H.R. 5325. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2017, and for other purposes.

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

WATER RESOURCES DEVELOPMENT ACT OF 2016

The Committee resumed its sitting.

AMENDMENT NO. 7 OFFERED BY MR. ROGERS OF KENTUCKY

The Acting CHAIR (Mr. HULTGREN). It is now in order to consider amendment No. 7 printed in House Report 114–794.

Mr. ROGERS of Kentucky. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title I, add the following:

SEC. ___. RECREATIONAL ACCESS.

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

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

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

''(1) the floating cabin—

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

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

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

(2) by adding at the end the following:

''(c) LIMITATION ON STATUTORY CONSTRUCTION.—

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

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

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

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

The Acting CHAIR. Pursuant to House Resolution 897, the gentleman from Kentucky (Mr. ROGERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, this small legislative clarification will go a long way to promote tourism and economic opportunity on Corps lakes.

Beautiful Lake Cumberland, in my Congressional District, is the largest man-made lake east of the Mississippi. Located within a day's drive of 87 million Americans and with over 1,200 miles of pristine coastline, it is the ideal location for families to enjoy a week or a weekend on a houseboat.

Indeed, Lake Cumberland was once the houseboat capital of America, but that all abruptly changed when a major Corps rehabilitation project on the dam coincided with a downturn of the U.S. economy in 2007. The Corps had to lower the lake by some 43 feet to repair damage to Wolf Creek Dam, and the houseboat business was all but decimated.

It took 7 years to complete this project and restore lake levels, but I am proud to say, Mr. Chairman, that Lake Cumberland is now open for business. Unfortunately, the Corps has not been as eager as others to bring back the vibrant houseboat industry that once flourished in this region, or to support the emerging floating cabin industry that promises to make lake life accessible to more and more vacationers and families.

With Chairman SHUSTER's support, we added bipartisan language to the last WRDA bill to ensure that floating cabins, once garnering safety approval by the U.S. Coast Guard, would be permitted on Corps lakes. However, the Corps has since found new and creative ways to continue banning floating cabins from their lakes, particularly through the promulgation of overly burdensome guidance with requirements far more stringent than those health and safety standards expected by the Coast Guard.

The Coast Guard has successfully safeguarded our maritime system since its creation in 1790, and it is, therefore, the Coast Guard that should be the lead Federal agency in regulating the vessels that navigate our Federal waterways. Today's amendment simply reinforces congressional intent to ensure that there is one standard for these floating cabins, and that standard would be set by the U.S. Coast Guard. Safety should always remain our highest priority, and I am confident these cabins will create exciting new opportunities at Lake Cumberland and other Corps lakes.

I urge support of this amendment.

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

The Acting CHAIR (Mr. YODER). The question is on the amendment offered by the gentleman from Kentucky (Mr. ROGERS).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. ROUZER

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 114–794.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title I, add the following:

SEC. ___. NO WAKE ZONES FOR VESSELS.

(a) IN GENERAL.—The Secretary shall work with State and local officials to establish a no wake zone for vessels in a covered navigation channel if—

(1) State or local law enforcement officers have documented that there exist safety hazards that are a direct result of excessive wakes in the channel;

(2) a State law has been enacted to establish a no wake zone for the channel or waters adjacent to the channel; and

(3) the no wake zone complies with any recommendation made by the Commandant of the Coast Guard to ensure the safety of vessels operating in the zone and the safety of the passengers and crew aboard such vessels.

(b) EXCEPTION.—A no wake zone established pursuant to this section shall not apply to the operation of a towing vessel, as defined in section 2101 of title 46, United States Code.

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

(1) is federally marked or maintained;

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

(3) is adjacent to a marina.

The Acting CHAIR. Pursuant to House Resolution 897, the gentleman from North Carolina (Mr. ROUZER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. ROUZER. Mr. Chairman, I have come here to the floor this afternoon because there is a specific and, I would argue, unique public safety concern that I have in my district right along the Intracoastal Waterway. Specifically, it is right there at Southport Marina.

Let me give you a visual description of what is taking place there. When you are traveling up the Intracoastal Waterway, particularly from the south, you can't see the Southport Marina at all. There is not a no-wake zone there. Because you can't see the Southport Marina, these boats, particularly the recreational users, fly right on through there.

This is a high traffic area, particularly during the spring and summer months when you have a lot of recreational boaters on the water. This is a growing area. In fact, this has been a public safety concern for some time; so much of a public safety concern, that the State of North Carolina passed a law requiring that this area adjacent to the Southport Marina be a no-wake zone. The problem is the Army Corps of Engineers and the Coast Guard won't recognize it.

So let me give you this mental picture again. You have got the Intracoastal Waterway, you have a marina that most boaters, particularly those speeding up from the south, can't see on the left-hand side. They are flying through there. You have all kinds of boats coming in and out, recreational boats coming in and out of the marina. This is a major accident waiting to happen.

The local sheriff's office is quite concerned about this. The local government and county commissioners, town, and all of the local citizens are quite concerned about this. Again, I want to

stress that there has been so much concern about this that the State of North Carolina passed a law requiring this area to be a no-wake zone.

So this is not an amendment in any way, shape, or form to require or attempt to persuade the Corps of Engineers or Coast Guard to get in the business of no-wake zones. However, it is designed to encourage the Corps and the Coast Guard to work with the locals and the State to address this significant public safety issue.

The amendment is narrowly crafted so as to avoid creating any other speed bump, for example, up and down the Intracoastal Waterway. And there is an exception made for tugboat operators, because I certainly recognize that they have to maintain a certain speed in order to get the cargo through the waterway.

I encourage my colleagues to support the amendment.

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

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

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

Mr. DEFAZIO. Mr. Chairman, I would ask the author—I am a bit puzzled, and we have been unable to get an answer expeditiously from the Coast Guard—you are saying the Coast Guard will not recognize the no-wake zone, but the enforcement would fall to the local harbor patrol or the local authorities. So there is a no-wake zone that the local officials can fine or penalize people who violate it, can they not?

Mr. ROUZER. Will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from North Carolina.

Mr. ROUZER. Here is the situation. There is not a no-wake zone there because the Army Corps and the Coast Guard do not recognize it. The State passed a law requiring that there be a no-wake zone, but there is not one because Federal law, obviously, supersedes State law.

Mr. DEFAZIO. Mr. Chairman, reclaiming my time, I think we have got an issue here that doesn't require legislation. I am not going to object to this going forward, but I think we can get the attention of the Coast Guard and figure out what is going on here because I am not aware—and I live on a boat in D.C. and I have spent a lot of time on the water and I have been on the Intracoastal Waterway. I am not aware that the Coast Guard has any authority over locally declared no-wake zones to preempt them, and I am puzzled as to why they would do that in this particular case.

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

Mr. ROUZER. Mr. Chairman, I think the problem specifically is that it is Federal water. I would add, again to paint a mental picture here, you have State and local officials that want to have a no-wake zone; and the only reason why there is not a no-wake zone there is because the Army Corps of Engineers and the Coast Guard do not recognize it. Again, I would suspect that is specifically because it is Federal water.

This amendment is narrowly tailored to address this specific public safety issue. Again, I would encourage my colleagues to support the amendment.

Mr. DEFAZIO. Will the gentleman yield?

Mr. ROUZER. I yield to the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, I am puzzled because, again, I have been on segments of the Intracoastal Waterway, which I guess he is saying are all declared to be Federal waters where there are no-wake zones. So I don't know what the issue is. I would be happy to work with the gentleman on this, and I am not going to object to the amendment at this point.

Mr. ROUZER. Mr. Chairman, reclaiming my time, I appreciate the comments of the ranking member. And to be quite candid, I don't understand why they won't follow it either, which is why I am here.

I greatly appreciate the ranking member and his support, and I look forward to working to get this resolved.

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

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

The amendment was agreed to.

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AMENDMENT NO. 9 OFFERED BY MS. MENG

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 114–794.

Ms. MENG. 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:

At the end of title I, add the following:

SEC. _____. 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.

The Acting CHAIR. Pursuant to House Resolution 897, the gentlewoman from New York (Ms. MENG) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. MENG. Mr. Chairman, first, I thank my partner in offering this amendment, Representative ELISE STEFANIK. Our bipartisan amendment is simple. It is identical to language in the Senate-passed WRDA that allows the Army Corps of Engineers to pursue projects and technologies that prevent and mitigate flood damage that is associated with ice jams.

Every year, flooding that results from the piling up of frozen ice in rivers across the United States costs our economy millions of dollars. When free-floating ice catches on obstructions, such as bridge pilings, rocks, or logs, flooding can result upstream from the blockage and, again, downstream when the ice finally releases.

During my time in the New York State Assembly, I can remember hearing horrible stories from my colleagues in upstate New York and wondering what more could be done to prepare for these events. I know that my friend Representative STEFANIK's district has been directly impacted by such floods in the recent past, and I am glad that we could come together today to offer this amendment.

Currently, research is ongoing regarding the best practices in planning, design, and construction of Army Corps projects that would help alleviate future ice jam flooding. I support those efforts and look forward to new technologies and designs that are being developed by local universities, State and local agencies, and even private industry. Together, I know that we can do more to combat the hardships that are created in American communities every year by ice jam flooding, and I appreciate the time today to highlight this terrible problem.

I urge the Army Corps to continue its efforts at the Cold Regions Research and Engineering Laboratory in Hanover, New Hampshire, and I urge my colleagues to support this amendment.

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

Mr. DEFAZIO. Mr. Chairman, I rise in opposition, although I am not in opposition.

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

There was no objection.

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

I congratulate the gentlewoman on being sensitive to the needs of her district, which has a very real problem, and this is fully within the authority of the Corps. I wish they had more money with which to do more projects around the country. I tried that yesterday, and it didn't work, but I will certainly be happy to support this.

I yield back the balance of my time.

Ms. MENG. Mr. Chairman, I thank the gentleman for his support.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from New York (Ms. MENG).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MS. MOORE

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in House Report 114–794.

Ms. MOORE. 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:

At the end of title I, add the following:

SEC. _____. TRIBAL CONSULTATION.

(a) REVIEW.—Not later than 60 days after the date of enactment of this Act, the Secretary shall begin a review of the policies, regulations, and guidance related to conducting meaningful consultation with Indian tribes regarding Corps of Engineers flood control, environmental restoration, and other projects or requiring the Corps of Engineers to approve a permit that may have an impact on tribal cultural or natural resources.

(b) CONTENTS.—The review required under subsection (a) shall examine and assess the following:

(1) How tribal consultation rules apply to the permitting process, especially for projects not on tribal lands but which may still be continguous to such lands or affect tribal cultural and natural resources.

(2) How the Corps of Engineers defines meaningful consultation.

(3) Whether the current process adequately considers tribal interests including environmental, social, health and well-being of tribal members.

(4) How the Corps of Engineers informs tribes that it will not consider concerns or alternatives raised during the consultation process.

(5) How the Corps of Engineers determines a project's impact on tribal communities including the Corps ability to protect cultural and natural resources such as water.

(6) The specific situations by which tribes have access to high level Corps of Engineers officials such as the Assistant Secretary of the Army (Civil Works) and the Chief of Engineers to dispute or otherwise direct concerns about pending Corps of Engineers projects or permits, including examples of instances in which the Corps of Engineers provided such access as part of its consultation with a tribe regarding a particular project.

(7) The role of headquarters in overseeing tribal consultation being done at the District and Division levels.

(8) The effectiveness of the dispute resolution process that has been developed to elevate tribal concerns to higher levels of Corps of Engineers oversight and review.

(9) Whether the Corps should undertake a rulemaking process related to its tribal consultation policies and procedures.

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

(d) REPORT.—Not later than 1 year after beginning the review under subsection (a), the Secretary shall submit to Congress, and publish in the Federal Register, a report on—

(1) the results of the review;

(2) any proposed changes to the tribal consultation policies determined necessary as a result of the review; and

(3) if the Secretary determines that no changes to the tribal consultation policies are necessary, the justification for such determination.

The Acting CHAIR. Pursuant to House Resolution 897, the gentlewoman from Wisconsin (Ms. MOORE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

Ms. MOORE. Mr. Chairman, I will be brief.

We are all aware of the latest controversy surrounding the failure of the Federal Government to consult with Native American tribes. Wisely, the Obama administration has postponed work on the Dakota Access pipeline while it meets to hear tribes' concerns about the inadequacy of the consulting process in that case and, more broadly, across the Federal Government. In the bill before us, Mr. Chairman, we are authorizing billions of dollars in Army Corps of Engineers projects and providing direction for work it is doing in almost every community throughout our great country.

There is no question that the Corps' responsibility to undertake this work and the indigenous people's desire and ability to protect their cultural and natural resources will continue to clash, and we know that tribes continue to be frustrated by how Federal agencies, including the Army Corps, do their so-called consulting with them. I share this frustration.

I would love to go much further with this amendment, but my amendment, Mr. Chairman, simply requires the Army Corps to work with tribes to review its current consultation policies. Let me just read a little bit, Mr. Chairman, because it sounds good on paper.

''All federally recognized Tribes are sovereign governments and will be treated with respect. . . . The trust responsibility will be honored and fulfilled. . . . The Federal Government has a unique legal and political relationship with Tribal governments that recognizes self-government and self-determination,'' et cetera.

I include in the RECORD this policy.

DEPARTMENT OF THE ARMY,
U.S. ARMY CORPS OF ENGINEERS,
Washington, DC, November 1, 2012.

Memorandum for Commanders, Directors and Chiefs of Separate Offices, U.S. Army Corps of Engineers

Subject: Tribal Consultation Policy

1. This memorandum affirms and formalizes current tribal consultation procedures for the U.S. Army Corps of Engineers (USACE).

2. The interaction between the federal government and federally recognized Indian Tribes (including Alaska Natives) has its origins in the U.S. Constitution and has been upheld and defined through Treaties, U.S. Supreme Court cases, various statutes and regulations, presidential documents and policies, including the Department of Defense American Indian and Alaska Native Policy, and the USACE Tribal Policy Principles, recently reissued on 10 May 2010.

3. The Policy provides an outline of our responsibilities to federally recognized Tribes as well as a framework for consulting with them. It is purposefully general in nature because each of the 565 federally recognized American Indian and Alaska Native Tribes are distinct and separate governments, requiring a consultation process that may be completely unique to them.

4. USACE recognizes the sovereign status of Tribal governments and our obligation for pre-decisional government-to-government consultation. USACE also recognizes the unique role Tribes play as partners in water resources projects and seeks to develop relationships with all Tribes who may need our assistance in their capacity building and self-determination.

5. USACE has an excellent tribal program coordinated by a tribal liaison at Headquarters and a point of contact or liaison in each District and Division office. These experts are ready to support you and answer any questions you have regarding tribal policies.

6. An accountable process to interact with Tribes is mandated in Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, 06 Nov 2000, and Presidential Memorandum, Tribal Consultation, 05 Nov 2009. Please ensure that your staff is aware of and abides by our Consultation Policy to ensure effective and mutually beneficial relationships with tribal partners.

THOMAS P. BOSTICK,
Lieutenant General, U.S. Army Commanding.

U.S. ARMY CORPS OF ENGINEERS
TRIBAL CONSULTATION POLICY

1. References.

a. U.S. Constitution, Articles I, Section 8; Article VI.

b. National Historic Preservation Act.

c. American Indian Religious Freedom Act.

d. Archaeological Resources Protection Act.

e. Native American Graves Protection and Repatriation Act.

f. Religious Freedom Restoration Act.

g. Executive Order 13007, Indian Sacred Sites, 24 May 1996.

h. Department of Defense American Indian and Alaska Native Policy, 20 Oct 1998.

i. Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, 06 Nov 2000.

j. Engineer Regulation 1105–2–100, Planners Guidance Notebook, 22 Apr 2000.

k. Department of Defense Instruction Number 4710.02: DoD Interactions with Federally Recognized Tribes, 14 Sep 2006.

l. Army Regulation 200–1, Environmental Protection and Enhancement, 13 Dec 2007.

m. Engineer Regulation 1130–2–540, Project Operations—Environmental Stewardship Operations and Maintenance Guidelines and Procedures, 11 Aug 2008.

n. Presidential Memorandum, Tribal Consultation, 5 Nov 2009.

o. USACE Tribal Policy Principles, 18 Feb 1998 and 10 May 2010.

p. Announcement of Presidential support for the United Nations Declaration on the Rights of Indigenous Peoples, Public Papers of the President, December 16, 2010.

2. Purpose. On November 5, 2009, President Barack Obama issued a Memorandum to the heads of all federal agencies entitled Tribal Consultation (74 Fed Reg 57881) reaffirming Executive Order 13175, Consultation and Coordination with Indian Tribal Governments (65 Fed Reg 67249) signed by President William J. Clinton on November 6, 2000. E.O. 13175 requires all federal agencies to formulate ''an accountable process to ensure meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' This document affirms the U.S. Army Corps of Engineers' (USACE) commitment to engage in consultation with federally recognized Tribes.

3. Background. There are responsibilities to Tribes resulting from the Federal Trust Doctrine, as well as from Treaties, statutes, regulations, Executive Orders and agreements between the United States government and tribal governments. Department of

Defense American Indian and Alaska Native Policy, Department of Defense Instruction number 4710.02: DoD Interactions with Federally Recognized Tribes, and US Army Corps of Engineers Tribal Policy Principles (Attachment 1) provide guidance.

For the purposes of this policy, the following definitions are applied:

a. Tribe: Indian Tribes as defined in E.O. 13175, ''an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 USC 479a.''

b. Consultation: Open, timely, meaningful, collaborative and effective deliberative communication process that emphasizes trust, respect and shared responsibility. To the extent practicable and permitted by law, consultation works toward mutual consensus and begins at the earliest planning stages, before decisions are made and actions are taken; an active and respectful dialogue concerning actions taken by the USACE that may significantly affect tribal resources, tribal rights (including treaty rights) or Indian lands.

4. Applicability. This regulation applies to all HQUSACE elements, Major Subordinate Commands, District Commands, the Institute for Water Resources, the Humphreys Engineering Center Support Activity, and the Engineer Research and Development Center.

5. General Policy. The Tribal Policy Principles.

a. All federally recognized Tribes are sovereign governments and will be treated with respect.

(1) Sovereignty is the foundation of tribal governments.

(2) Tribes are responsible for their own governance and management.

b. The Trust responsibility will be honored and fulfilled.

(1) The federal government has a unique legal and political relationship with Tribal governments that recognizes self-government and self-determination.

(2) USACE is committed to supporting projects and programs beneficial to Tribes through partnership with them.

(3) USACE will ensure that it addresses Tribal concerns regarding protected tribal resources, tribal rights (including treaty rights) and Indian lands.

(4) USACE will protect and allow access to protected tribal resources under USACE jurisdiction to the extent practicable, and will work to develop and implement access policies as needed.

(5) USACE will share information that is not otherwise controlled or classified information.

c. USACE will maintain a government-to-government relationship with Tribes.

(1) Tribes have a unique and distinctive political and legal relationship with the United States.

(2) A Tribe may have access to the Chief of Engineers, the Assistant Secretary of the Army (Civil Works), and other high level individuals if the need arises.

(3) While most interaction will be staff to staff, decision making will be leader to leader (the head of the Tribe and the district commander), with the assistance of the local subject matter expert (typically, the Tribal Liaison).

d. Consultation will be an integral, invaluable process of USACE planning and implementation.

(1) When appropriate, potentially affected Tribes, as determined by the Corps, including Tribes whose aboriginal territories extend to the lands where an activity would occur, will be contacted by letter, telephone or e-mail sufficiently early to allow a timely review of the proposed action. If contacted Tribes notify USACE that other Tribes are potentially affected, USACE has the responsibility to notify those Tribes as well.

(2) Any activity that has the potential to significantly affect protected tribal resources, tribal rights (including treaty rights) and Indian lands-individual projects, programs, permit applications, real estate actions, promulgation of regulations and policies—regardless of land status, will be reviewed at the district level by an individual who effectively interacts with Tribes, usually the Tribal Liaison.

(3) Consultation will be conducted at the district or division level under the guidance of an individual who effectively interacts with Tribes, usually the Tribal Liaison, unless there is a request for HQUSACE (and/or OASA (CW) in the case of Civil Works) input, or if HQUSACE determines input is necessary.

(4) Commands will ensure that all Tribes with an interest in a particular activity that has the potential to significantly affect protected tribal resources, tribal rights (including treaty rights) and Indian lands are contacted and their comments taken into consideration.

(5) Consultation procedures for individual projects or programs may be developed at the local level to meet the needs of particular Tribe(s).

(6) In recognition of the varied organizations and customs of different Tribes, written protocols for consultation procedures may be considered and implemented at the local level with a specific Tribe.

(7) A dispute resolution process will be developed during the consultation process, including a provision to elevate the consultation to higher USACE and/or Tribal levels.

(8) Requests for consultation by a Tribe to USACE will be honored.

e. USACE will support Tribal self-determination, self reliance and capacity building by:

(1) Partnering with Tribes on studies, projects, programs and permitting procedures will be supported and promoted to the extent permitted by law and policy.

(2) To the extent permitted by law and policy, provide information on opportunities to compete for requests for proposals or other potential contracts with USACE.

(3) Sharing appropriate information on USACE programs, policies and procedures, and public documents.

(4) Utilizing Tribal knowledge for planning purposes and to inform operational activities.

(5) Supporting Tribal efforts to lease and operate water resource projects and lands, where appropriate.

(6) Identifying and implementing, within existing authority, other capacity-building opportunities as they occur.

f. Protection of natural and cultural resources.

(1) USACE recognizes the importance of strict compliance with the Native American Graves Protection and Repatriation Act (NAGPRA), the National Historic Preservation Act (NHPA) and other statutes concerning cultural and natural resources.

(2) USACE acknowledges that compliance with the above statutes may not comprise the full range of consultation, nor of cultural property and resource protection.

(3) To the extent allowed by law, USACE will protect the location of historic properties, properties of religious and cultural significance, and archaeological resources, in consultation with and when requested by the affected Tribe(s).

6. Responsibilities of Commanders and other USACE officials interacting with federally recognized Tribes.

a. Build relationships with Tribes soon after each change of command by face-to-face interaction at the local headquarters or at tribal offices when at all possible.

b. Identify and remove procedural impediments to working with Tribes whenever possible.

c. Share appropriate Corps procedures, regulations and organizational information with Tribes.

d. Maintain open lines of communication through consultation with Tribes during the decision making process for those matters that have the potential to significantly affect protected tribal resources, tribal rights (including treaty rights) and Indian lands.

e. Provide Tribes with points of contact on project-related issues, and issues in general.

f. Encourage partnerships on projects with Tribes wherever possible.

g. Encourage collaborative partnerships by other federal and state agencies with Tribes to further their goals and projects.

7. Education. To develop a proactive well-informed workforce, in-house training, workshops, and an annual meeting of USACE tribal liaisons have been developed and should be attended by Corps employees who interact with Tribes-liaisons, project managers, program managers, real estate professionals, regulators, leaders, contracting specialists, etc.

8. Accountability. To assess the effectiveness of USACE Tribal consultation, professionals who interact with Tribes will keep records of consultation meetings and other tribal interactions. These records will be accessible and can be made available for purposes of reporting to OMB through DoD as per the reporting requirement in the Presidential Proclamation of 5 Nov 2009. The report will be synthesized at HQUSACE and transmitted to DoD (OSD) on a yearly basis. A copy of this report will be distributed to federally recognized Tribes upon request.

9. Implementation. USACE will incorporate the six Tribal policy principles, including pre-decisional consultation, into its planning, management, budgetary, operational, and legislative initiatives, management accountability system and ongoing policy and regulation development processes.

10. General Provision: This policy does not establish new requirements, but reaffirms procedures and policies already in place, clarifies responsibilities and establishes clear measures of implementation success.

Ms. MOORE. Let me be clear. We may need a formal rulemaking process, but this amendment today doesn't block any pending project or permit process. I do think it is appropriate, when questions are raised about inadequate consultation, that we do something here. It is my hope that this report will guide Congress within a year, when we consider the next WRDA bill, so that the chairman, the ranking member, and the underlying bill, itself, will make clear that their support for taking up WRDA bills on a regular 2-year cycle will include tribal consultation. Again, these consultations look good on paper, but my amendment wants to formalize the consultation process and get a report.

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

Mr. DEFAZIO. Mr. Chairman, I rise in opposition, although I am not in opposition.

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

There was no objection.

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

I congratulate my good friend, the gentlewoman from Wisconsin, for bringing forward this important amendment.

I think the key thing is what she said at the end, which is that the process may look good on paper but that that is not good enough when we are dealing with sovereign nations.

I have restored a tribe in my district and have worked a lot on tribal issues in my 28 years on the Natural Resources Committee. I have put an amendment into the FAST Act to allow tribal governance to take control of their Federal transportation funds so that the State isn't nicking money off the top and so that they actually can exert their sovereignty, and we have done that in some other areas for the tribes. This is, really, a critical amendment.

There is a real issue here. The tribes say, in the case of this pipeline, that they were not adequately consulted with. The Corps says, well, the box is checked. Thanks to the President, we are going to have a review of what really happened here. Obviously, this is not the only instance, and we need a broader review. We need to be sure that the Corps is fully cognizant of and recognizes the sovereignty of tribal nations so that they have in place a real and full consultation process for anything that may affect any tribe or reservation in the United States.

I think this is a great amendment and very timely, and I urge my colleagues to support it.

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

Ms. MOORE. Mr. Chairman, I thank the ranking member, and I thank the committee for being sensitive to the needs of native peoples to be included and involved in things that concern their sovereignty and self-governance.

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

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

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MR. PETERS

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in House Report 114–794.

Mr. PETERS. 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:

At the end of title I, add the following:

SEC. _____. 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.

The Acting CHAIR. Pursuant to House Resolution 897, the gentleman from California (Mr. PETERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. PETERS. Mr. Chairman, my amendment would enable the Army Corps of Engineers to use the best technology available to ensure our infrastructure is structurally sound and avoid the loss of property, money, and lives. Specifically, it directs the Secretary of the Army to use structural health monitoring to evaluate its construction projects and current infrastructure to mitigate damage from floods, earthquakes, sea level rise, and other disasters both before and after a major event.

The increased frequency and magnitude of the extreme weather events have high recovery costs for the Federal Government. In 2012, Superstorm Sandy caused an estimated $50 billion in damages and forced more than 775,000 people to flee their homes. The Federal Government provided $136 billion in assistance, amounting to $1,160 per taxpayer. These costs can be prevented. Research has shown that every $1 spent on preparedness saves $4 in disaster recovery costs. How we prepare before disaster strikes determines how much we spend and, more importantly, how many lives we save.

Successful planning and preparation require consultation with experts and access to the best available data with structural health monitoring sensors that can detect in near realtime the existence, location, and severity of the damage to infrastructure. Data from these sensors can provide essential information on the condition of infrastructure, ranging from bridges to skyscrapers, following a natural disaster like an earthquake; but effective management of these structures is not one size fits all. Access to realtime-specific data through structural health monitoring technology will enable the Army Corps to prioritize buildings and structures that need immediate maintenance. By working proactively rather than reactively, we can avoid further damage and higher costs.

Data show we will only be more likely to see more extreme weather, sea level rise, and floods that can significantly damage our buildings and bridges in the future. Those disasters are not only costly but dangerous. We need to provide the groups responsible for maintaining our Nation's infrastructure the tools they need to do so.

I thank the chairman, the ranking member, and the committee for considering this amendment. I ask my colleagues to support this smart, commonsense amendment.

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

Mr. DEFAZIO. Mr. Chairman, I rise in opposition, although I am not in opposition.

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

There was no objection.

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

I congratulate the gentleman from California on a very thoughtful amendment. Actually, I am having a personal experience with this right now. Since we have discovered we have a major fault off of southern Oregon, the Corps has decided that they need to come back in and bore and reevaluate the dams on my Willamette River system. This should be, I would think, a pretty routine thing for the Corps.

I asked: Why do you have to do that?

They said: Back when we built those dams, we didn't know about it, and we aren't really quite sure of their seismic stability.

I think there are probably many, many, many other Corps projects in California, Oregon, and elsewhere that need that kind of scrutiny; so what the gentleman is doing is shining a light on a problem. As I mentioned earlier, the Corps has a $2.5 billion backlog on O&M. This will come out of the O&M budget. I am happy to send this mandate to the Corps.

In revisiting my objections to the bill yesterday, which is going to cause me to vote against the bill, underspending the tax which is levied on all imported goods—paid for by all Americans who buy imported goods—and diverting that money to other programs when the Corps has critical needs like this is stupid. I really regret, again, that my harbor maintenance trust fund amendment was pulled out of the bill, but this just underlines the need for the Corps to have more resources.

I urge a positive vote on this amendment.

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

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

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MR. QUIGLEY

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in House Report 114–794.

Mr. QUIGLEY. 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:

At the end of title I, add the following:

SEC. ____. EXPEDITED COMPLETION OF AUTHORIZED PROJECT FOR FLOOD CONTROL.

The Secretary shall expedite the completion of the project for flood control,

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).

The Acting CHAIR. Pursuant to House Resolution 897, the gentleman from Illinois (Mr. QUIGLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. QUIGLEY. Mr. Chairman, residents and businesses in the Chicagoland area are vulnerable to significant urban flooding that has the potential to cost millions of dollars and to endanger the lives and livelihoods of hundreds of thousands of people.

To address this problem, Congress authorized the Chicagoland Underflow Plan as a flood risk management project in the Water Resources Development Act of 1988. A key component of the plan is the construction of the McCook Reservoir, which is a major flood damage reduction reservoir. This benefits the city of Chicago and 36 suburbs by aiding flood mitigation. It also helps to protect thousands of structures and millions of people.

According to the Army Corps' 2015 fact sheet to Congress, the reservoir is already 65 percent complete and would offer significant benefits to Chicago residents and businessowners. It is also among the Army Corps' most economical projects, boasting a 3 to 1 benefit-to-cost ratio. The second phase of the construction in McCook has a 9 to 1 benefit-to-cost ratio.

Since its authorization in the late 1980s, the congressional intent of this project has been clear: it is for flood risk management, and it is constructed to help alleviate flooding problems in the metropolitan area of Chicago.

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However, the Army Corps omitted funding for the critical second stage of this project in their FY17 budget due to the mistaken belief that stage two is related to water pollution control which is not handled by the Corps. It is, in fact, for flood control and is fully authorized and documented in the Corps' system as such. That is why my amendment would ensure that the Army Corps continues to do McCook as flood damage reduction system, consistent with legislative intent, and expedites the completion of this vital public work.

After many years of strong support for one of the Corps' most competitive flood protection projects, now is not the time to abandon funding for McCook. The livelihood of too many families and businesses are at stake.

I reserve the balance of my time.

Mr. DEFAZIO. Mr. Chair, I claim the time in opposition, although I am not in opposition.

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

There was no objection.

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

I want to congratulation the gentleman for shining a spotlight on this. This is something that is critical to his district and region, and it was authorized in WRDA in 1988. It is past time that this received positive consideration and moved forward, and I think his amendment will help in that effort with that. I urge Members to support the amendment.

I yield back the balance of my time.

Mr. QUIGLEY. Mr. Chair, I want to thank Chairman SHUSTER for his support. I want to thank the ranking member for his comments. And I want to thank all who have worked on this project for so long. We are getting close.

I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT NO. 13 OFFERED BY MR. VELA

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in House Report 114–794.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title I, add the following:

SEC. ___. CAMERON COUNTY, TEXAS.

(a) RELEASE.—As soon as practicable after the date of enactment of this Act, the Secretary shall execute and file in the appropriate office a deed of release, amended deed, or other appropriate instrument effectuating the release of the interests of the United States in certain tracts of land located in Cameron County, Texas, as described in subsection (e).

(b) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require that any release under this section be subject to such additional terms and conditions as the Secretary considers appropriate and necessary to protect the interests of the United States.

(c) COSTS OF CONVEYANCE.—The Brownsville Navigation District shall be responsible for all reasonable and necessary costs, including real estate transaction and environmental documentation costs, associated with the releases.

(d) DESCRIPTION.—The Secretary shall release all or portions of the interests in the following tracts as determined by a survey to be paid for by the Brownsville Navigation District, that is satisfactory to the Secretary:

(1) Tract No. 1: Being approximately 1,277.80 acres as conveyed by the Brownsville Navigation District of Cameron County, Texas, to the United States by instrument dated September 22, 1932, and recorded at volume 238, pages 578 through 580, in the Deed Records of Cameron County, Texas, to be released and abandoned in its entirety, save and except the approximately 347.40 acres.

(2) Tract No. 2: Being approximately 842.28 acres as condemned by the United States by the Final Report of Commissioners dated May 6, 1938, and recorded at volume 281, pages 486 through 488, in the Deed Records of Cameron County, Texas, to be released and abandoned in its entirety, save and except approximately 158.14 acres comprised of an approximately 500 ft. wide strip centered on the centerline of the Brownsville Ship Channel.

(3) Tract No. 3: Being approximately 362.00 acres as conveyed by the Manufacturing and Distributing University to the United States by instrument dated March 3, 1936, and recorded at volume ''R'', page 123, in the Miscellaneous Deed Records of Cameron County, Texas, to be released and abandoned in its entirety.

(4) Tract No. 5: Being approximately 10.91 acres as conveyed by the Brownsville Navigation District of Cameron County, Texas, by instrument dated March 6, 1939, and recorded at volume 293, pages 113 through 115, in the Deed Records of Cameron County, Texas (said 10.91 acres are identified in said instrument as the ''Third Tract''), to be partially released as to the land portion of the tract.

(5) Tract No. 9: Being approximately 552.82 acres as condemned by the United States by the Final Report of Commissioners dated May 6, 1938, and recorded at volume 281, pages 483 through 486, in the Deed Records of Cameron County, Texas, to be released and abandoned in its entirety, save and except approximately 88.04 acres comprised of an approximately 450 ft. wide strip along the new centerline of the Brownsville Ship Channel.

(6) Tract No. 10: Being approximately 325.02 acres as condemned by the United States by the Final Report of Commissioners dated May 7, 1935, and recorded at volume 281, pages 476 through 483, in the Deed Records of Cameron County, Texas, to be released and abandoned in its entirety, save and except approximately 61.58 acres comprised of an approximately 500 ft. wide strip centered on the new centerline of the Brownsville Ship Channel.

(7) Tract No. 11: Being approximately 8.85 acres as conveyed by the Brownsville Navigation District of Cameron County, Texas, to the United States by instrument dated January 23, 1939, and recorded at volume 293, pages 115 through 118, in the Deed Records of Cameron County, Texas (said 8.85 acres are identified in said instrument as the ''First Tract''), to be released and abandoned in its entirety, save and except a narrow area along the channel.

The Acting CHAIR. Pursuant to House Resolution 897, the gentleman from Texas (Mr. VELA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. VELA. Mr. Chairman, I rise today in support of my amendment, which is cosponsored by Representative FARENTHOLD and provides for the release of Army Corps easements on certain tracts of land that are located at the Port of Brownsville in Cameron County, Texas. This amendment was written in conjunction with the Army Corps of Engineers, and they have signed off on this language. The purpose of this release of land is to allow for economic growth at the Port of Brownsville. These tracts of land are the property of the port and have been under easement to the Army Corps for decades.

These easements were originally granted to the Army Corps in the 1930s, 1940s, and 1950s, but have never been used. Returning control of the property to the Port of Brownsville will not

hinder Army Corps projects at the port.

Under my amendment, parts of seven tracts would be released subject to the conditions that the Secretary considers appropriate and necessary to protect the interests of the United States.

The Port of Brownsville is responsible for all reasonable and necessary costs, including real estate transaction and environmental documentation costs, making the amendment budget-neutral.

I reserve the balance of my time.

Mr. DEFAZIO. Mr. Chairman, I rise in opposition, although I am not in opposition.

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

There was no objection.

Mr. DEFAZIO. Mr. Chairman, again, I want to congratulate the gentleman on his amendment. I can confirm that the Corps of Engineers has said they have no objection to this. I guess just somehow, they couldn't get through the bureaucracy to release the land until the gentleman from Texas (Mr. VELA) brought this amendment to the floor. So the gentleman is doing a public service for his constituents and I believe the Nation, holding onto property unnecessarily. I recommend our colleagues support this amendment.

I yield back the balance of my time.

Mr. VELA. Mr. Chair, I thank the chairman, ranking member, Representative FARENTHOLD, the Army Corps, and the committee staff for their work on this amendment. I urge my colleagues to support the amendment.

I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT NO. 14 OFFERED BY MR. HUIZENGA OF MICHIGAN

The Acting CHAIR. It is now in order to consider amendment No. 14 printed in House Report 114–794.

Mr. HUIZENGA of Michigan. Mr. Chair, I rise to offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title I, add the following:

SEC. ___. GREAT LAKES NAVIGATION SYSTEM.

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

The Acting CHAIR. Pursuant to House Resolution 897, the gentleman from Michigan (Mr. HUIZENGA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. HUIZENGA of Michigan. Mr. Chair, I am offering this amendment because Great Lakes ports and harbors are facing a crisis. I want to thank the chairman of the committee for his willingness to work on this situation, not just in this bill but in previous bills as well.

The Great Lakes navigation system is a critical international waterway that extends from the western end of Lake Superior to the Gulf of St. Lawrence Seaway on the Atlantic Ocean, a distance of over 2,400 miles. The U.S. portion of the system includes 140 harbors and over 600 miles of maintained navigation channels. This system can handle 200 million tons of cargo that generate and sustain around 130,000 good-paying jobs and an $18 billion support to our economy in the eight Great Lakes States and around the country.

However, 16 million cubic yards of sediment clogged these ports and waterways in the Great Lakes. It is estimated that it would cost nearly $200 million to make them fully functional.

In addition, the critical Soo Locks, joining Lake Superior and Lake Huron, require $115 million to complete maintenance rehabilitation while Great Lakes breakwaters and jetties need $250 million for repairs. We must act before the crisis in the Great Lakes grows even worse.

Just 2 years ago, the House overwhelmingly passed the Water Resources Reform and Development Act 412–4, and it was later signed into law. WRRDA 2014 included a provision that temporarily set aside 10 percent of Army Corps priority funding for the Great Lakes navigation system.

Consistent with the spirit of WRRDA 2014, my amendment provides the 140 federally maintained commercial and recreational Great Lakes ports and harbors with access to dependable funding by ensuring that the set-aside does not expire. These Federal harbor channels, like Pentwater, White Lake, Ludington, Muskegon, Holland, and Grand Haven in my district, are the lifeblood of these communities.

The Federal Government must meet its obligation to communities across the Great Lakes region. These ports and harbors are engines of economic growth that create jobs for American workers, farmers, and manufacturers.

As the chairman knows, it would be my preference to ensure that ports and harbors across our Nation are properly maintained by using the harbor maintenance trust fund for its intended purpose: harbor maintenance.

By working together since 2011, we have made significant progress. In fiscal year 2011, only 47 percent of the harbor maintenance tax that was paid into the HMTF was used to dredge and maintain our harbors because this trust fund was raided, frankly, to pay for unrelated projects.

Because of the progress we have made, the harbor maintenance trust fund will retain 76 percent of the revenues that are intended for water infrastructure improvements and harbor dredging under this year's Appropriations Committee-passed funding bill. This is a huge win for coastal communities in all of these different States and, frankly, for our entire Nation.

I look forward to building on the success in the future and would like to thank the chairman for working with us.

I reserve the balance of my time.

Mr. DEFAZIO. Mr. Chair, I claim the time in opposition, although I am definitively not in opposition.

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

There was no objection.

Mr. DEFAZIO. Mr. Chair, I want to congratulate the gentleman on this, creating a permanent set-aside for this critical harbor maintenance in the Great Lakes.

I have a similar amendment targeted toward small ports in the base bill. But, as the gentleman mentioned, what this points to is the fact that the Corps is stretched too thin. They have a $2.5 million backlog on operations and maintenance, yet there is $9.8 billion in the nonexistent harbor maintenance trust fund. That is, there is $9.8 billion in taxes that has been paid by shippers and passed on to consumers that hasn't been spent on harbor maintenance.

Were we to create a harbor maintenance trust fund next year and, say, it was to be fully obligated, we would have an additional $500 million in current revenues to invest in operations and maintenance, let alone the $9.8 billion that harbor maintenance and construction is owed from past collections.

So I think this is an excellent amendment. I recommend it to my colleagues. The Great Lakes need this sort of attention, but we have got to get to the underlying problem which is insufficient funds.

I thank the gentleman for his support also on that issue.

I urge a positive vote, and I yield back the balance of my time.

Mr. HUIZENGA of Michigan. Mr. Chair, may I inquire of the balance of my time.

The Acting CHAIR. The gentleman from Michigan has 2-minutes remaining.

Mr. HUIZENGA of Michigan. Mr. Chair, I yield 1 minute to the gentleman from Michigan (Mr. WALBERG).

Mr. WALBERG. Mr. Chairman, I thank my friend from Michigan, and I rise to support his amendment which establishes a permanent use of priority funds for the Great Lakes navigation system.

Mr. Chairman, the 2014 WRRDA bill included a temporary provision to set aside these funds for the Great Lakes to address the maintenance backlog. The Huizenga amendment continues this effort and ensures the 140 federally maintained ports and harbors on the Great Lakes, including the Port of Monroe in my district, have dependable funding as they continue to move over 200 million tons of cargo each year, and, I would add, Mr. Chairman, without producing any potholes, needing no guardrails or bridges.

They sustain good jobs and drive economic growth in Michigan and across

the country. I urge support of this amendment and the adoption of the amendment.

Mr. HUIZENGA of Michigan. Mr. Chair, I appreciate the work that both the chairman and the ranking member put into this particular issue that is so important to those of us that border the Great Lakes. I urge my colleagues to pass this amendment.

I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT NO. 15 OFFERED BY MR. JOYCE

The Acting CHAIR. It is now in order to consider amendment No. 15 printed in House Report 114–794.

Mr. JOYCE. 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:

At the end of title I, add the following:

SEC. _____. GREAT LAKES RESTORATION INITIATIVE.

Section 118(c)(7) of the Federal Water Pollution Control Act (33 U.S.C. 1268(c)(7)) is amended—

(1) by striking subparagraphs (B) and (C) and inserting the following:

''(B) FOCUS AREAS.—In carrying out the Initiative, the Administrator shall prioritize programs and projects, to be carried out in coordination with non-Federal partners, that address the priority areas described in the Initiative Action Plan, including—

''(i) the remediation of toxic substances and areas of concern;

''(ii) the prevention and control of invasive species and the impacts of invasive species;

''(iii) the protection and restoration of nearshore health and the prevention and mitigation of nonpoint source pollution;

''(iv) habitat and wildlife protection and restoration, including wetlands restoration and preservation; and

''(v) accountability, monitoring, evaluation, communication, and partnership activities.

''(C) PROJECTS.—

''(i) IN GENERAL.—In carrying out the Initiative, the Administrator shall collaborate with other Federal partners, including the Great Lakes Interagency Task Force established by Executive Order No. 13340 (69 Fed. Reg. 29043), to select the best combination of programs and projects for Great Lakes protection and restoration using appropriate principles and criteria, including whether a program or project provides—

''(I) the ability to achieve strategic and measurable environmental outcomes that implement the Initiative Action Plan and the Great Lakes Water Quality Agreement;

''(II) the feasibility of—

''(aa) prompt implementation;

''(bb) timely achievement of results; and

''(cc) resource leveraging; and

''(III) the opportunity to improve interagency, intergovernmental, and inter-organizational coordination and collaboration to reduce duplication and streamline efforts.

''(ii) OUTREACH.—In selecting the best combination of programs and projects for Great Lakes protection and restoration under clause (i), the Administrator shall consult with the Great Lakes States and Indian tribes and solicit input from other non-Federal stakeholders.

''(iii) HARMFUL ALGAL BLOOM COORDINATOR.—The Administrator shall designate a point person from an appropriate Federal partner to coordinate, with Federal partners and Great Lakes States, Indian tribes, and other non-Federal stakeholders, projects and activities under the Initiative involving harmful algal blooms in the Great Lakes.'';

(2) in subparagraph (D)—

(A) by striking clause (i) and inserting the following:

''(i) IN GENERAL.—Subject to subparagraph (J)(ii), funds made available to carry out the Initiative shall be used to strategically implement—

''(I) Federal projects;

''(II) projects carried out in coordination with States, Indian tribes, municipalities, institutions of higher education, and other organizations; and

''(III) operations and activities of the Program Office, including remediation of sediment contamination in areas of concern.'';

(B) in clause (ii)(I), by striking ''(G)(i)'' and inserting ''(J)(i)''; and

(C) by inserting after clause (ii) the following:

''(iii) AGREEMENTS WITH NON-FEDERAL ENTITIES.—

''(I) IN GENERAL.—The Administrator, or the head of any other Federal department or agency receiving funds under clause (ii)(I), may make a grant to, or otherwise enter into an agreement with, a qualified non-Federal entity, as determined by the Administrator or the applicable head of the other Federal department or agency receiving funds, for planning, research, monitoring, outreach, or implementation of a project selected under subparagraph (C), to support the Initiative Action Plan or the Great Lakes Water Quality Agreement.

''(II) QUALIFIED NON-FEDERAL ENTITY.—For purposes of this clause, a qualified non-Federal entity may include a governmental entity, nonprofit organization, institution, or individual.''; and

(3) by striking subparagraphs (E) through (G) and inserting the following:

''(E) SCOPE.—

''(i) IN GENERAL.—Projects may be carried out under the Initiative on multiple levels, including—

''(I) locally;

''(II) Great Lakes-wide; or

''(III) Great Lakes basin-wide.

''(ii) LIMITATION.—No funds made available to carry out the Initiative may be used for any water infrastructure activity (other than a green infrastructure project that improves habitat and other ecosystem functions in the Great Lakes) for which financial assistance is received—

''(I) from a State water pollution control revolving fund established under title VI;

''(II) from a State drinking water revolving loan fund established under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12); or

''(III) pursuant to the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.).

''(F) ACTIVITIES BY OTHER FEDERAL AGENCIES.—Each relevant Federal department or agency shall, to the maximum extent practicable—

''(i) maintain the base level of funding for the Great Lakes activities of that department or agency without regard to funding under the Initiative; and

''(ii) identify new activities and projects to support the environmental goals of the Initiative.

''(G) REVISION OF INITIATIVE ACTION PLAN.—

''(i) IN GENERAL.—Not less often than once every 5 years, the Administrator, in conjunction with the Great Lakes Interagency Task Force, shall review, and revise as appropriate, the Initiative Action Plan to guide the activities of the Initiative in addressing the restoration and protection of the Great Lakes system.

''(ii) OUTREACH.—In reviewing and revising the Initiative Action Plan under clause (i), the Administrator shall consult with the Great Lakes States and Indian tribes and solicit input from other non-Federal stakeholders.

''(H) MONITORING AND REPORTING.—The Administrator shall—

''(i) establish and maintain a process for monitoring and periodically reporting to the public on the progress made in implementing the Initiative Action Plan;

''(ii) make information about each project carried out under the Initiative Action Plan available on a public website; and

''(iii) provide to the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works a yearly detailed description of the progress of the Initiative and amounts transferred to participating Federal departments and agencies under subparagraph (D)(ii).

''(I) INITIATIVE ACTION PLAN DEFINED.—In this paragraph, the term 'Initiative Action Plan' means the comprehensive, multi-year action plan for the restoration of the Great Lakes, first developed pursuant to the Joint Explanatory Statement of the Conference Report accompanying the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010 (Public Law 111–88).

''(J) FUNDING.—

''(i) IN GENERAL.—There is authorized to be appropriated to carry out this paragraph $300,000,000 for each of fiscal years 2017 through 2021.

''(ii) LIMITATION.—Nothing in this paragraph creates, expands, or amends the authority of the Administrator to implement programs or projects under—

''(I) this section;

''(II) the Initiative Action Plan; or

''(III) the Great Lakes Water Quality Agreement.''.

The Acting CHAIR. Pursuant to House Resolution 897, the gentleman from Ohio (Mr. JOYCE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. JOYCE. Mr. Chair, I rise today in support of my amendment. I would like to start today by thanking Chairman SHUSTER, subcommittee Chairman GIBBS, and the rest of the members of the Transportation and Infrastructure Committee for the committee's thorough review of the Great Lakes Restoration Initiative; here and after, GLRI. The GLRI ensures we work together as a country to protect and preserve one of our most important national treasures and economic assets, the Great Lakes.

According to recent estimates, if the Great Lakes region were a country its GDP would be the third largest in the world. The Great Lakes currently generate 1.5 million jobs and $60 billion in wages annually and provides the foundation for a $30 billion tourism economy. Whether it is manufacturing, mining, engineering, agriculture, or fishing, the Great Lakes support a wide variety of jobs and industries, but the Lakes' importance doesn't stop there.

The Great Lakes does not just provide jobs; it provides a resource. You see, the Great Lakes holds 6 quadrillion gallons of fresh water. They contain 95 percent of the surface freshwater in the United States and more

than 20 percent of the world's surface freshwater. It provides drinking water to 46 million people.

The text of this amendment is the same as the text of the Great Lakes Restoration Initiative Act of 2016, which just passed this House unanimously on April 26, 2016.

I offer my amendment today in hopes that it will finally pass in the Senate, which overwhelmingly passed a similar provision in their WRDA bill. The difference between the House and Senate versions are small but they are important. This amendment includes important changes to current law that reflect feedback from the Government Accountability Office and key stakeholders.

My amendment enhances the non-Federal stakeholder outreach the EPA is required to conduct to ensure regular consultation with States and tribes and better communication with NGOs.

This amendment also includes a coordinator to address harmful algal blooms in Lake Erie which reduces duplication and increases transparency. It requires more robust, adaptive management by the EPA and the Great Lakes Interagency Task Force to update the GLRI action plan every 5 years.

None of these changes were included in the Senate bill. Adding them to the House WRDA bill will make sure these thoughtful provisions, which enhance transparency, accountability, and local planning, are maintained as we fight to get this bill passed.

I reserve the balance of my time.

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Mr. SHUSTER. Mr. Chairman, I claim the time in opposition, but I do not oppose the amendment.

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

There was no objection.

Mr. SHUSTER. Mr. Chairman, this is a good amendment that I support. It authorizes, as my colleague explained, the Great Lakes Restoration Initiative. Mr. JOYCE has championed this bill and worked very hard, as has Ms. KAPTUR, on this important issue.

In fact, the GLRI bill passed through the Committee on Transportation and Infrastructure and passed the House by a voice vote, so I firmly stand behind Mr. JOYCE's amendment. I support it and would urge all my colleagues to support the amendment.

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

Mr. JOYCE. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Ohio (Ms. KAPTUR), who has also been very active in this campaign.

Ms. KAPTUR. Mr. Chairman, I thank Congressman JOYCE for yielding, and I urge strong support of his amendment. I thank him for his vigilant and necessary championing of our Great Lakes, the largest body of freshwater on the face of the Earth. I want to thank Chairman SHUSTER, Ranking Member DEFAZIO, and Subcommittee Chairman GIBBS for helping us to elevate to national importance and to large numbers of our citizenry the sheer magnitude of what these freshwater seas actually represent for our country and the world.

The Great Lakes Restoration Initiative has been very effective in beginning to address the severe and unique concerns confronting our Great Lakes. During the first 5 years of GLRI, Federal agencies and their partners removed 42 beneficial-use-impairment listings in 17 areas of concern, quadrupling the number of beneficial use impairments removed in the preceding 22 years. For example, this year the Environmental Protection Agency made an important designation at the Black River area of concern near Lorain, Ohio. It is the largest EPA GLRI investment, and it will bring that area of concern to completion, an area so critically damaged by decades of industrial waste that drains directly into Lake Erie, our life source.

Programs like the GLRI, which have proven effective, deserve our praise and support. As such, I urge my colleagues to vote in favor of Mr. JOYCE's amendment to protect one of our greatest national and global treasures, the Great Lakes, which represent and contain 20 percent of the world's freshwater. Just to put it on the record, God isn't making any more freshwater. This equals 20% of all that exists. We have to take care of it and shepherd it into the future.

Mr. SHUSTER. Mr. Chairman, how much time is remaining?

The Acting CHAIR. The gentleman from Pennsylvania has 4½ minutes remaining. The gentleman from Ohio has 45 seconds remaining.

Mr. SHUSTER. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. WALBERG).

Mr. WALBERG. Mr. Chairman, I want to thank Mr. JOYCE for his leadership on this amendment and his bipartisan efforts to ensure resources to protect and restore the Great Lakes ecosystem. In April, the House joined together to unanimously pass Mr. JOYCE's amendment to formally authorize the Great Lakes Restoration Initiative program, the same goal as his amendment today.

The Great Lakes are a vast, strategic resource, and a source of pride for the State of Michigan and all surrounding States, and our country, as well, as a whole, with this massive, very special resource. I encourage my colleagues to vote in support of this amendment and help protect and preserve the Great Lakes for the benefit of our environment and the economy for generations to come.

Mr. SHUSTER. Mr. Chairman, I will say my piece if I could. It is with a heavy heart that I come to the House floor today. My mother passed away early this morning, Pat Shuster—Patricia Shuster. I want to thank all my colleagues for their condolences and kind words.

Some may wonder why am I here today. Well, it is what my mother would have wanted. In fact, she would have insisted that I do my job and finish my work. So I know my mother is smiling down on me today.

Mom, my work is almost done. I love you and will miss you forever.

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

Mr. JOYCE. Mr. Chairman, when it comes to the Great Lakes, I know I can sound like a broken record. In fact, some have recently called me here the Great Lakes guy. I am proud of that, and I am proud to support this amendment, proud to stand up for one of our country's greatest natural resources and economic powerhouses. I hope you all join me in support to protect and preserve our national treasure, the Great Lakes.

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

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

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

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

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

AMENDMENT NO. 16 OFFERED BY MR. BRIDENSTINE

The Acting CHAIR. It is now in order to consider amendment No. 16 printed in House Report 114–794.

Mr. BRIDENSTINE. 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 72, strike lines 19 through 21.

At the end of title II, add the following:

SEC. 2___. 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.

The Acting CHAIR. Pursuant to House Resolution 897, the gentleman from Oklahoma (Mr. BRIDENSTINE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oklahoma.

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

While the current version of the bill includes language for a feasibility study on the Tulsa-West Tulsa levees, this amendment simply strengthens the language by aligning the House version of the bill with the already Senate-passed bill. It requires the Army Corps of Engineers to prioritize funding for construction if the study finds the levees are at a high risk for failure. In order to get priority, the Corps feasibility study must conclude that the Tulsa levees are category 1 or 2, the highest safety risk.

The current infrastructure that encompasses the 20 miles of levees in the Tulsa system was constructed over 70 years ago, rendering the levees woefully outdated. In fact, the Corps has assessed that the levees are among the most high-risk levees in the country. These levees protect billions of dollars' worth of infrastructure, including homes and businesses and even energy production facilities. The potential loss of life and destruction of property in the event of a breach would be absolutely devastating to my district.

Mr. Chairman, this amendment simply aligns the House bill with the Senate bill and helps protect life and property. I urge a ''yes'' vote on this amendment.

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

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

The amendment was agreed to.

AMENDMENT NO. 17 OFFERED BY MR. COURTNEY

The Acting CHAIR. It is now in order to consider amendment No. 17 printed in House Report 114–794.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title III, add the following:

SEC. _____. 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.

The Acting CHAIR. Pursuant to House Resolution 897, the gentleman from Connecticut (Mr. COURTNEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Connecticut.

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

This is a simple amendment that adds to the list of projects deauthorized through WRDA a stone breakwater in Stonington Harbor in Stonington, Connecticut.

If the amendment passes, it will return the breakwater to the town of Stonington. I can report confidently that all the stakeholders in that region, the town of Stonington, and the State of Connecticut strongly support this amendment.

It is a breakwater that was built in 1827, operated for a number of years; but in the mid-20th century, the Army Corps abandoned the wharf, and it has really deteriorated since as a result of storms, Hurricanes Donna and Gloria and Superstorm Sandy. The town created an Old Stonington Harbor Wharf/Breakwater Task Force, which, again, has put together a reconstruction plan. It has received funding from the State of Connecticut. All of this is on standby, subject to deauthorization, which the Army Corps tells us is necessary for legal title to switch.

Again, it is a simple amendment. I want to, again, salute the hard work of the task force, which was headed by Peter Tacy; the First Selectman of Stonington, Rob Simmons, who was my predecessor in the Second Congressional District seat; and also to State senator Andy Maynard, who worked hard on this project and is retiring from the Connecticut General Assembly.

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

Mr. SHUSTER. Mr. Chairman, I claim time in opposition, but I do not oppose the bill.

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

There was no objection.

Mr. SHUSTER. Mr. Chairman, I support Mr. COURTNEY's amendment and urge adoption of it.

I reserve the balance of my time.

Mr. COURTNEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Chairman, I rise for the purpose of engaging Chairman SHUSTER in a colloquy with respect to the Kildee-Moolenaar amendment that the House will consider shortly. First, I thank him for his efforts, and for the efforts of Ranking Member DEFAZIO, as well as Speaker RYAN, Leader PELOSI, and Mr. HOYER, who late in the evening yesterday worked to reach an agreement on this amendment.

The amendment authorizes $170 million for the Corps of Engineers to replace public and private infrastructure in communities such as my hometown of Flint that have received an emergency declaration due to lead contamination in their drinking water. My constituents have been waiting for the help they need for more than a year since they were told their drinking water was poisoned. This is a very important step toward getting them the help they deserve and putting this aid on the President's desk.

As the chairman knows, the Senate has passed $220 million to assist communities like Flint with lead issues in an overwhelmingly bipartisan vote of 95–3. That package includes funding for water infrastructure replacement and for programs to help address the impacts of lead exposure on children and pregnant women nationwide. It also creates a Federal advisory committee to study the effects of lead exposure on communities, and it suggests ways to reduce it.

To my friend, Mr. SHUSTER, do I have your commitment to bridge the gap between my amendment and the Senate package so that the final bill we send to the President provides the much-needed relief to my constituents and the families of Flint?

Mr. SHUSTER. Will the gentleman yield?

Mr. KILDEE. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. I thank the gentleman and recognize that this is an important issue to him and his constituents back home in Michigan. In 2016, no one, no one should be afraid to drink the water that comes out of their tap. That is something I think we all can agree on. It is in that spirit that I have committed to working together as we bridge the differences between the two Chambers that these bills will ensure a mutually agreeable solution. I am committed to getting this vital infrastructure bill to the President's desk. I look forward to working with the gentleman and those on the other side of the aisle to move this forward.

Mr. KILDEE. Mr. Chairman, I thank the gentleman. I look forward to working with the chairman on this and working to successfully get this bill out of the House today so that we can work on it with the Senate.

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

Mr. COURTNEY. Mr. Chairman, again, I want to thank the ranking member's support for my amendment and also the chairman of the Committee on Transportation and Infrastructure for his support. I want to express my deepest condolences for his loss.

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

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

The amendment was agreed to.

AMENDMENT NO. 18 OFFERED BY MR. NEWHOUSE

The Acting CHAIR. It is now in order to consider amendment No. 18 printed in House Report 114–794.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title I, add the following:

SEC. ___. KENNEWICK MAN.

(a) DEFINITIONS.—In this section:

(1) CLAIMANT TRIBES.—The term ''claimant tribes'' means the Confederated Tribes of the Colville Reservation, the Confederated Tribes and Bands of the Yakama Nation, the Nez Perce Tribe, the Confederated Tribes of the Umatilla Reservation, and the Wanapum Band of Priest Rapids.

(2) DEPARTMENT.—The term ''Department'' means the Washington State Department of Archaeology and Historic Preservation.

(3) HUMAN REMAINS.—The term ''human remains'' means the human remains that—

(A) are known as Kennewick Man or the Ancient One, which includes the projectile point lodged in the right ilium bone, as well as any residue from previous sampling and studies; and

(B) are part of archaeological collection number 45BN495.

(b) TRANSFER.—Notwithstanding any other provision of Federal law, including the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.), or law of the State of Washington, not later than 90 days after the date of enactment of this Act, the Secretary, acting through the Chief of Engineers, shall transfer the human remains to the Department, on the condition that the Department, acting through the State Historic Preservation Officer, disposes of the remains and repatriates the remains to claimant tribes.

(c) TERMS AND CONDITIONS.—The transfer shall be subject to the following terms and conditions:

(1) The release of the human remains to the claimant tribes is contingent upon the claimant tribes entering into agreement with the Department.

(2) The claimant tribes are in agreement as to the final burial place of the human remains.

(3) The claimant tribes are in agreement that the human remains will be buried in the State of Washington.

(4) The claimant tribes are in agreement that the Department will take custody of the human remains upon the transfer by the Secretary.

(d) COST.—The Corps of Engineers shall be responsible for any costs associated with the transfer.

(e) LIMITATIONS.—

(1) IN GENERAL.—The transfer shall be limited solely to the human remains portion of the archaeological collection.

(2) SECRETARY.—The Secretary shall have no further responsibility for the human remains transferred pursuant to subsection (b) after the date of the transfer.

The Acting CHAIR. Pursuant to House Resolution 897, the gentleman from Washington (Mr. NEWHOUSE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. NEWHOUSE. Mr. Chairman, I am pleased to offer this bipartisan amendment that is based on the text of H.R. 4131, the Bring the Ancient One Home Act of 2015, which was bipartisan legislation introduced by the gentleman from Washington (Mr. HECK), my friend and colleague. I was very proud to cosponsor this bill, and I am honored to lead this amendment with my Pacific Northwest colleagues: Representatives HECK, KILMER, and WALDEN. I appreciate their commitment to this important issue.

Mr. Chairman, 20 years ago the skeletal remains of a human being determined to be roughly 9,000 years old were found on Federal land near the Columbia River in my central Washington district. These remains are often referred to as the Kennewick Man, but the tribes prefer the more respectful name of The Ancient One, which is how I will refer to him.

Because The Ancient One was found on lands managed by the Army Corps of Engineers, the nearly fully intact skeleton was turned over to the Corps.

□ 1700

The tribes involved—the Yakama Nation, the Confederated Tribes of the Colville Reservation, the Nez Perce Tribe, the Confederated Tribes of the Umatilla and the Wanapum Band of Priest Rapids—have, for two decades, worked to repatriate the Ancient One and return him for proper burial that would follow practices used by these Columbia Basin tribes for thousands of years; or, as they say, for time immemorial. The tribes believe that the spirit of the Ancient One cannot rest until he is reburied, and I think it is important that we respect that belief.

The Native American Graves Protection and Repatriation Act, or NAGPRA, was enacted into law in 1990 to address the treatment of Native American cultural items, including human remains, with the goal of returning these items to tribes. In other words, NAGPRA was enacted to facilitate the return of skeletal remains such as the Ancient One.

In January of 2000, both the Corps of Engineers and the Interior Department determined the Ancient One was indeed of Indian descent and should be returned for proper burial. In June of 2015, University of Copenhagen geneticists released findings that clearly tied the DNA of the Ancient One to modern Native Americans, and a subsequent study by the University of Chicago reached similar conclusions.

Mr. Chairman, my amendment would simply return the Ancient One back to the Columbia Basin tribes, who are in total agreement that he should be reburied. I urge my colleagues to support the enactment of this commonsense amendment.

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

Mr. HECK of Washington. Mr. Chairman, I claim the time in opposition, although I am not opposed.

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

There was no objection.

Mr. HECK of Washington. Mr. Chairman, initially, I would like to invoke an expression from Indian Country in the Northwest. I raise my hands in respect first to the chair of the standing committee, Mr. SHUSTER, who has my deepest condolences, and to my friends, Mr. NEWHOUSE, Mr. WALDEN, and my roommate, Mr. KILMER.

The story of the Ancient One, or Kennewick Man, as he is known, is very familiar to those of us who live in the Northwest. As the gentleman from Washington indicated, two college students stumbled upon a skull of the Ancient One on the waters of the Columbia River 20 years ago. That accident unearthed one of the most important archeological discoveries in North American history. Think about it: a skeleton virtually fully intact that is 9,000 years old. Since that time, as has been indicated, the five tribes of the region have struggled for two decades for their right to properly honor, as is their cultural way, and rebury their ancestor.

But there is another story here that I think is important to tell. For generations, American archeologists and collectors raced across the West to collect native artifacts that they shipped back to museums or, more sadly, sold for a profit. Those museums were filled for years with Indian remains from graves, burial platforms, and battlefields that were desecrated, desecrated simply because the nonnative people did not understand the heritage and culture of native people. This era of looting and desecration is, in fact, a stain on our Nation's history.

Thankfully, that wasn't the case with the remains of the Ancient One. This is, in part, because in 1990, in its wisdom, this institution passed a law to protect Indian remains and cultural items from desecration.

In the last 26 years since its enactment, that law has allowed the Federal Government to return thousands of remains and artifacts to native tribes, and that is exactly what this amendment will do. It would enforce our existing laws and return the Ancient One to the five tribes in the Columbia River Basin, which they have fought for for two decades. They fought against a group of scientists that seek to study these remains in order to learn more about how humans first populated North America.

I don't mean to impugn the motives of these scientists. We all want to support greater scientific discovery; but, frankly, these efforts to prevent the reburial of the Ancient One ignore these tribes' sovereign rights, traditions, and, in fact, their most sacred beliefs.

Throughout American history, the Federal Government and the American people have not always—if we are honest with one another—upheld our vital responsibility to respect the treaty rights of the peoples who have been here since time immemorial. It is something we continue to struggle with—I get that—but we can't let it happen here again.

As my friend from Washington said, the science is settled. The Ancient One is in fact an ancestor of the native peoples of the Columbia River Basin, and he belongs with them. We need to do everything in our power to ensure he is returned as quickly as possibly. That is why I was honored to introduce the Bring the Ancient One Home Act, along with my colleagues here. That is why I am so proud to work closely with Mr. NEWHOUSE, Mr. WALDEN, and Mr. KILMER on this amendment.

Mr. Chairman, it has been 20 years, and that is 20 years too long. It is vital that we act now to properly honor the Ancient One. For that reason, I urge adoption of this amendment.

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

Mr. NEWHOUSE. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. KILMER).

Mr. KILMER. Mr. Chairman, I thank my good friends, Representative NEWHOUSE and Representative HECK, for taking the lead on this effort.

I rise today in support of this amendment because the Ancient One has been separated from his family for far too long. It is time he return home.

For 20 years, as you heard my colleague point out, the Ancient One has been stuck in limbo while the scientists and lawyers have debated what the Native American community knew to be true: that he is their ancestor. Now that three independent DNA analyses have confirmed his ancestry to the native people of the Columbia Plateau, the U.S. Army Corps of Engineers must expedite his repatriation so that his descendants may honor his life.

This legislation will help speed up the process and ensure that the Ancient One's descendants have the opportunity to lay his remains to rest in their ancestral burial grounds. Only then will the Ancient One's story finally be complete and will his spirit be able to rest. That is why I support the amendment, and I urge my colleagues to do the same.

Mr. NEWHOUSE. Mr. Chairman, I would urge all of my colleagues to accept this amendment. It is very important to the native people of central Washington.

I, again, want to extend my thanks to Representative HECK, Representative WALDEN, and Representative KILMER. I would like to extend a word of condolence to Chairman SHUSTER. We are all part of an extended family, and I want to make sure that he understands that we share with him his loss.

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. 19 OFFERED BY MR. KILDEE

The Acting CHAIR. It is now in order to consider amendment No. 19 printed in House Report 114–794.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title I, add the following:

SEC. 1___. ADDITIONAL ASSISTANCE.

Section 219 of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4835) is amended by adding at the end the following:

''(g) ADDITIONAL ASSISTANCE.—Notwithstanding any limitation on project purposes identified in subsections (c) or (f), or limitation on authorization, the Secretary may provide additional assistance under subsection (a), and assistance for construction, to any community identified in subsection (c) or (f), in any 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.), as a result of the presence of chemical, physical, or biological constituents, including lead or other contaminants in the eligible system, for the repair or replacement of public and private infrastructure.

''(h) AUTHORIZATION OF APPROPRIATIONS.—For the purposes under paragraph (g), there is authorized to be appropriated $170,000,000 to remain available until expended.''

The Acting CHAIR. Pursuant to House Resolution 897, the gentleman from Michigan (Mr. KILDEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. KILDEE. Mr. Chairman, this amendment is something, obviously, I have been working on for some time. It would bring urgently needed aid to my hometown of Flint, Michigan.

For over a year, the Flint water crisis has been public, and we have not yet been able to act here in Congress. It has been even longer since the residents of Flint have been drinking or using water that is basically poisoned with lead—2 full years.

To be clear, what happened in Flint was a failure of government at every level of government. Through this amendment, Congress can take its rightful place in fulfilling its obligation and its responsibility to help my hometown recover.

The amendment would authorize $170 million to restore the safety of water infrastructure in communities like my hometown of Flint that have lead in their water. More importantly, it would create a concrete commitment from both bodies of Congress to get aid for my hometown to the President's desk.

The Senate passed similar legislation by a vote of 95–3. This amendment would ensure that the House also supports communities like Flint that are suffering with this terrible problem.

We have just waited an awful long time for this. We have worked very hard to get this amendment in a bipartisan fashion to the floor. I want to thank all my friends, but particularly Mr. MOOLENAAR, who cosponsors this amendment with me.

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

Mr. MOOLENAAR. Mr. Chairman, I ask unanimous consent to claim the time in opposition, though I am not opposed to it.

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

There was no objection.

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

Mr. MOOLENAAR. Mr. Chairman, I yield myself 1 minute.

First, I also want to congratulate and express my appreciation to my colleague, friend, and neighbor from Flint, Mr. KILDEE, for his work on this and for his advocacy of his hometown.

I wanted to say, Mr. Chairman, the crisis in Flint was caused by failures of government at all levels. The Federal Government played a significant role in causing this crisis, and Congress has held multiple hearings to investigate. Members on both sides of the aisle have found fault with the Federal Government's actions in Flint.

Today, the House has the opportunity to acknowledge those failures and do right by the people of Flint. While the Federal Government failed, the pipes in Flint were damaged beyond repair and residents were poisoned with lead. That is why fixing the water infrastructure in Flint is a proper role for the Federal Government and a step forward for the city and its residents.

I urge my colleagues to support the amendment.

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

Mr. KILDEE. Mr. Chairman, may I ask how much time I have remaining.

The Acting CHAIR. The gentleman from Michigan (Mr. KILDEE) has 3½ minutes remaining.

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

Mr. MOOLENAAR. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Chairman, listen, we all know what happened in Flint was a tragic failure at every level, and folks there are rightly tired of the finger pointing. They want answers.

Is it asking too much for the EPA to tell folks when lead levels are too high? I say no. This is why this very body passed the Kildee-Upton bill earlier this year, 416–2, that would force the EPA to alert families when lead levels are too high.

Is it asking too much for us to tackle this problem in a fiscally responsible manner? I say no. That is why we have a responsible solution right in front of us. This provision will be fully paid for when conferenced with the Senate.

Is it asking too much for our kids to have access to safe drinking water? I say no. I was just in Flint with my friend, Mr. KILDEE. We ought to be focused on working together to get the job done.

Folks in Flint have been asking these questions for more than 2 years now. And you know what? They deserve answers, action, and results. It is time to stand up and deliver.

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

Mr. MOOLENAAR. Mr. Chairman, I yield 1 minute to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. I thank the gentleman for yielding.

Mr. Chairman, I am so thankful that Congress is stepping up finally to do the right thing by providing assistance to the people of Flint.

Flint has suffered a manmade disaster because of the failure of government at every level of government: the local level, the county level, the State level, and, certainly, the Federal level. Certainly, the State of Michigan has acknowledged their responsibility and has been taking some corrective action, but this disaster is beyond the ability of the city, county, and State to deal with. It requires the Federal Government to accept culpability as well and to buck up, and it is entirely appropriate and necessary that we do so.

Helping the people of Flint, Mr. Chairman, especially the children—these are American children, these are American babies, not from some other foreign country where we give plenty of foreign aid—speaks to who we are as a people.

□ 1715

And we are Americans, compassionate, never turning our back on our own when they need help; and certainly our fellow American citizens of Flint need our country's—this country's—help right now.

So I will be very proud to vote ''yes,'' and I urge all of my colleagues to do the same.

Mr. KILDEE. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. HUIZENGA), my friend and member of the Financial Services Committee.

Mr. HUIZENGA of Michigan. I thank the gentleman for yielding.

Mr. Chairman, this is going to be from the heart. My family is originally from Flint, on my mom's side. I have had very many fond memories growing up as a child going and visiting aunts and uncles and cousins. I have recently visited those who have been affected, and it is tragic.

Mr. Chairman, the simple fact is that if these were folks that had been affected by the breach of a dam or by a nuclear plant meltdown, we would not be turning our backs on them; we would be taking care of them. We should be doing the exact same thing with the folks in Flint.

These folks have experienced failure of government at all levels for decades: local, State, and the Federal Government. That has been well acknowledged. But what we have not talked about is how we are going to then care for those citizens.

Let's fix the management issues, but, more importantly, let's care for our fellow citizens and make sure that those children, especially, are going to have the same opportunity as every other child in Michigan and the United States.

Mr. MOOLENAAR. Mr. Chairman, just in closing, I want to compliment everyone who has been involved in this bipartisan solution. It is an example of Congress working together to solve a problem.

This is something that those of us—and many of us have traveled to Flint—have listened to the stories of the families of children who have been poisoned. It is a tragedy on the national level. Presidential candidates have been there.

This is something concrete that Congress can do to move the ball forward and help Flint with its healing and making a huge difference in the lives of residents in Michigan.

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

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

I just want to say how much I appreciate the efforts on behalf of my home community by my colleagues on both sides of the aisle. As you have heard, Congressman MOOLENAAR, my neighbor, has been there right along.

Congresswoman MILLER stepped up immediately after this crisis became known and articulated a need for Federal intervention very early in the process. Mr. HUIZENGA obviously has been there, with roots in Flint, and has come to my community.

There is not much more I can say about what Mr. UPTON has been willing to do, working with me initially on legislation to reform the EPA's obligations regarding notification and now, of course, working with us to get this amendment before the House of Representatives.

It broke my heart when this whole episode began, to see my own hometown, the place that has given me virtually everything that I have, go through the worst crisis that it could ever even imagine, a crisis that was a threat to its very existence. So I am grateful for the help of Members of Congress on both sides of the aisle.

Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. PALLONE), the ranking member of the Committee on Energy and Commerce.

Mr. PALLONE. Mr. Chairman, I thank the gentleman from Michigan for yielding, and I am happy to support this amendment.

The people of Flint have gone over 2 years without clean drinking water in their homes. They are still being exposed, still being harmed. I think it is a disgrace that we are still fighting about providing them with essential Federal aid.

I want to commend my colleague Mr. KILDEE and Democratic leaders in the House and the Senate who kept attention on the plight of this community and worked tirelessly for the opportunity to offer this amendment.

I hope to see this amendment pass shortly, but our work will not be done. We will have to work to go to conference with the House and the Senate WRDA bills and ensure that the people of Flint receive the funds that they need.

Safe drinking water is essential to every person in this country, and provisions to ensure safe drinking water should not be a partisan issue. So I urge my colleagues to join me in voting ''yes'' on this amendment.

Mr. KILDEE. Mr. Chairman, again, I thank my colleagues. I hope and pray that I have strong bipartisan support for this effort. It has surely been demonstrated by my friends who have spoken.

This is one of those issues that should and ought to transcend some of the divisions that often occupy this House. It is a matter simply of doing what is right for the people of my hometown and the people of this country, and it means a lot to me that so many have stood with me in this time. I urge my colleagues to support this amendment.

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

Ms. BONAMICI. Mr. Chair, I rise today in support of H.R. 5303, the Water Resources Development Act of 2016.

Across the country, my colleagues and I hear from communities and businesses about the need to invest in infrastructure. The federal investment in infrastructure has fallen to a paltry level, and our communities are feeling the consequences of this every day. Not only does investing in infrastructure put people to work, it also allows for the efficient movement of people and goods, an essential aspect of commerce, economic growth, and public safety. The lack of robust investment threatens our global competitiveness and the safety and quality of life of our constituents.

The original Water Resources Development Act (WRDA) bill included language that would set a schedule to direct all of the Harbor Maintenance Trust Fund (HMTF) revenues to be used for the maintenance of U.S. harbors instead of the current process of transferring a portion to the Treasury to cover unrelated debts. Our nation's harbors, ports, and waterways have a backlog of important projects that are key to our country's competitiveness. By moving HMTF funding off-budget, it would have provided much-needed funding for these projects. As the Senate and House negotiate the final legislation, I support directing all Harbor Maintenance Trust Fund revenues to be used for harbor maintenance.

I applaud Ranking Member DEFAZIO for securing a set-aside of at least 10 percent of the revenues from the HMTF to be used for small ports. This provision will benefit many communities in Oregon that rely on small ports to get goods to market, which will help local economies thrive. These small ports can't compete for Harbor Maintenance funding alongside the large, deep-draft ports, so a set-aside is vital to their survival.

Additionally the Willamette Falls at the end of the Oregon Trail and the Willamette Locks were an important element of American settlement of the West. Repair and reopening of the Willamette Falls Locks is an essential part of the future economic and cultural heritage of the area. A final disposition study of the Locks

is underway by the Army Corps of Engineers. It is important that this study fully consider all economic, recreational, historic, and cultural significance of the locks at the national, state, or local level.

The Columbia River is a powerful economic force in Oregon. It helps carry goods to market and provides food to tribal populations and others. We must reduce pollution and contamination of this critical resource. I joined my colleagues Reps. BLUMENAUER and DEFAZIO in introducing H.R. 2469, the Columbia River Basin Restoration Act of 2015, which includes grants for projects that help preserve and protect the waterway. As the Senate and House negotiate the final legislation, I support the inclusion of the Columbia River Restoration Act in the final bill.

I share the frustration of so many families in Oregon and across the nation whose children have been exposed to lead in their school drinking water and their neighborhoods. Families shouldn't have to worry about whether the drinking water in their homes or schools poses serious risks to their children's health. The Flint, Michigan crisis continues, and children and families desperately need aid to restore quality drinking water. I supported Rep. KILDEE's amendment to bring aid needed to communities suffering from water contamination emergencies.

Invasive mussels have destroyed infrastructure in Western States and are costly to eradicate once they've multiplied. Accordingly, prevention is important. Watercraft inspection stations help protect the Columbia River basin from being permeated by zebra and quagga mussels. I am pleased that Rep. HERRERA BEUTLER's amendment was adopted to allow funds to be used for watercraft inspection stations in Northwestern states.

I am supporting this bill today and will continue working with my colleagues to dedicate HMTF revenue for its intended purpose.

Ms. JACKSON LEE. Mr. Chair, I rise in strong support of the Kildee Amendment to H.R. 5303, the ''Water Resources Development Act,'' which authorizes variety of U.S. Army Corps of Engineers water resources development projects, feasibility studies, and relationships with nonfederal project sponsors.

Specifically, I would like to congratulate my colleague Representative DAN KILDEE who represents Michigan's 5th District on his amendment, which bring much needed relief to the people of Flint Michigan who have gone without safe potable water for over 2 years.

The Kildee Amendment provides $170,000,000 in funding to repair and replace the damaged water pipes that are the source of the toxic lead and chemical laced water flowing to Flint, Michigan homes.

For the past two years, Flint, Michigan has lived in a state of fear of the water flowing from the faucets in their homes.

It is beyond shocking and unacceptable that tens of thousands of citizens have been exposed to toxic levels of lead in their drinking water.

The trust and ability to protect our citizens' basic right to clean water has been shaken nationally by the severity and length of time this disaster has been allowed to fester without Congressional action.

Each of us in this body has a duty to ensure justice and protection of our citizens.

This was not a disaster in hiding, it was in plain sight for 2 years, but Congress refused to act until forced to do so by a deadline that they could not control.

We must not let the plight of Flint and the provision of relief let us forget that we must:

address the harms caused;

get an accounting of what happened;

understand how the water was poisoned;

make the lives of people damaged by this tragedy whole;

find justice for those lives that may have been lost; and

determine and provide for the long-term health needs of those impacted.

Flint, Michigan like so many communities across the nation really felt the brunt of the financial crisis created by the abuse of new home lending practices and deceptive investment schemes that hid the weaknesses in the economy until the great recession spread across the nation beginning in late 2008.

The financial damage done to communities like Flint in the form of steep declines in property values, which caused significant declines in property tax income.

This was not just Flint's problem, but a national reality—for financially strapped cities, towns, school boards, and municipal governments.

This shared economic crisis resulted in new leadership being sent to Congress and to governors' mansions across the nation.

Michigan was one state that turned to new leadership to solve problems and restore fiscal health to the state and local economies.

Governor Rick Snyder of Michigan was sworn into office in 2011 to solve problems and restore fiscal health to his state.

On December 1, 2010, Michael Brown took office as Flint's state-appointed emergency manager.

One of the first acts of the newly elected leaders in the state of Michigan was to drastically change the powers that could be exercised under the state's emergency manager law to include special provisions regarding the declaration of a local government financial emergency.

Over the 22 years the original emergency management law had been in place only 7 jurisdictions had been under emergency management, but following the 2011 changes to that law 10 jurisdictions were placed under emergency management.

On Election Day in 2011 the state declared that an emergency financial manager should assume control over the city of Flint.

The conditions in Flint are a cautionary tale on what happens when money has more value than people in the minds of those charged under public oath to serve, defend and protect Constitutional Rights.

On April 25, 2014, the city of Flint switches water supply from Lake Huron, which cost the city about $1 million each month to the Flint River to save money.

The Flint River had long been known by residents to be contaminated by industrial pollution.

The water out of the Flint River was not safe, but it could have been treated to prevent the erosion of lead pipes that contaminated the water, the introduction bacteria and other toxins into the homes, schools, workplaces, and churches of the community, but that would have cost money.

Shortly after the switch citizens began to complain about the color, taste, order, and reported rashes.

In August and September 2014, city officials issued boil water directives to citizens after a coliform bacterium was found in the water.

Some people may be more vulnerable to contaminants in drinking water than the general population.

Immuno-comprised persons such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants can be particularly at risk from infections if exposed to water born bacteria.

Several deaths are under investigation because they may be linked to the polluted water sent to Flint residents' homes.

In October 2014 the Michigan Department of Environmental Quality blames cold weather, aging pipes, and a population decline for the poor water quality.

In January 2015, the Detroit water systems offers to reconnect Flint, and would waive the $4 million connection fee, but 3 weeks later the state appointed emergency manager declined the offer.

In February 2015, a memo from Governor Snyder's office plays down the problem and states that the water is not an imminent ''threat to public health.''

In February 2015—the same month the governor's office declared that the water was safe tests revealed that it contained 104 parts per billion of lead in drinking water drawn from taps in the home of Lee Anne Walters one of today's witnesses.

The Environmental Protection Agency requires action when levels reach 15 parts per billion of lead contamination, but scientist state there is no safe level of lead contamination.

On February 27, Miguel Del Toral an EPA expert reported that the state was testing water in a manner that would profoundly underestimate lead levels.

On March 12, 2015, Veolia a consultant group hired by Flint reports that the city's water meets state and federal standards, but fails to report on lead levels.

Elevated levels of lead can cause serious health problems, especially for pregnant women and young children.

Infants and young children are typically more vulnerable to lead in drinking water than the general population.

While the state declared the water safe to drink and the EPA received assurances that testing was being performed and the results showed no worries, behind the scenes something very different was happening in state offices located in Flint Michigan.

On January 9, 2015, e-mails among Flint government employees at the Department of Technology, Management and Budget, Michigan Department of Environmental Quality, and the Office of Drinking Water and Municipal Assistance.

The emails revealed that employees at government departments in the city of Flint were concerned about Flint's water quality and in response the state paid for water coolers to be placed in government offices located in the city of flint on each occupied floor, and positioned near the water fountain, so state workers could choose which water to drink.

The core concern of the emails was the levels of a group of chemical compounds called ''TTHM'' or ''total tri-halomethanes, that were identified in the Flint drinking water.

TTHM are produced when organic matter in natural water reacts chemically with chlorine disinfectants.

Chlorine disinfectants are added to drinking water to destroy the microbial pathogens that could make consumers sick or even kill them.

Disinfection byproducts TTHM can be minimized in drinking water by reducing organic matter in water before chlorination—in other words through treating the water.

While the people of Flint Michigan continue to complain about the taste and smell of the water—which ranged from a dull grey grime to rust color in appearance government officials provided themselves with access to bottled water at the taxpayers' expense.

The amount of chlorination added to the water in excess of what should have been created another problem—people were now consuming and bathing in water contaminated with TTHM.

The amount of chlorination added to the water in excess of what should have been created another problem—people were now.

Flint Mayor Karen Weaver announced that her goal would be to replace 13,000 lead pipes at a cost of $2–3,000 for each pipe for a total of about $42 million.

No one knows the reality of undertaking a massive effort such as what will be needed, so the cost could easily be much higher than estimates.

Flint cannot be another Katrina where the poor, people of color and marginalized are shutout of jobs as well as the political and decision making processes regarding their homes, neighborhoods or city.

Replacing the lead pipes of Flint must include the cost of repairing homes that will be damaged to access the pipes; repaving driveways, or re-sodding lawns that are dug up to get to pipes, and restoring sidewalks that are damaged to access pipe.

The repair and restitution of potable water to residents of Flint will not be the end of the story.

We must recognize and acknowledge that there will be long term health consequences for every person exposed to the toxic water for 2 years.

There are health impacts for children, their parents, and grandparents that cannot and should not be ignored.

Our next step must be a public fund to compensate those who have long term health impacts or diminished ability to be productive over the full course of their work careers.

We will continue to work to help the people of Flint, Michigan in order to restore them to health and eliminate their fear.

In closing, let me again express my appreciation and thanks to Congressman KILDEE for his steadfastness in advocating his amendment and to Energy and Commerce Chair UPTON, Congressman CONYERS, and Congresswoman BRENDA LAWRENCE for their tireless efforts to ameliorate the suffering of the people of Flint Michigan.

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

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

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

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

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 114–794 on which further proceedings were postponed, in the following order:

Amendment No. 15 by Mr. JOYCE of Ohio.

Amendment No. 19 by Mr. KILDEE of Michigan.

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

AMENDMENT NO. 15 OFFERED BY MR. JOYCE

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 407, noes 18, not voting 6, as follows:

[Roll No. 569]

AYES—407

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 (PA)
Brady (TX)
Bridenstine
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
Cicilline
Clark (MA)
Clarke (NY)
Clawson (FL)
Clay
Cleaver
Clyburn
Coffman
Cohen
Cole
Collins (NY)
Comstock
Conaway
Connolly
Conyers
Cook
Cooper
Costa
Costello (PA)
Courtney
Cramer
Crawford
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Curbelo (FL)
Davidson
Davis (CA)
Davis, Danny
Davis, Rodney
DeFazio
DeGette
Delaney
DeLauro
DelBene
Dent
DeSantis
DeSaulnier
DesJarlais
Deutch
Diaz-Balart
Dingell
Doggett
Dold
Donovan
Doyle, Michael F.
Duckworth
Duffy
Edwards
Ellison
Ellmers (NC)
Emmer (MN)
Engel
Eshoo
Esty
Farenthold
Farr
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foster
Foxx
Frankel (FL)
Frelinghuysen
Fudge
Gabbard
Gallego
Garamendi
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gowdy
Graham
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Grothman
Guinta
Guthrie
Gutiérrez
Hahn
Hanna
Hardy
Harper
Harris
Hartzler
Hastings
Heck (NV)
Heck (WA)
Hensarling
Herrera Beutler
Higgins
Hill
Himes
Hinojosa
Holding
Honda
Hoyer
Hudson
Huelskamp
Huffman
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Israel
Issa
Jackson Lee
Jeffries
Jenkins (KS)
Jenkins (WV)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jolly
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)
Luján, Ben Ray (NM)
Lynch
MacArthur
Maloney, Carolyn
Maloney, Sean
Marchant
Marino
Matsui
McCarthy
McCaul
McCollum
McDermott
McGovern
McHenry
McKinley
McMorris Rodgers
McNerney
McSally
Meadows
Meehan
Meeks
Meng
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Moore
Moulton
Mullin
Murphy (FL)
Murphy (PA)
Nadler
Napolitano
Neal
Neugebauer
Newhouse
Noem
Nolan
Norcross
Nugent
Nunes
O'Rourke
Olson
Palazzo
Pallone
Pascrell
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Perry
Peters
Peterson
Pingree
Pittenger
Pitts
Pocan
Poliquin
Polis
Pompeo
Posey
Price (NC)
Price, Tom
Quigley
Rangel
Ratcliffe
Reed
Reichert
Renacci
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.
Sarbanes
Scalise
Schakowsky
Schiff
Schrader
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell (AL)
Sherman
Shimkus
Shuster
Simpson
Sinema
Sires
Slaughter
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stefanik
Stewart
Stivers
Stutzman
Swalwell (CA)
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
Webster (FL)
Welch
Wenstrup
Westerman
Westmoreland
Williams
Wilson (FL)
Wilson (SC)
Wittman
Womack
Yarmuth
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NOES—18

Amash
Brat
Brooks (AL)
Collins (GA)
Duncan (SC)
Duncan (TN)
Franks (AZ)
Gosar
Hice, Jody B.
Jones
Lummis
Massie
McClintock
Mulvaney
Palmer
Sanford
Weber (TX)
Woodall

NOT VOTING—6

Denham
Kirkpatrick
Poe (TX)
Ribble
Rush
Sanchez, Loretta

□ 1744

Messrs. BROOKS of Alabama and Mr. WEBER of Texas changed their vote from ''aye'' to ''no.''

Mr. RODNEY DAVIS of Illinois changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 19 OFFERED BY MR. KILDEE

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 284, noes 141, answered ''present'' 1, not voting 5, as follows:

[Roll No. 570]

AYES—284

Abraham
Adams
Aderholt
Aguilar
Amodei
Ashford
Barletta
Bass
Beatty
Becerra
Benishek
Bera
Beyer
Bilirakis
Bishop (GA)
Bishop (MI)
Blumenauer
Bonamici
Bost
Boustany
Boyle, Brendan F.
Brady (PA)
Brooks (IN)
Brown (FL)
Brownley (CA)
Buchanan
Bucshon
Bustos
Butterfield
Calvert
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Cole
Comstock
Connolly
Conyers
Cook
Cooper
Costa
Costello (PA)
Courtney
Cramer
Crawford
Crowley
Cuellar
Culberson
Cummings
Curbelo (FL)
Davis (CA)
Davis, Danny
Davis, Rodney
DeFazio
DeGette
Delaney
DeLauro
DelBene
Denham
Dent
DeSaulnier
Deutch
Diaz-Balart
Dingell
Doggett
Dold
Donovan
Doyle, Michael F.
Duckworth
Duffy
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fitzpatrick
Fleischmann
Fleming
Fortenberry
Foster
Frankel (FL)
Frelinghuysen
Fudge
Gabbard
Gallego
Garamendi
Gibson
Graham
Granger
Graves (LA)
Grayson
Green, Al
Green, Gene
Grijalva
Guinta
Gutiérrez
Hahn
Hanna
Hardy
Hastings
Heck (NV)
Heck (WA)
Herrera Beutler
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Huizenga (MI)
Hurd (TX)
Israel
Issa
Jackson Lee
Jeffries
Jenkins (KS)
Jenkins (WV)
Johnson (GA)
Johnson, E. B.
Jolly
Joyce
Kaptur
Katko
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
King (NY)
Kinzinger (IL)
Kline
Kuster
Lance
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Lofgren
Love
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
MacArthur
Maloney, Carolyn
Maloney, Sean
Marino
Matsui
McCarthy
McCollum
McDermott
McGovern
McHenry
McNerney
Meehan
Meeks
Meng
Miller (MI)
Moolenaar
Moore
Moulton
Murphy (FL)
Murphy (PA)
Nadler
Napolitano
Neal
Nolan
Norcross
Nugent
Nunes
O'Rourke
Pallone
Pascrell
Paulsen
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Poliquin
Polis
Pompeo
Price (NC)
Quigley
Rangel
Reed
Reichert
Rice (NY)
Richmond
Rigell
Roby
Rogers (AL)
Rogers (KY)
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruiz
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Shimkus
Shuster
Simpson
Sinema
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stefanik
Stivers
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Thompson (PA)
Titus
Tonko
Torres
Trott
Tsongas
Turner
Upton
Valadao
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Wagner
Walberg
Walden
Walorski
Walters, Mimi
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Womack
Yarmuth
Young (AK)
Young (IA)
Young (IN)
Zinke

NOES—141

Allen
Babin
Barr
Barton
Bishop (UT)
Black
Blackburn
Blum
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Buck
Burgess
Byrne
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Collins (GA)
Collins (NY)
Conaway
Crenshaw
Davidson
DeSantis
DesJarlais
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fincher
Flores
Forbes
Foxx
Franks (AZ)
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Griffith
Grothman
Guthrie
Harper
Harris
Hartzler
Hensarling
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Hultgren
Hunter
Hurt (VA)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly (MS)
Kelly (PA)
King (IA)
Knight
Labrador
LaHood
LaMalfa
Lamborn
Latta
Long
Loudermilk
Lucas
Luetkemeyer
Lummis
Marchant
Massie
McCaul
McClintock
McKinley
McMorris Rodgers
McSally
Meadows
Messer
Mica
Miller (FL)
Mooney (WV)
Mullin
Mulvaney
Neugebauer
Newhouse
Noem
Olson
Palazzo
Palmer
Pearce
Perry
Pittenger
Pitts
Posey
Price, Tom
Ratcliffe
Renacci
Rice (SC)
Roe (TN)
Rohrabacher
Rokita
Rothfus
Rouzer
Russell
Salmon
Sanford
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Smith (MO)
Smith (NE)
Smith (TX)
Stewart
Stutzman
Thornberry
Tiberi
Tipton
Walker
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Williams
Wilson (SC)
Wittman
Woodall
Yoder
Yoho
Zeldin

ANSWERED ''PRESENT''—1

Amash

NOT VOTING—5

Kirkpatrick
Poe (TX)
Ribble
Rush
Sanchez, Loretta

□ 1755

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

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

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The Acting CHAIR (Mr. EMMER of Minnesota). The question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. YODER) having assumed the chair, Mr. EMMER of Minnesota, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5303) to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes, and, pursuant to House Resolution 897, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. DEFAZIO. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. DEFAZIO. I am opposed to the bill.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. DeFazio moves to recommit the bill H.R. 5303 to the Committee on Transportation and Infrastructure with instructions to report the same back to the House forthwith with the following amendment:

At the end of title IV, add the following:

SEC. ____. NO CORPS FUNDING FOR SOCCER FIELDS, BASEBALL FIELDS, BASKETBALL COURTS, OR SPLASH PARKS.

Notwithstanding item 1 of the table in section 401(a)(8), the Secretary may not carry out the project for the Upper Trinity River, Modified Central City, Fort Worth, Texas—

(1) if the Secretary determines that any portion of the project is for the construction of a soccer field, baseball field, basketball

court, or splash park using Federal funds provided through the Corps of Engineers; or

(2) notwithstanding section 116 of the Energy and Water Development Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 2944), until the Secretary has determined that the project is economically justified.

Mr. SHUSTER (during the reading). Mr. Speaker, I ask unanimous consent that the reading be dispensed with.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Oregon is recognized for 5 minutes.

□ 1800

Mr. DEFAZIO. Mr. Speaker, as we have heard over 2 days, the Corps' budget is tight—a $2.4 billion backlog in operations and maintenance and, after today, a $74 billion backlog in authorized projects. Now, deep in this bill is a line item that provides an authorization for an $810 million lavish waterfront development project in Fort Worth, Texas. My amendment simply guarantees fiscal discipline and regular order in two parts.

First, it guarantees that no Corps of Engineers funds will be used to build soccer fields, baseball fields, basketball courts, or splash parks as part of the project. Second, it requires the Secretary of the Army to determine that the project is economically justified. That is it. That is all this does.

The proponents of this will say there are no funds that are going to be used for soccer fields, baseball fields, basketball courts, or splash parks. However, this has been extracted from the Web site of the developer of the project. This is the official Web site. These are all included.

They say: We are going to use local funds.

There is a little gimmick here. Corps projects that have been authorized and have been found to be economically beneficial have to have local cost sharing. In this case, big parts of the local cost share are these things which are not qualified for a Corps project.

They say: Those aren't going to be Federal funds.

This is going to reduce the burden on the local people to match, and it is going to increase the burden on the taxpayers. In fact, if this does not authorize these things, all the Secretary has to do is to say they are not going to be constructed with Federal funds. If Members don't want to take my word for it, listen to the Taxpayers for Common Sense and National Taxpayers Union.

''The legislation authorizes funding for a project in Fort Worth, Texas, costing more than $800 million. The Upper Trinity River project is portrayed as a flood damage reduction effort, but is really a massive economic development initiative that would divert precious Corps resources to construct soccer and baseball fields, basketball courts, and even a splash park. Money spent on a splash park in Fort Worth is money that cannot be spent to further the Corps' core mission areas. At the least, we urge you to remove or limit the funds. . . . '' If I am wrong and the National Taxpayers Union is wrong, the Secretary only has to confirm that.

Secondly, we are going to require the Secretary to determine the project as economically justified. Why would Congress insist on economically justifying a $510 million Federal project? A better question might be: Why wouldn't you insist on this?

Every other chief's report in this bill had to go through an economic analysis by the Corps of Engineers and be found to be a net benefit to the taxpayers of the United States. This project did not. Yes, there was a private analysis done that said this is a great project, but there was no study done by the chief's office, and it has not been economically justified.

This project started out as an earmark in 2004 at a cost of $220 million. In this bill, it is a renewed earmark at $810 million, and the Federal share has gone from $110 million to $527 million. Anybody out there who has a need for a port or a harbor or anything else, think about that as you are in a very long line, and $527 million is going to get ahead of you with an earmarked project which includes these sorts of features.

I urge Members to observe regular order, not to do an earmark by any other name, and require this project to be economically justified and not to construct sports facilities.

SEPTEMBER 27, 2016.

DEAR REPRESENTATIVE: While less expensive and problematic than the Senate version of the Water Resources Development Act (S. 2848), we urge you to oppose H.R. 5303, the ''Water Resources Development Act of 2016.'' Instead of much needed reform, this legislation piles billions of dollars in additional water projects on the U.S. Army Corps of Engineers' plate. The legislation also makes policy changes that will be costly to taxpayers.

The largest challenge facing the Corps of Engineers water resources program is the lack of a prioritization system for allocating the limited available tax dollars. The legislation directs the executive branch to better explain its budgeting decisions, but this should not serve as an abdication of congressional authority. Congress should develop the criteria and metrics to prioritize Corps projects in the three primary mission areas (navigation, flood/storm damage reduction, and environmental restoration). The executive branch should be required to allocate funds in the budget request in a transparent manner through merit, competitive, or formula systems developed by Congress. Lawmakers could then conduct oversight, hold the administration accountable, and adjust the systems, criteria, and metrics as needed.

H.R. 5303 fails to include such a prioritization system. It does many other things, however. Between committee consideration and the floor, the bill grew by over $6 billion. A provision from the Water Resources Reform and Development Act of 2014 dedicating maintenance dredging funds to emerging ports is made permanent. It doesn't make sense to invest in a port that is continually ''emerging.'' It also extends set-asides for ''donor'' and ''energy'' ports without reforming the massive cross-subsidies in the existing maintenance dredging program. The legislation authorizes funding for a project in Fort Worth, Texas, costing more than $800 million. The Upper Trinity River project is portrayed as a flood damage reduction effort, but is really a massive economic development initiative that would divert precious Corps resources to construct soccer and baseball fields, basketball courts, and even a splash park. Money spent on a splash park in Fort Worth is money that cannot be spent to further the Corps' core mission areas. At the least, we urge you to remove or limit the funds for this project.

Again, we urge you to oppose H.R. 5303 the ''Water Resources Development Act of 2016.''

Sincerely,

RYAN ALEXANDER,
Taxpayers for Common Sense.

PETE SEPP,
National Taxpayers Union.

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

Mr. SHUSTER. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. SHUSTER. Mr. Speaker, the gentleman is correct. We are going to stand up and say that the Corps of Engineers and the non-Federal sponsor have made it clear that it is not responsible for constructing baseball fields, basketball courts, and soccer fields. Not only has the Corps said to us that it is not included in this—they have confirmed, and they have reconfirmed—but, in fact, an independent board did a cost-benefit analysis on this. An independent board did one. This motion simply stops the forward motion of this bill.

When I became chairman, I committed to making sure that, in every Congress, we would pass a WRDA bill and get back to regular order like we used to do, but there was a 7-year gap; so here, today, we have a bill. It is not perfect by any means, but it is a good bill.

I look around this Chamber, and there are Members here who have projects in this that are important to their districts and that are important to their States. Most importantly, it is important to the Nation that we move this bill forward. If we delay on this bill, we are going to delay these jobs. This is a critical bill for us. It does some very, very good things. There are good benefits in here.

First, it reasserts congressional authority by restoring the 2-year cycle to WRDA. It restores congressional authority. That means we in this House and in the Senate—in Congress—get to tell the administration what they are going to do. We are not going to sit here and have them direct us and say this is what we will do. We don't know who those faceless, nameless bureaucrats are, and I am tired of that. I will not let that happen on my watch. There is a return to regular order. As I said, there are unelected bureaucrats making those decisions for us.

Secondly, it is fiscally responsible. We authorize over $9 billion in projects, but we de-authorize. We have taken it, and we have balanced it out so it is fiscally responsible.

Finally, it keeps American jobs in America by strengthening our competitiveness—not Republican and Democratic jobs, American jobs. In each Member's district and in each Member's State, this bill is going to help America be competitive so that our goods and products can go out of these ports efficiently to world markets and so they can come in and get on our store shelves efficiently and save Americans money.

This is an important economic development bill for this Nation. Let's get this bill done. Let's get into conversations with the Senate, and let's get this on the President's desk. Let's help strengthen America.

I urge a ''no'' vote on this.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 181, noes 243, not voting 7, as follows:

[Roll No. 571]

AYES—181

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

NOES—243

Abraham
Aderholt
Allen
Amash
Amodei
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Crenshaw
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fincher
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
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Herrera Beutler
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Pitts
Poliquin
Pompeo
Posey
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
Veasey
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

NOT VOTING—7

Doyle, Michael F.
Kirkpatrick
Lowey
McDermott
Poe (TX)
Rush
Sanchez, Loretta

□ 1812

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 399, noes 25, not voting 7, as follows:

[Roll No. 572]

AYES—399

Abraham
Adams
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
Brady (PA)
Brady (TX)
Brat
Bridenstine
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
Cicilline
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
DeGette
Delaney
DeLauro
DelBene
Denham
Dent
DeSantis
DeSaulnier
DesJarlais
Deutch
Diaz-Balart
Dingell
Doggett
Dold
Donovan
Doyle, Michael F.
Duckworth
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Emmer (MN)
Engel
Eshoo
Esty
Farenthold
Farr
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foster
Foxx
Frankel (FL)
Frelinghuysen
Fudge
Gabbard
Gallego
Garamendi
Garrett
Gibbs
Gibson
Goodlatte
Gowdy
Graham
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Grayson
Green, Al
Griffith
Grijalva
Grothman
Guinta
Guthrie
Gutiérrez
Hahn
Hanna
Hardy

Harper
Harris
Hartzler
Hastings
Heck (NV)
Heck (WA)
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins
Hill
Himes
Hinojosa
Holding
Honda
Hoyer
Hudson
Huffman
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Israel
Issa
Jackson Lee
Jeffries
Jenkins (KS)
Jenkins (WV)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jolly
Joyce
Kaptur
Katko
Keating
Kelly (IL)
Kelly (MS)
Kelly (PA)
Kennedy
Kildee
Kilmer
Kind
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Kuster
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)
Luján, Ben Ray (NM)
Lummis
Lynch
MacArthur
Maloney, Carolyn
Maloney, Sean
Marchant
Marino
Massie
Matsui
McCarthy
McCaul
McClintock
McCollum
McGovern
McHenry
McMorris Rodgers
McNerney
McSally
Meadows
Meehan
Meeks
Meng
Messer
Mica
Miller (MI)
Moolenaar
Mooney (WV)
Moore
Moulton
Mullin
Mulvaney
Murphy (FL)
Murphy (PA)
Nadler
Napolitano
Neal
Newhouse
Noem
Nolan
Norcross
Nugent
Nunes
O'Rourke
Olson
Palazzo
Pallone
Pascrell
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Peters
Peterson
Pittenger
Pocan
Poliquin
Pompeo
Posey
Price (NC)
Price, Tom
Quigley
Rangel
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (NY)
Rice (SC)
Richmond
Rigell
Roe (TN)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Roybal-Allard
Royce
Ruiz
Ruppersberger
Russell
Ryan (OH)
Sánchez, Linda T.
Sanford
Sarbanes
Scalise
Schakowsky
Schiff
Schrader
Schweikert
Scott (VA)
Scott, Austin
Scott, David
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

NOES—25

Aderholt
Amash
Brooks (AL)
DeFazio
Ellmers (NC)
Franks (AZ)
Gohmert
Gosar
Green, Gene
Huelskamp
Jones
Jordan
Labrador
McKinley
Miller (FL)
Neugebauer
Palmer
Perry
Pitts
Polis
Roby
Rogers (AL)
Salmon
Sensenbrenner
Sewell (AL)

NOT VOTING—7

Boyle, Brendan F.
Kirkpatrick
McDermott
Pingree
Poe (TX)
Rush
Sanchez, Loretta

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1820

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

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXPRESSING CONCERN OVER THE DISAPPEARANCE OF DAVID SNEDDON, AND FOR OTHER PURPOSES

Mr. STEWART. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence be discharged from further consideration of House Resolution 891, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore (Mr. YOUNG of Iowa). Is there objection to the request of the gentleman from Utah?

There was no objection.

The text of the resolution is as follows:

H. RES. 891

Whereas David Louis Sneddon is a United States citizen who disappeared while touring the Yunnan Province in the People's Republic of China as a university student on August 14, 2004, at the age of 24;

Whereas David had last reported to family members prior to his disappearance that he intended to hike the Tiger Leaping Gorge in the Yunnan Province before returning to the United States and had placed a downpayment on student housing for the upcoming academic year, planned business meetings, and scheduled law school entrance examinations in the United States for the fall;

Whereas People's Republic of China officials have reported to the Department of State and the family of David that he most likely died by falling into the Jinsha River while hiking the Tiger Leaping Gorge, although no physical evidence or eyewitness testimony exists to support this conclusion;

Whereas there is evidence indicating that David did not fall into the river when he traveled through the gorge, including eyewitness testimonies from people who saw David alive and spoke to him in person after his hike, as recorded by members of David's family and by embassy officials from the Department of State in the months after his disappearance;

Whereas family members searching for David shortly after he went missing obtained eyewitness accounts that David stayed overnight in several guesthouses during and after his safe hike through the gorge, and these guesthouse locations suggest that David disappeared after passing through the gorge, but the guest registers recording the names and passport numbers of foreign overnight guests could not be accessed;

Whereas Chinese officials have reported that evidence does not exist that David was a victim of violent crime, or a resident in a local hospital, prison, or mental institution at the time of his disappearance, and no attempt has been made to use David's passport since the time of his disappearance, nor has any money been withdrawn from his bank account since that time;

Whereas David Sneddon is the only United States citizen to disappear without explanation in the People's Republic of China since the normalization of relations between the United States and China during the administration of President Richard Nixon;

Whereas investigative reporters and nongovernmental organizations with expertise in the Asia-Pacific region, and in some cases particular expertise in the Asian Underground Railroad and North Korea's program, documented historically, to kidnap citizens of foreign nations for espionage purposes, have repeatedly raised the possibility that the Government of the Democratic People's Republic of Korea (DPRK) was involved in David's disappearance; and

Whereas investigative reporters and nongovernmental organizations who have reviewed David's case believe it is possible that the Government of North Korea was involved in David's disappearance because—

(1) the Yunnan Province is regarded by regional experts as an area frequently trafficked by North Korean refugees and their support networks, and the Government of the People's Republic of China allows North Korean agents to operate throughout the region to repatriate refugees, such as prominent North Korean defector Kang Byong-sop and members of his family who were captured near the China-Laos border just weeks prior to David's disappearance;

(2) in 2002, North Korean officials acknowledged that the Government of North Korea has carried out a policy since the 1970s of abducting foreign citizens and holding them captive in North Korea for the purpose of training its intelligence and military personnel in critical language and culture skills to infiltrate foreign nations;

(3) Charles Robert Jenkins, a United States soldier who deserted his unit in South Korea in 1965 and was held captive in North Korea for nearly 40 years, left North Korea in July 2004 (one month before David disappeared in China) and Jenkins reported that he was forced to teach English to North Korean intelligence and military personnel while in captivity;

(4) David Sneddon is fluent in the Korean language and was learning Mandarin, skills that could have been appealing to the Government of North Korea;

(5) tensions between the United States and North Korea were heightened during the summer of 2004 due to recent approval of the North Korean Human Rights Act of 2004 (Public Law 108–333) that increased United States aid to refugees fleeing North Korea, prompting the Government of North Korea to issue a press release warning the United States to ''drop its hostile policy'';

(6) David Sneddon's disappearance fits a known historical pattern often seen in the abduction of foreigners by the Government of North Korea;

(7) a well-reputed Japanese nonprofit specializing in North Korean abductions shared with the United States its expert analysis in 2012 about information it stated was received ''from a reliable source'' that a United States university student largely matching David Sneddon's description was taken from China by North Korean agents in August 2004; and

(8) commentary published in the Wall Street Journal in 2013 cited experts looking at the Sneddon case who concluded that ''it is most probable that a U.S. national has been abducted to North Korea,'' and ''there