes for the 115th Congress", 10 a.m., H–313 Capitol.

Committee on Science, Space, and Technology, Full Committee, hearing entitled "Affirming Congress' Constitutional Oversight Responsibilities: Subpoena Authority and Recourse for Failure to Comply with Lawfully Issued Subpoenas", 10 a.m., 2318 Rayburn.

Committee on Small Business, Full Committee, hearing entitled "IRS Puts Small Businesses through Audit Wringer", 11 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Full Committee, markup on H.R. 5011, to designate the Federal building and United States courthouse located at 300 Fannin Street in Shreveport, Louisiana, as the "Tom Stagg Federal Building and United States Courthouse"; H.R. 5147, the "Bathrooms Accessible in Every Situation (BABIES) Act"; H.R. 5873, to designate the Federal building and United States courthouse located at 511 East San Antonio Avenue in El Paso, Texas, as the "R.E. Thomason Federal Building and United States Courthouse"; H.R. 5957, the "Federal Aviation Administration Veteran Transition Improvement Act of 2016"; H.R. 5977, to direct the Secretary of Transportation to provide to the appropriate committees of Congress advance notice of certain announcements, and for other purposes; H.R. 5978, the "Coast Guard and Maritime Transportation Amendments Act of 2016"; S. 546, the "RESPONSE Act of 2016"; and possible other matters cleared for consideration, 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, Full Committee, hearing entitled "An Examination of VA's Misuse of Employee Settlement Agreements", 10:30 a.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Health, hearing entitled "Exploring the Use of Technology and Innovation to Create Efficiencies, Higher Quality, and Better Access for Beneficiaries in Health Care", 10 a.m., 1100 Longworth.

Full Committee, markup on H.R. 3957, the "Emergency Citrus Disease Response Act"; H.R. 5946, the "United States Appreciation for Olympians and Paralympians Act"; H.R. 5719, the "Empowering Employees through Stock Ownership Act"; H.R. 2285, the "Prevent Trafficking in Cultural Property Act"; H.R. 5879, to amend the Internal Revenue Code of 1986 to modify the credit for production from advanced nuclear power facilities; H.R. 5406, the "Helping Ensure Accountability, Leadership, and Trust in Tribal Healthcare Act"; H.R. 5204, the "Stop Taxing Death and Disability Act"; and H.R. 4220, the "Water and Agriculture Tax Reform Act of 2015", 3 p.m., 1100 Longworth.

Next Meeting of the **SENATE**

9:30 a.m., Wednesday, September 14

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond 11 a.m.), Senate will continue consideration of S. 2848, Water Resources Development Act. At 2:45 p.m., Senate will vote on or in relation to McConnell (for Inhofe) Amendment No. 4979. Following disposition of McConnell (for Inhofe) Amendment No. 4979, Senate will vote on the motion to invoke cloture on the bill.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Wednesday, September 14

House Chamber

Program for Wednesday: Continue consideration of H.R. 5620—VA Accountability First and Appeals Modernization Act of 2016. Consideration of H.R. 5226—Regulatory Integrity Act of 2016 (Subject to a Rule).

Extensions of Remarks, as inserted in this issue

HOUSE

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