

without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 69. Concurrent resolution authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 597. An act to increase Federal Pell Grants for the children of fallen public safety officers, and for other purposes.

S. 1165. An act to designate the medical center of the Department of Veterans Affairs in Huntington, West Virginia, as the Hershel "Woody" Williams VA Medical Center.

The message also announced that the Senate has agreed to a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 24. Concurrent resolution providing for a correction in the enrollment of H.R. 601.

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

□ 1845

DEPARTMENT OF THE INTERIOR,
ENVIRONMENT, AND RELATED
AGENCIES APPROPRIATIONS
ACT, 2018

The Committee resumed its sitting.

AMENDMENT NO. 29 OFFERED BY MR. BIGGS

The Acting CHAIR (Mr. TIPTON). It is now in order to consider amendment No. 29 printed in House Report 115-297.

Mr. BIGGS. 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 64, line 1, after the dollar amount, insert "(reduced by \$10,234,000)".

Page 141, line 4, after the dollar amount, insert "(increased by \$10,234,000)".

The Acting CHAIR. Pursuant to House Resolution 504, the gentleman from Arizona (Mr. BIGGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

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

Mr. Chairman, earlier this year President Donald Trump submitted his budget request for fiscal year 2018 to Congress. The budget request included a 20 percent reduction in funding for the Environmental Protection Agency's Office of Enforcement and Compliance Assurance to \$419 million, \$129 million below the fiscal year 2017 level.

The underlying bill cuts roughly 15 percent of the EPA's enforcement budget, and my amendment would get us closer to meeting the President's request by cutting an additional \$10,234,000 from the EPA's programs and management account enforcement line item.

Reducing the EPA's enforcement budget will help rein in inappropriate

bureaucratic actions. It is necessary to revive the American economy and restore regulatory sanity to environmental regulations.

Make no mistake, Mr. Chairman, the American people cannot afford to continue to be burdened by an out-of-control EPA that overregulates and promulgates rules and then punishes the American by adjudicating unconstitutional penalties.

Mr. Chairman, I urge all Members to vote "yes" on my amendment, and I reserve the balance of my time.

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

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

Ms. MCCOLLUM. Mr. Chair, I can't support an amendment taking money from an underfunded agency, reducing our bottom line, when it is already \$824 million below the FY17 enacted level. Let me give you two examples of why I think the gentleman's amendment should not be supported.

One is I have been talking to EPA officials because we have a surprise toxic dump site that is as close to a residential area as I am from the Chairman. Barrels. The owner just walked away. Too much for the city of St. Paul to handle. Too toxic. Too dangerous.

The State of Minnesota, the Minnesota Pollution Control Agency, had to call in the EPA for help. It is costing us as taxpayers millions of dollars to clean that up because the businessowner just walked away. Nothing that the EPA can do but clean it up, and clean it up they are, and the neighbors are ecstatic that the Federal Government is there to help them.

The EPA, by taking more money away from it and putting it in the spending reduction account at a time when I know that the EPA regions all across this country are sending men and women down to help cities and counties and communities out with the disaster that Harvey has created, this is all money that is being spent right now in an agency that is \$824 million below 2017.

I think it is important that we protect the air that we breathe and the water that we drink, and the consequences of further cuts to the EPA, I believe, will be felt in communities like mine, like Houston, like maybe what we will be hearing in Florida—we haven't had the assessment yet in the Virgin Islands—all across this Nation. That, to me, is just irresponsible.

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

Mr. BIGGS. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Chair, I won't take the 2 minutes. I just want to let the gentleman know I am prepared to accept the amendment, and I encourage adoption of the amendment.

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

The Acting CHAIR. The gentleman from Arizona has 3¾ minutes remaining.

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

The EPA has no statutory duty to pursue or enforce regulation. My home State of Arizona, along with the States west of the Mississippi, are those who are most affected by the heavy hand of the enforcement arm of the EPA.

In my community, dust is the number one particulate. The EPA's response is to come to us in a desert and say: "Water it down. Water it down." Then they come after us because of misuse of water.

This is the inconsistency that we see in the EPA that is weighing down the economy of many of the areas within the West.

The more I meet with local and national natural resource leaders, their number one concern mostly deals with the EPA's burdensome regulations and its enforcement proceedings. Further reducing the EPA's enforcement budget will limit its ability to stifle the economy and enforce unconstitutional rules.

I also want to emphasize the need to restore fiscal sanity in our country. With the ever-growing national debt, my amendment will return \$10 million back to the United States Treasury.

I thank the gentleman from Missouri (Mr. SMITH) for partnering with me on this effort, and to all Members who support our effort to restore fiscal and regulatory sanity in our country.

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

Ms. MCCOLLUM. Mr. Chair, as I said earlier, this account has already been cut by \$240 million below the 2017 enacted level, another \$108 million tonight on the floor, but at least those dollars were going back into something, in my opinion, meaningful. This is just taking money away from the EPA, which is underfunded, which is undersourced, and being asked to do more for less at a time when, as I pointed out, we don't even know until there is an opportunity for the waters to subside what we are going to find at the Superfund sites from Harvey.

Mr. Chair, I oppose this amendment, and I yield back the balance of my time.

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

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

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

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

AMENDMENT NO. 30 OFFERED BY MR. KATKO

The Acting CHAIR. It is now in order to consider amendment No. 30 printed in House Report 115-297.

Mr. KATKO. 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 64, line 1, after the dollar amount, insert “(reduced by \$250,000,000)”.

Page 67, line 20, after the dollar amount, insert “(increased by \$250,000,000)”.

Page 67, line 22, after the dollar amount, insert “(increased by \$250,000,000)”.

The Acting CHAIR. Pursuant to House Resolution 504, the gentleman from New York (Mr. KATKO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. KATKO. Mr. Chairman, I rise in support of my amendment, which restores critical water infrastructure funding to the Clean Water State Revolving Fund.

Across our country, communities are faced with aging water infrastructure, which poses a growing threat to existing levels of service, public health, and our environment.

The State Revolving Funds are a proven critical tool for States and local communities to make high priority water infrastructure investments that otherwise may not be feasible.

Earlier this year, Onondaga County in my district leveraged over \$20 million in funding through the State Revolving Funds to upgrade the Syracuse-Metro sewage treatment plant to continue to improve the water quality of Onondaga Lake, which has made a remarkable recovery.

While I commend the Chairman for his work on this legislation, with the EPA estimating our national 20-year capital improvement need to be over \$650 billion for drinking water and waste infrastructure combined, now is not the time to roll back this Federal funding.

The \$250 million cut to this fund included in the bill would prove harmful to communities in my district and throughout our entire Nation.

I was heartened to see that the President's statement yesterday opposed this \$250 million cut and reaffirmed the administration's support of pivotal water infrastructure funding.

This is a bipartisan issue that impacts nearly every congressional district. I urge my colleagues on both sides of the aisle to support this amendment to ensure our communities can continue to invest in critical water infrastructure projects that support their economies and a safe and healthy environment.

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

Ms. MCCOLLUM. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR (Mr. HULTGREN). The gentlewoman from Minnesota is recognized for 5 minutes.

Ms. MCCOLLUM. Mr. Chair, while there is nothing more I would like to do, I think any of us would all like to do, than to provide more resources for the clean water SRF, it can't be done

by reducing the EPA's environmental programs in management.

This administration has clearly shown that they do not regard the EPA's work as a priority, which means that they have a blatant disregard for public health and the health of our environment.

The EPM account includes funding for programs like brownfields enforcement, environmental justice, geographic programs, and lot of other critical programs, some of which I gave examples of this evening, which would suffer with a \$250 million reduction.

This amendment illustrates, because I agree with the gentleman, I wish we had more money to put in that account, what happens when we don't have adequate 302(b) allocations. To overuse a common phrase, we are robbing Peter to pay Paul, and it is not making us whole. So it is with great reluctance that I oppose this amendment, but oppose it I must because the cuts that have already been made this evening to the brownfields enforcement, the environmental justice programs, and a myriad of other programs which are critical to the health and well-being of our communities, and they are out there working every day on it, is something I can just not support.

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

Mr. KATKO. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Chair, I support the gentleman's amendment because water infrastructure remains a top priority of this committee. I urge adoption of the gentleman's amendment.

Mr. KATKO. Mr. Chair, in response to my colleagues from the Democratic side of the aisle, it is clear, as I stated previously, that the President has signaled not only that he supports the plussing up of the money as I propose in this amendment, that he supports plus-ing up a much larger amount the Clean Water State Revolving Funds as part of an overall infrastructure plan. To say otherwise is simply untrue. This President wants everyone in the United States to have clean drinking water. He supports this program, and for someone to say otherwise, it is just not true.

She also stated that robbing Peter to pay Paul is something that may be going on here. We are talking about clean drinking water, \$250 million of clean drinking water, that would come out of the general fund. I would much rather see a little discomfort from bureaucrats in Washington, D.C., than to see people not have clean drinking water nationwide.

I want to reiterate the importance of supporting the effective State Revolving Fund program. It has done a great job nationwide, and we need in these tough fiscal times to find ways to make these things work. This is a way to do it. Take away from the general fund, take away from instances in

which bureaucrats may not be able to rent the car of their choice or have the pencils that they choose or an upgraded computer. I would much rather have that than to have dirty drinking water for our constituents nationwide.

Mr. Chairman, I urge my colleagues to support my amendment, and I yield back the balance of my time.

Ms. MCCOLLUM. Mr. Chair, the very employees that the gentleman was talking about that get in a car, they drive to check out the sewer waste plants to make sure that they are operating. They are making sure that the water is clean. They are doing their job.

Tonight we have cut this account already by 16 percent. That means we are cutting programs. We have cut brownfields enforcement, environmental justice, geographic programs, programs that support the very account you and I would like to see more money go into. I just urge my colleagues not to support this amendment.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. KATKO).

The amendment was agreed to.

□ 1900

AMENDMENT NO. 31 OFFERED BY MR. BEN RAY
LUJÁN OF NEW MEXICO

The Acting CHAIR. It is now in order to consider amendment No. 31 printed in House Report 115-297.

Mr. BEN RAY LUJÁN of New Mexico. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 67, line 20, after the dollar amount, insert “(increased by \$6,000,000) (reduced by \$6,000,000)”.

The Acting CHAIR. Pursuant to House Resolution 504, the gentleman from New Mexico (Mr. BEN RAY LUJÁN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. BEN RAY LUJÁN of New Mexico. Mr. Chair, a little more than 2 years ago, an Environmental Protection Agency team was investigating a contamination at the Gold King Mine that caused a spill of 3 million gallons of wastewater, impacting New Mexico, Colorado, Utah, Arizona, the Southern Ute Reservation, and the Navajo Nation.

I was in Farmington, New Mexico, in the Four Corners area when the toxic plume turned the Animas River yellow. I met with the community and heard their concerns about the toll that the spill was taking on businesses, farmers, families, and individuals. I attended different community meetings, not only in southern Colorado, but in that northwestern part of New Mexico.

Despite repeated promises by the EPA that it would fully address this

environmental disaster, progress has too often been needlessly slow. For example, in January of this year, the EPA and the Department of Justice announced a deeply disappointing decision that the EPA was not liable under the Federal Tort Claims Act for damages caused by the Gold King Mine spill.

And while I appreciate Administrator Pruitt's recent announcement that the EPA was reconsidering this misguided position, I believe that the EPA and the Congress should act to ensure that every impacted individual and community—especially New Mexicans and the Navajo Nation—receive the compensation they deserve.

The State of New Mexico and the Navajo Nation should not have to sue the Federal Government to ensure that the government meets its moral obligation to the farmers, small business owners, and others injured by this spill.

This amendment, however, is about the long-term impact the spill will have on the river and all that it sustains, from drinking water to providing water for farming and livestock. Robust long-term water quality monitoring is essential to ensuring that communities along the Animas River have the data they need to protect the health of all of those who rely on this water, and the State of New Mexico has developed a robust and independent monitoring plan that deserves the EPA's support.

That is why I am again offering an amendment to provide \$6 million to direct the EPA to work with the affected States and Indian Tribes to support long-term monitoring programs for water quality on the Animas and San Juan Rivers in response to the Gold King Mine spill.

The same amendment was accepted by the House last year on a bipartisan basis. I thank both the chairman and the ranking member for their work on this issue, and because monitoring now and well into the future is necessary to protect the health of all those who rely on this water, I urge my colleagues to support this amendment.

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

Mr. CALVERT. Mr. Chair, I rise in opposition to the amendment, reluctantly.

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

Mr. CALVERT. Mr. Chair, I think it is important that EPA right the wrong that was caused by the Gold King Mine spill and ensure that the affected States, and the Tribal areas, have the resources they need following the spill.

The FY17 bill included \$4 million to work with the States and Tribes on an independent water monitoring plan as authorized by the WIIN Act. Therefore, the proposed level in this amendment would exceed the authorized level. And for that reason, I must oppose the gentleman's amendment.

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

Mr. BEN RAY LUJÁN of New Mexico. Mr. Chair, I thank the chairman very much for his comments and look forward to working with him on this issue.

We arrived at \$6 million for water monitoring after consulting with the State of New Mexico, and, in fact, it is my understanding that New Mexico has about \$15 million in priority needs related to the Gold King Mine spill, including \$6 million specifically for monitoring.

And so we checked with the State before we came down this evening to debate this amendment, and what the State of New Mexico shared with me, they report that they have only received \$577,193 in Federal funding to support monitoring, which is less than 10 percent of what my home State believes is needed.

In addition, the Navajo Nation and other impacted communities still need support from the Federal Government to help recover from this disaster. So, again, I look forward to working with both the chairman and with the ranking member to ensure that all of the communities impacted by this spill are made whole, and that we provide appropriate support to vital water and monitoring efforts in New Mexico, Colorado, Arizona, Utah, the Southern Ute Tribe, and the Navajo Nation.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Mexico (Mr. BEN RAY LUJÁN).

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

Mr. BEN RAY LUJÁN of New Mexico. Mr. Chair, I demand a recorded vote.

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

It is now in order to consider amendment No. 32 printed in House Report 115-297.

AMENDMENT NO. 36 OFFERED BY MR. BEYER

The Acting CHAIR. It is now in order to consider amendment No. 36 printed in House Report 115-297.

Mr. BEYER. 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 134, strike lines 17 through 25.

The Acting CHAIR. Pursuant to House Resolution 504, the gentleman from Virginia (Mr. BEYER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. BEYER. Mr. Chairman, this amendment seeks to preserve our current Clean Water Act protections for

our rivers, streams, and wetlands. Our Nation's river systems and wetlands provide values that no other ecosystem can. These include: natural water quality improvement, flood protection, shoreline erosion control, recreation, general aesthetic appreciation, and natural products for our use at no cost.

Yet section 430 of this bill seeks to undermine the critical balance between protecting these waters and the day-to-day operations of our Nation's farmers, ranchers, and foresters. Under current law, farmers, ranchers, and foresters can carry out their normal operations in any waterbody without securing a Clean Water Act permit.

So what this means is farmers can continue to plow their fields, including potential wet areas that have been farmed for decades, plant their seeds, harvest their crops, without ever having to obtain approval under the Clean Water Act.

Any normal farming, ranching, and forestry exemption is going to include minor limitations. For example, a farmer cannot use the current exemption to convert his farmland to a residential development without obtaining a permit. And a rancher can't use the exemption to plow under a wetland to expand his reach of grazing lands. And forestry operations cannot use this exemption to change the course of a local stream to improve drainage on their growing lands.

In short, the way the Clean Water Act currently operates is to allow normal ranching, farming, forestry operations to continue without a permit, unless the activities either change or convert the use of the waterbody to a new purpose, or impair the historic flow or reach of a stream or wetland.

So if the planned activity triggers any of these limitations, the current law requires the activity to obtain a permit. That is perfectly reasonable. But section 430 of this bill would, in essence, provide an absolute clean water exemption for impacts to any streams or wetlands that happen to be on agriculture, ranching, or forestry lands, regardless if they have any relation to these activities.

Mr. Chairman, this is a fundamental change to the Clean Water Act, and one where the impacts have never been explored. When the EPA was asked what the impact of this amendment would be, here was their response:

This amendment would be a significant departure from almost 40 years of implementation of the Clean Water Act by eliminating the existing provision requiring that the exemptions apply only to normal, as in established or ongoing, farming practices.

This change could result in the loss or impairment of thousands of acres of valuable wetlands and other waters where land is converted to agriculture.

Mr. Chairman, we should not be using an appropriations bill to change Federal policy related to the protection of our Nation's rivers and streams. To the best of my knowledge, no hearings or investigations on the impacts of this provision have been held.

If this Congress is interested in overturning almost 40 years of Clean Water Act precedent, regular order would require hearings before the House Committee on Transportation and Infrastructure, which has sole jurisdiction over the Clean Water Act, and approval by that committee before consideration on the floor.

This rider is bad policy for the protection of our environment, for the protection of human health, and bad policy for the protection of our public safety.

Mr. Chair, I urge support for my amendment, and I reserve the balance of my time.

Mr. CALVERT. Mr. Chair, I rise in opposition to the amendment.

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

Mr. CALVERT. In 1977, Congress made a deliberate policy choice to exempt ordinary farming, silviculture, ranching, mining, related activities, from the requirements to obtain Clean Water Act permits when undertaken as normal activities: prepare and maintain land, roads, ponds, and ditches.

Unfortunately, we heard concern for several years that, under the Obama administration, the EPA and the Corps of Engineers changed implementation of these provisions to significantly reduce the application of the statutory exemptions.

Section 430 of the bill makes clear that Congress has always intended that statutory exemptions are to have meaning, that the agencies cannot simply ignore the will of Congress as set out by law.

For these reasons and a number of others, I oppose the amendment and urge a “no” vote.

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

Mr. BEYER. Mr. Chairman, I thank the perspective of the chairman of the Appropriations Subcommittee on this. I think our clear understanding is that the exemptions, as currently written, allow for all normal farming, ranching, forestry activities, and that the permit would only be required when there is a substantial difference from the activity as it has gone on before, and that this is the way the law has been interpreted and enforced for the last 40 years.

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

Mr. CALVERT. Mr. Chair, I urge a strong “no,” and I yield back the balance of my time.

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

The amendment was rejected.

AMENDMENT NO. 37 OFFERED BY MR. BEYER

The Acting CHAIR. It is now in order to consider amendment No. 37 printed in House Report 115–297.

Mr. BEYER. 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 135, strike lines 1 through 23.

The Acting CHAIR. Pursuant to House Resolution 504, the gentleman from Virginia (Mr. BEYER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. BEYER. Mr. Chairman, my amendment would strike section 431.

Section 431 does two things. First, it withdraws the Clean Water Rule. Second, and more importantly, it breaks procedure and creates a loophole so that the removal of the Clean Water Rule does not have to abide by the Administrative Procedure Act.

In essence, we are creating a loophole to eliminate a rule, a rule requested by the Supreme Court and one that took several years to put together. This elimination without allowing tweaks, thoughtful removal, or comment is a radical and dangerous precedent.

In fact, 80 Members of Congress and I actually asked for an extension of the 30-day comment period to eliminate the Clean Water Rule to allow the American people to have a say. The Trump administration agreed with us and extended the comment period an additional 30 days. I don’t get to say that too often.

So clearly, there is a desire for a comment period, as evidenced by our letter and the administration’s decision to appropriately extend the comment period, but the language in this bill would eliminate that process completely.

I include in the RECORD the request for extension.

CONGRESS OF THE UNITED STATES,

Washington, DC, June 29, 2017.

Re Request for Extension of Comment Period on EPA and Corps Proposed Rule Defining Waters of the United States under the Clean Water Act.

Administrator SCOTT PRUITT,
Environmental Protection Agency (EPA),
Washington, DC.

Attention: Docket ID No. EPA-HQ-OW-2017-0203

DEAR ADMINISTRATOR PRUITT: We request a minimum 90 day extension to the proposed 30-day comment period to rescind the 2015 Clean Water Rule, 80 Fed. Reg. 37054 (Jun. 29, 2015).

The Environmental Protection Agency and the U.S. Army Corps of Engineers (Corps) finalized the Clean Water Rule to clarify the scope of waters protected under the Clean Water Act. The EPA and the Corps solicited comments on the Rule for over 200 days. In accordance with Administrative Procedure Act, the agencies first established a public comment period for 90 days and extended the comment period twice in response to extension requests. The final rule reflected over 1 million public comments on the proposal, the substantial majority of which supported the Clean Water Rule.

The agencies also initiated an extensive public outreach effort, including over 400 meetings across the nation with various stakeholders, including but not limited to: states, small businesses, farmers, academics, miners, energy companies, counties, municipalities, environmental organizations, and

other federal agencies. The agencies incorporated these comments into the final Clean Water Rule.

President Trump’s Executive Order 13778 directs EPA and the Corps to evaluate whether to revise or rescind the Clean Water Rule, “as appropriate and consistent with law.” We ask that as you examine the Clean Water Rule, like the prior administration, you engage in a thoughtful and comprehensive process bound in scientific fact.

Americans depend on clean water for their health and livelihood. More than 117 million Americans rely upon drinking water from public water systems that draw supply from headwater, seasonal, or rain-dependent streams that were vulnerable to pollution before the Clean Water Rule. As such, the decision to roll back the Clean Water Rule cannot be made in haste.

We are concerned that the EPA has provided limited time and opportunity for stakeholder involvement and official public comment. Any proposed rulemaking must include sufficient time and participation to gather input from concerned and affected parties, including those whose legal rights and responsibilities will be affected by this effort. For example, the 2015 Clean Water Rule provided legal certainty that regulatory-defined water features, such as stormwater control features, wastewater recycling structures, and puddles, are not covered by the Clean Water Act. However, that certainty would be eliminated if the 2015 Clean Water Rule were rescinded.

Given the history of engagement on this issue and the fact that parties may be subject to greater regulatory uncertainty by this effort, a comment period of 30 days does not allow for meaningful engagement from the public and stakeholders.

The Clean Water Rule is robust and ensures that water sources are protected by taking into account the connected systems of water, from wetlands and seasonal bodies of water to large rivers and lakes. The requirements of the Rule were meticulously developed and addressed longstanding uncertainty, improving our national commitment to protect not only America’s water, but the American people. If the Clean Water Rule is revised or rescinded, the process must be comprehensive and deliberative.

We ask that you take into consideration the opinions of the American public by extending the comment period, allowing for respectful debate. We look forward to hearing from you.

Sincerely,

Donald S. Beyer Jr., Brenda L. Lawrence, Gerald E. Connoll, Grace F. Napolitano, Matthew A. Cartwright, Barbara Lee, Keith Ellison, Jared Polis, Paul D. Tonko, Niki Tsongas, Jackie Speier, Carol Shea-Porter, Debbie Dingell, Gwen Moore, Katherine Clark, Mike Quigley, Raúl M. Grijalva, Earl Blumenauer, Zoe Lofgren, Donald M. Payne, Jr., Anthony G. Brown, James P. McGovern, David E. Price, Alan Lowenthal, Madeleine Z. Bordallo, Daniel W. Lipinski, Cedric L. Richmond, Louise M. Slaughter, Colleen Hanabusa, Bonnie Watson Coleman, Carolyn B. Maloney, Jared Huffman, Jerry McNerney, Gregorio Kilili Camacho Sablan, Naette Diaz Barragan, Bill Foster, Jamie Raskin, Betty McCollum, John Sabanes.

Jerrold Nalder, Suzanne Bonamici, Steve Cohen, Marcia L. Fudge, Beto O’Rourke, Grace Meng, Mark Pocan, Anna G. Eshoo, Ted W. Lieu, John Yarmuth, Alma Adams, Alcee L. Hastings, Adam Smith, A. Donald McEachin, Tony Cardenas, Dwight Evans, Brendan F. Boyle, James R. Langevin, Salud O. Carbajal, Joseph P. Kennedy, III, Judy Chu, Elliot L. Engel, Jan Schakowsky, Richard E. Neal, Pramila Jayapal, Lisa Blunt Rochester, Yvette D. Clarke, José E.

Serrano, Daniel T. Kildee, Robert C. "Bobby" Scott, Debbie Wasserman Schultz, William R. Keating, Stephen F. Lynch, Doris Matsui, Richard M. Nolan, Elizabeth H. Esty, Pete Aguilar, Adam B. Schiff, Marcy Kaptur, J. Luis Correa, Scott Peters.

Mr. BEYER. So is this our new status quo, that once an industry decides it doesn't like how a regulation turns out, we eliminate that regulation without comment or consideration for the various stakeholders or its value.

We are eliminating the process here that we, Congress, put in place to ensure that those regulations were being considered, adjusted, or even removed, that they were done thoughtfully and while keeping stakeholders, like the American people, in mind.

It could be any rule, but the rule at stake this time is the Clean Water Rule. Over 100 Members of Congress joined me to reinforce the value of the Clean Water Rule, because without it, the streams that help supply public drinking water serving one in three Americans will be at risk.

Rolling back the Clean Water Rule cannot be made in haste and without stakeholder input. Clarity was needed in light of the Supreme Court rulings in 2001 and 2006 about uncertainty of the scope of the waters protected under the act.

The EPA and the Corps held a lengthy and inclusive public rule-making process, 200 days of public comment, 400 meetings across the Nation, and the rule reflected over 1 million public comments on the proposal, the substantial majority of which supported the Clean Water Rule.

So we are overruling, essentially, 1 million comments and 400 meetings to do this without the appropriate administrative process.

So if it is withdrawn, I simply ask that the process be comprehensive and deliberative, and the bill does not allow for that.

With this rule at stake, this time it is the Clean Water Rule, but it could be any rule going forward.

Mr. Chair, I include in the RECORD a letter from Members of Congress to Administrator Scott Pruitt opposing the proposed rule to rescind the Clean Water Rule.

CONGRESS OF THE UNITED STATES,
Washington, DC, August 18, 2017.

Hon. SCOTT PRUITT,
Administrator, Environmental Protection Agency,
Washington, DC.

DEAR ADMINISTRATOR PRUITT: We write in opposition to the proposed rule rescinding the Clean Water Rule (Docket No. EPA-HQ-OW-2017-0203), also called the Waters of the United States (WOTUS) rule. Americans need an Environmental Protection Agency that will use the best possible science to protect our health and this nation's natural heritage. This rule to rescind WOTUS and reports of plans to reduce protections under the Clean Water Act are deeply concerning. Rather than protecting Americans, these actions ignore science and undermine our clean drinking water, our public health and our outdoor recreation economy.

The Clean Water Rule finalized by the Obama Administration protects the drinking water of roughly one-third of Americans. 117

million people rely on drinking water sources fed by headwater, intermittent or ephemeral streams—waterways protected under the Clean Water Rule. Rescinding this rule puts Americans' health at risk by endangering their drinking water.

Eliminating this rule also threatens our safe access to the great outdoors and the outdoor recreation economy, which generates \$887 billion in consumer spending annually and supports 7.6 million American jobs. Pollution in unprotected streams and wetlands can threaten the health of the lakes and rivers that our constituents use for swimming, boating and other recreation. Wetlands protected under the Clean Water Rule provide some of the country's best habitat for hunters and anglers. As EPA Administrator, it is imperative to protect the water bodies that our constituents use for recreation, both to protect public health and the millions of jobs these places have helped create.

Rescinding this clean water safeguard ignores science. Years of research and peer-reviewed science have told us that intermittent and ephemeral streams and wetlands provide critical services, from filtering our drinking water to protecting communities from flood and drought. They also connect directly to major waterways, which means they can pose a danger to drinking water and recreation if polluted or degraded. The science is clear—what we do to these water bodies impacts large, continuous water sources.

Americans agree that we should protect these waterways. The previous Administration crafted the Clean Water Rule using the comments of over one million Americans, the vast majority of which were in support of the rule. Some opponents have used scare tactics to confuse the public by stating that there are new requirements for agriculture and that the rule covers new types of waters. This is not the case. In reality, the rule provides certainty over streams and wetlands that have historically been covered by the Clean Water Act while preserving agricultural and other common sense exemptions, including for things like drainage ditches and stock watering ponds on dry land.

The Clean Water Rule is a science-based rule that keeps our communities safe and our natural resources protected—exactly what Congress intended the Clean Water Act to do. We would be willing to work with an Administration that wants to develop thoughtful changes that maintain protections for this life-sustaining resource, but this repeal is reckless. In rescinding this rule, the Agency is risking the health and safety of the American people and our natural resources. We urge you to reconsider this rescission and instead focus on fairly and fully enforcing the Clean Water Act.

Sincerely,

Donald S. Beyer, Jr.; Doris Matsui; Gerald E. Connolly; Jared Polis; Marcy Kaptur; Paul Tonko; Alan Lowenthal; Matt Cartwright; Mike Quigley; Grace F. Napolitano.

Jared Huffman; Barbara Lee; Eleanor Holmes Norton; André Carson; Jerrold Nadler; Dwight Evans; Donald M. Payne, Jr.; Nike Tsongas; Peter A. DeFazio; Debbie Dingell; Brenda L. Lawrence; Adam Smith; Gregorio Kilili Camacho Sablan; Keith Ellison; Stephen F. Lynch; Sander M. Levin.

Seth Moulton; Nanette Diaz Barragán; Anthony Brown; A. Donald McEachin; William R. Keating; Sheila Jackson Lee; Elijah E. Cummings; Gwen Moore; Bill Foster; Jamie Raskin; Madeleine Z. Bordallo; Earl Blumenauer; James P. McGovern; Janice D. Schakowsky; John Conyers, Jr.; Debbie Wasserman Schultz.

Louise M. Slaughter; Raúl M. Grijalva; Carol Shea-Porter; David N. Cicilline; Mike Doyle; Bonnie Watson Coleman; Nydia M. Velázquez; Mark DeSaulnier; Hakeem Jeffries; Mark Pocan; Michael E. Capuano; John K. Delaney; Katherine Clark; Joseph P. Kennedy, III; Anna G. Eshoo; Frank Pallone, Jr.

John Yarmuch; Donald Norcross; Betty McCollum; Chellie Pingree; Ruben J. Kihuen; Grace Meng; Diana DeGette; Henry C. "Hank" Johnson, Jr.; Alma S. Adams, Ph.D.; Mike Thompson; Zoe Lofgren; Lucille Roybal-Allard; Jackie Speier; Robert C. "Bobby" Scott; Daniel T. Kildee; Luis V. Gutierrez.

Rick Nolan; John Sarbanes; Suzanne Bonamici; Daniel W. Lipinski; Elizabeth H. Esty; Marcia L. Fudge; Albio Sires; Jimmy Gomez; Steve Cohen; David E. Price; Judy Chu; Jim Langevin; Linda Sanchez; Robert A. Brady; José E. Serrano; Salud O. Carbajal.

Brendan F. Boyle; Bill Pascrell, Jr.; Darren Soto; Pramila Jayapal; Brad Sherman; Josh Gottheimer; Tony Cardenas; Richard E. Neal; Jerry McNerney; Adam B. Schiff; Stephanie Murphy; Ted W. Lieu.

Mr. BEYER. Mr. Chair, I urge my colleagues to support the amendment, and I reserve the balance of my time.

Mr. CALVERT. Mr. Chair, I rise in opposition to the amendment.

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

Mr. CALVERT. Since day one, everything about EPA's waters of the U.S. rule has been flawed. The Obama administration claimed that it was not expanding the waters under their jurisdiction, but we know that more permits will be required.

□ 1915

The Obama administration claimed that the rule was based on sound science but only released to science after publishing the rule. The previous administration changed the name to call this the clean water rule and took to social media to lobby the public, which led to questions about whether the EPA violated law, which the GAO later confirmed.

It was clear the previous administration had an agenda to implement a rule, and they weren't going to be told otherwise. Thankfully, the Sixth Circuit Court put a stay on that rule.

The language of the FY18 bill authorizes the withdrawal of the Waters of the U.S. rule and seeks to bring resolution to the issue. The language in this bill is consistent with the steps the new administration has already taken.

For that and many other reasons, I urge a "no" vote on the amendment, and I reserve the balance of my time.

Mr. BEYER. Mr. Chair, I yield 1 minute to the gentlewoman from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM. Mr. Chairman, I rise to support this amendment. The rider that we are talking about here gives an unprecedented amount of power to the EPA. It puts the agency above the law, letting it get away with no public comment on its proposals, no

economic analysis on the cost and benefit of repeal, no justification for repeal, and not having to defend repeal against court challenges.

As the Congressman pointed out, for some, this rider might serve a purpose this time. But what about in the future? What do we really want to say? That it is okay for the executive branch to circumvent laws we create and that there is no accountability in our courts?

This rider removes the checks and balances that are essential to a functioning democracy, so I support the gentleman's amendment.

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

Mr. CALVERT. Mr. Chairman, I urge a "no" vote, and I yield back the balance of my time.

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

The amendment was rejected.

AMENDMENT NO. 38 OFFERED BY MR. ELLISON

The Acting CHAIR. It is now in order to consider amendment No. 38 printed in House Report 115-297.

Mr. ELLISON. 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 136, strike line 1 and all that follows through page 137, line 7.

The Acting CHAIR. Pursuant to House Resolution 504, the gentleman from Minnesota (Mr. ELLISON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. ELLISON. Mr. Chairman, all Americans deserve access to clean air. We have a great deal of progress that we have made in making the air cleaner and reducing pollution, but we should continue to learn from the most recent science to continue to improve air quality. Instead, this bill delays needed public health protections like the ozone standard.

My amendment would strike language that delays the implementation of the new ozone standards until the year 2026. We don't have until 2026 to protect our children's lungs. We don't have until that time to protect our seniors who are most subject and vulnerable to respiratory harm.

The consequences of this pollution are real and significant, especially for ozone pollutants. Chronic exposure to ozone at the ground level is dangerous. It increases the risk of hospital admissions. In my district in Minnesota, we have a real epidemic of respiratory injuries known as asthma. North Minneapolis is mostly a low-income community of color and has the highest rates of poverty, unemployment, and asthma.

Our children deserve better. Allowing the implementation of these ozone standards will protect them.

I just want to say, Mr. Chairman, much is said on this House floor about

job-killing regulations. As a person who believes in the right of a business to open up and make a profit, I also believe that business must absorb the cost that they impose on society as well.

This rule says you can take all the money you can possibly make as you expand and increase ground level ozone, but you don't ever have to pay the costs of the externalities and the health costs you impose on everybody else.

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

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

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

Mr. CALVERT. Mr. Chairman, where I come from, Midland Empire, which is where I have lived my whole life, is part of the South Coast Air Quality Basin, which has been a nonattainment ozone area for about as long as the Federal standard for ozone has existed. But it is not for a lack of trying, as the south coast has a long history—actually the longest history—of implementing some of the most stringent Air Pollution Control measures in the entire United States.

We have done about all we can to reduce emissions from stationary sources. Our issue is the amount of cars and trucks traveling through the region. So you will find no stronger advocate for clean air than myself, which is why this bill funds targeted Air Shed Grant Programs and DERA grants. States and communities need resources to help meet the overlapping 2008 and 2015 air quality standards.

To be clear, the language in the bill does not change ozone standards. It gives communities some administrative relief to allocate more resources to meeting the 2015 standard of 70 parts per billion.

Similar language, by the way, passed the House in July. Therefore, I urge my colleagues to oppose the amendment to strike, and I reserve the balance of my time.

Mr. ELLISON. Mr. Chairman, administrative relief sounds like a euphemism for "you guys got to keep breathing this bad stuff."

Mr. Chairman, I yield 1½ minutes to the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Mr. Chairman, I first thank the gentleman for yielding and for his amendment.

We all know that ozone is a hazardous air pollutant that contributes to health problems such as asthma attacks, heart disease, and birth defects—problems being made worse by climate change.

More than 40 percent of Americans, almost 130 million people, live in counties that receive an F grade for air quality from the American Lung Association. This includes my district that I represent in Illinois, as well as Washington, D.C.

This amendment would remove a needless delay in the implementation of an ozone rule designed to protect public health. The rule in question involves a modest lowering of the ozone limit from 75 to 70 parts per billion, a small change that would yield large health benefits, including preventing 230,000 asthma attacks in children and 188,000 missed school and workdays each year. This decision to lower the ozone limit was the result of a rigorous multiyear process carried out by expert scientists.

So I want to urge my colleagues to stand up for the health of our constituents and support this amendment.

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

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

The Acting CHAIR. The gentleman from Minnesota has 1¼ minutes remaining.

Mr. ELLISON. Mr. Chairman, I would just like to share with everybody that over the past several weeks, Americans have seen this body try to strip healthcare away from them. If there was a full repeal with no replace, 32 million people would have been without any healthcare that they had before, and many more would have been unprotected from preexisting conditions. That, fortunately, was held off. But now here we are again today with more attacks and assaults on people's health.

When will the Congress take people's health seriously? When will we hold businesses accountable who emit toxins that cause the ozone layer at the ground to increase and cause respiratory illnesses?

It is time for Congress to act responsibly in the public interest to make sure that the health of all Americans is protected. The people have the right to breathe. Let's go forward and eliminate and strip out this language that delays the implementation of the new zone standards until many years from now. Let's do it now.

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

Mr. CALVERT. Again, Mr. Chairman, I would reiterate that California has done more to clean air than virtually any other State in the Union based upon its regulatory structure that we created and I continue to support.

But technologies do not exist to meet standards that have been set out by the Obama administration. So this gives us time to do what we need to do, and that is to clean up ozone, and that is exactly what we are going to do. But this is not the amendment that is going to do that.

Mr. Chairman, I oppose that amendment strongly and urge a "no" vote, and I yield back the balance of my time.

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

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

Mr. ELLISON. Mr. 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 Minnesota will be postponed.

AMENDMENT NO. 39 OFFERED BY MR. LOWENTHAL

The Acting CHAIR. It is now in order to consider amendment No. 39 printed in House Report 115-297.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In division A, strike section 435 (page 138, beginning on line 3).

The Acting CHAIR. Pursuant to House Resolution 504, the gentleman from California (Mr. LOWENTHAL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. LOWENTHAL. Mr. Chairman, my amendment preserves the National Ocean Policy.

The National Ocean Policy is a commonsense way to facilitate multistakeholder collaboration on complex ocean issues, and it promotes economic opportunity, national security, and environmental protection.

Mr. Chairman, I represent a coastal district in southern California, and I know firsthand that we can have a thriving ocean economy and, at the same time, protect and conserve our precious ocean resources.

Off the coast of my district, there are marine protected areas, State waters, Federal waters, and Department of Defense installations. We are a marine life hot spot—some of the best blue whale watching happens a few miles from our shore. We have a booming recreational fishing sector. We have a large shellfish aquaculture ranch that is now operating. We have beautiful beaches. We also have oil and gas activity with some rigs right near our shores. My district is also home to the Port of Long Beach, which is the second busiest port in the United States.

With so much activity happening, it simply makes sense to have the Navy at the table when NOAA is working on siting for a new aquaculture installation. It makes sense to have the fishery management council weigh in when oil rigs are being decommissioned, and it is a no-brainer that NOAA, the Coast Guard, and the ports all work together to get those massive ships in and out of port safely.

We want these collaborations to happen because we want to have a sustainable ocean economy, and by developing regional plans and having a framework for multistakeholder involvement, we can streamline this process and promote a robust ocean economy that also conserves our precious ocean resources.

Mr. Chairman, as we look to the future, the need for an overarching pol-

icy only grows. Issues like sea level rise and ocean acidification are too big and too serious for any one community or agency to tackle alone. Increased aquaculture development and new technologies for clean, local energy are creating economic opportunities but must be thoughtfully implemented.

Prohibiting the allocation of funds to this important program would stifle collaboration among all the stakeholders on these complex issues, as I pointed out before, relating to environmental protection, national security, economic opportunity, and ocean policy.

Mr. Chairman, I urge my colleagues to vote in favor of this amendment, and I reserve the balance of my time.

Mr. CALVERT. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. CALVERT. Mr. Chairman, I understand the importance of agencies working together to protect our coastal resources for future generations. We must also ensure that such coordination is done carefully with congressional input to ensure that it does not lead to Federal overreach.

□ 1930

When the previous administration created the National Ocean Policy through executive order, the impacts were so broad, so sweeping, that it would have allowed the Federal Government to evaluate everything from agricultural practices, mining, energy production, fishing, and anything else with activities impacting our oceans.

This subcommittee asked the CEQ, DOI, and EPA on a number of occasions to provide estimates of the impact of the policy on their budgets, but the administration failed to work with Congress and provide such information.

How can Congress adequately budget for something without knowing the expected expenditures and implication of the policy?

The bottom line is, if the administration wants to fund the National Ocean Policy with such sweeping implications, it must work with Congress to provide relevant information and allow Congress to provide the necessary oversight to prevent that Federal overreach.

I support the language of the underlying bill, and I encourage my colleagues to oppose this amendment.

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

Mr. LOWENTHAL. Mr. Chairman, we just heard a very interesting argument that said that we should not support or fund the National Ocean Policy because, instead of by executive action, it should have been done through congressional legislation.

But I would remind everyone watching this that, prior to the beginning of the National Ocean Policy by the previous administration, over the 4 years before that, four bills were introduced.

Each one—two by a Republican leader, two by Democratic leaders—did what was just asked of us: to introduce it by the Congress. It was never taken up by the Congress in the administration prior to President Obama.

What was called the Oceans Conservation, Education, and National Strategy for the 21st Century Act was never heard. That is why it was done through executive action. That is why we need to continue this. Without having coordinated ocean policy, we will have tremendous problems as we move forward, as I pointed out, both in terms of economic opportunity, national security, and also environmental protection.

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

Mr. CALVERT. Mr. Chairman, just because legislation isn't passed in the House and the Senate and made into law doesn't mean that the President can then go out and create an executive order. We have a Constitution, and we have a process we must abide by. For that and other reasons, I strongly oppose this amendment, and I urge a "no" vote.

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

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

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

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

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

AMENDMENT NO. 40 OFFERED BY MR. LONG

The Acting CHAIR. It is now in order to consider amendment No. 40 printed in House Report 115-297.

Mr. LONG. 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 division A (before the short title), insert the following:

SEC. ____ . None of the funds made available by this Act may be used by the Environmental Protection Agency to enforce notification requirements respecting released substances under subsections (a) through (d) of section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9603) or subsections (a) through (c) of section 304 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11004) with respect to releases of hazardous substances from animal waste at farms.

The Acting CHAIR. Pursuant to House Resolution 504, the gentleman from Missouri (Mr. LONG) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. LONG. Mr. Chairman, my amendment is very straightforward. It would

make clear that two laws enacted several decades ago to manage the aftereffects of industrial toxic waste spills would not apply to everyday emissions that are simply a way of life on family farms.

A court decision earlier this year overturned the EPA exemption for agriculture from reporting requirements under the Superfund and emergency planning and community right-to-know laws. This court decision means that over 100,000 farmers and ranchers will be forced to report odor emissions from livestock and poultry manure.

If farmers and ranchers don't submit these reports, they face potential lawsuits from the government and any citizen who wishes to sue them, subjecting them to penalties as high as \$53,907 per day for not filing paperwork. Farmers will lose time and money that would otherwise be spent growing our Nation's food supply.

Mr. Chairman, I think that it is important that I note that the Obama administration as well as the Bush administration defended this exemption. This is not a partisan issue. This is simply a case of reaffirming congressional intent under the law, as the EPA already tried to do several years ago.

Mr. Chairman, I urge all Members to vote in favor of my amendment, and I reserve the balance of my time.

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

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

Ms. MCCOLLUM. Mr. Chairman, this amendment would prohibit the EPA from requiring agricultural sources to report air emissions under the Comprehensive Environmental Response Liability Act.

The purpose of this amendment is to circumvent a 2017 court decision that invalidated an EPA rule which exempted agricultural sources from such reporting.

Policy riders like this do not belong in the appropriations bills. The EPA should either accept the court's decision or they should appeal the decision. At a minimum, something that is this impactful with court policy does not belong as a rider on an appropriations bill. For that reason, I urge my colleagues to oppose this amendment.

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

Mr. LONG. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Chairman, I am happy to support this amendment.

The recent court decision earlier this year overturned, really, a longstanding EPA exemption for reporting from farms. These family farms and ranchers across the Nation shouldn't be burdened with just more and more paperwork to do an activity they have been doing for many, many years in this country. It is not what Congress intended. Congress, last I looked, still makes the laws around here.

I would support the gentleman's amendment and urge its adoption.

Mr. LONG. Mr. Chairman, I say this is a nonpartisan issue, and I would like to point out that the organization, National Association of SARA Title III Program Officials, back in 2012, in an earlier version of a similar amendment, had opposed this. Back on May 28 of this year, they announced that they are no longer in opposition. So I don't really think it is controversial at all.

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

Ms. MCCOLLUM. Mr. Chairman, I just want to point out that, as a State representative and, even now, as a Member of Congress, I will encounter people—and I was just at our State fair—over the years, people who have built homes in rural areas and are contributing to the schools and maybe have a soybean farm or a community that is built up over the years around farms. All of a sudden, a hog farm comes in and people are sick, they are unable to go to work, their children develop lung issues and all kinds of problems. They come to the State or they come to us as Members of Congress and say: What is going on here? The air is so polluted, it is making me and my family sick. I am losing my home. I am losing my investment.

So I think that there is a role to have these discussions about what do we do, as a community, to make sure about people who live in some of these rural areas who all of a sudden find themselves, after decades of living in the same area, unable to open up their windows on a summer day.

As I said, that is why I don't think this policy rider belongs in this bill. I think we need to have a thoughtful discussion on it and really hear out both sides on many of these agriculture issues, especially in rural communities.

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

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

The amendment was agreed to.

AMENDMENT NO. 41 OFFERED BY MR. BUCK

The Acting CHAIR. It is now in order to consider amendment No. 41 printed in House Report 115-297.

Mr. BUCK. 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 division A (before the short title) insert the following:

SEC. ____ . None of the funds made available under this Act may be used to enter into a cooperative agreement with or make any grant or loan to an entity to establish in any of Baca, Bent, Crowley, Huerfano, Kiowa, Las Animas, Otero, Prowers, and Pueblo counties, Colorado, a national heritage area, national heritage corridor, national heritage canal way, national heritage tour route, national historic district, cultural heritage corridor, or other heritage partnership program.

The Acting CHAIR. Pursuant to House Resolution 504, the gentleman from Colorado (Mr. BUCK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. BUCK. Mr. Chairman, I rise in support of my amendment to protect private property rights in Colorado.

This amendment would prevent the creation and expansion of a National Heritage Area in southeast Colorado. Heritage Areas open the door to new land use restrictions on privately held land that are strongly opposed in this part of my district.

I recently held multiple townhalls in southeast Colorado to hear the unique concerns of these rural communities. At the top of their list was a need to cut burdensome government red tape that hurts their businesses and threatens their way of life.

These small family farms and ranches should not be forced to follow new regulations that give control of their private lands to Washington, D.C. That is why this amendment is so important. It allows Coloradans to keep control of their land.

My amendment would only affect nine counties in Colorado and protect them from new, unwanted land use restrictions. This amendment passed last year by voice vote, and I urge my colleagues to again support the private property rights of these farmers and ranchers.

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

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

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

Ms. MCCOLLUM. Mr. Chairman, this amendment stops the Department of the Interior from entering into cooperative agreements and providing financial assistance for the purpose of protecting natural, cultural, and historic resources in several counties in southeast Colorado.

This amendment restricts the expansion of Natural Heritage Areas, Natural Heritage Corridors, Natural Heritage canalways, national heritage tour routes, and national historic districts and cultural heritage corridors.

All of these preservation partnerships are important tools that enable the Federal Government to work with private partners to preserve and protect our Nation's shared heritage. Unfortunately, this amendment takes those options off the table for the people in southeastern Colorado.

It is my understanding that the sponsor aims to preemptively prevent expansion of a Federal footprint in his district, but I would like, Mr. Chairman, to remind us that the sponsor of the Preserve America Executive Order was issued by President George W. Bush, a Republican, and it emphasizes public-private partnerships that limit, not expand, Federal ownership.

I have worked on some of these corridors. We always make sure that it is a partnership and it is not the Federal Government coming in and taking over land. It is a partnership that the community comes to the Federal Government and asks for.

So, if there are specific concerns that you have about the Federal management in this region, I believe the sponsor should work with the authorizing committee to make sure that they are addressed and not use the appropriations process to wall off a section of the country from partnering with the Federal Government to preserve its historical and cultural natural resources.

These discussions that take place at a local level with sometimes the business community, sometimes it is schools, sometimes it is churches, that come together to talk about what can we do to preserve our cultural history or what can we do to preserve something is driven by local control.

I have never attended a meeting, once, where it was driven by Federal control. The Federal Government has asked to come in to be a partner.

I oppose this amendment, and I urge my colleagues to vote “no.”

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

Mr. BUCK. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. CALVERT), the subcommittee chair.

Mr. CALVERT. Mr. Chairman, I was happy to accept the amendment in the last year and will be happy to support it again this year.

With that, I urge its passage.

Ms. MCCOLLUM. Mr. Chairman, once again, I really think that we need to better utilize, in this Congress, in this institution, our policy committees. They should be the first call for help if there are questions, if there are concerns, if there are adjustments that need to be made, not the appropriations committee, where there has been no hearing on this.

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

Mr. BUCK. Mr. Chairman, this amendment will protect private property rights in southeast Colorado. These families have worked for generations to maintain their land. They should not lose their livelihoods because of land use restrictions from Washington, D.C.

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

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

The amendment was agreed to.

The Acting CHAIR. It is now in order to consider amendment No. 42 printed in House Report 115-297.

□ 1945

AMENDMENT NO. 43 OFFERED BY MR. YOUNG OF ALASKA

The Acting CHAIR. It is now in order to consider amendment No. 43 printed in House Report 115-297.

Mr. YOUNG of Alaska. 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 division A (before the short title) insert the following:

LIMITATION ON USE OF FUNDS

SEC. ____ . None of the funds made available by this Act may be used by the Secretary of Interior to implement the final rule entitled “Alaska; Hunting and Trapping in National Preserves” (80 Fed. Reg. 64325 (October 23, 2015)), or to develop, issue, or implement any other rule of the same substance.

The Acting CHAIR. Pursuant to House Resolution 504, the gentleman from Alaska (Mr. YOUNG) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, I have an amendment that was successfully included in the House fiscal year 2017, which prohibits funds in this act being used to implement the Obama administration National Park Service rule that interferes with the State’s wildlife management authority on national preserved lands of Alaska.

Mr. Chairman, when we became a State, we were guaranteed to have management of all Federal lands and State lands on fish and wildlife management. Under the Obama administration, they tried to do differently on the wildlife lands, and now they are trying to do it on the BLM lands and the park preserves, not the parks themselves.

I suggest, respectfully, if you want to follow the law, you adopt this amendment, as it should be, as is proposed, and we will be able to manage lands we were guaranteed by this Congress to the State of Alaska.

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

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

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

Ms. JAYAPAL. Mr. Chairman, I rise in strong opposition to this amendment, which undercuts an important rule meant to protect our public lands and the species that inhabit them.

The National Park Service has an important mission, which is “to conserve the scenery and the natural and historic objects in the wildlife by such means as will leave them unimpaired for the enjoyment of future generations.”

As a result of this mission, the National Park Service has implemented an important rule that protects a variety of species critical to the ecosystem in our national preserves in Alaska.

In 1994, Alaska did pass a law that undercut those efforts by allowing for extreme predator control, which led to fringe practices that could hardly be called traditional hunting.

Now, the other side may argue that this amendment is a States’ rights

issue, but that simply isn’t true. These are Federal lands and are, therefore, subject to Federal regulation.

These national lands are intended to be enjoyed by all Americans, including those who visit and hope to have the rare opportunity to see bears and wolves in their natural habitat.

Now, to be clear, Mr. Chairman, the rule that this amendment aims to reverse is not intended to ban hunting in its entirety. The rule simply regulates that there be no use of bait, which has been as extreme as grease-soaked doughnuts and bacon, allowing for point blank shots, no use of artificial light to spotlight black bear dens, no killing sows or bear cubs, no killing pups or wolves and coyotes during the denning season, no hunting of big game that is swimming, no use of dogs to hunt big game, and no predator control simply for the purpose of increasing stocks for human consumption.

Now, these are reasonable regulations that prevent cruel hunting practices. Let us be very clear, Mr. Chairman, that reversing this rule would actually be thumbing our noses at the voices of tens of thousands of citizens who took part in a public comment period process that was extensive.

Before the rule’s adoption, the National Park Service held two separate comment periods which resulted in 26 public hearings, two teleconferences, and three tribal meetings. More than 70,000 public comments were received, and the majority of those supported the existing rule. Ignoring this process and the thoughtful public input would be a major slight to the democratic process and to everyone who participated.

These processes are in place to ensure that the voice of the people is heard, and circumventing this is unacceptable.

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

Mr. YOUNG of Alaska. Mr. Chairman, I yield as much time as he may consume to the gentleman from California (Mr. CALVERT), my good chairman from the Appropriations Committee.

Mr. CALVERT. Mr. Chairman, I understand the specific rule is now being reconsidered by the Department of Interior, which is a good thing, and I encourage my colleagues to support the Young amendment.

Mr. YOUNG of Alaska. You know, I rarely do this, but I’m deeply disappointed in my good lady from Washington. * * *

This was a preserve, and we were guaranteed this in the Alaska National Lands Act. No more. No more. And the State, under the Constitution, has the right to manage fish and game.

Now, I know your side doesn’t believe in State’s rights. You don’t; I do. My job is to protect my State, not your State—my State.

And what you said a while ago was really nonsense. It was written by an interest group, not yourself. Maybe

your staff is affiliated with the Humane Society or some other group, and I'm disappointed.

My Native people support this amendment. You talk about natives. Alaskans, our first Americans, support this amendment. And I really am disturbed. * * *

I am still talking.

Ms. JAYAPAL. Mr. Chairman, I ask to have the gentleman's words taken down. The gentleman has already impugned my motives by saying that I don't know a damn thing about what I'm talking about.

Mr. YOUNG of Alaska. I didn't say "damn." You said it.

Ms. JAYAPAL. He's now called me "young lady," and Mr. Chairman, I demand that the words be taken down.

The Acting CHAIR. The gentleman will suspend. The gentleman will take his seat.

The Clerk will report the words.

Mr. YOUNG of Alaska. Mr. Chairman, I ask unanimous consent to withdraw my offending words.

And to the gentlewoman, I do apologize. I get very defensive about my State. We have gone through these battles for the last, actually, 45 years, and we are a State. I have my people to represent, as you do yours. I do apologize for my statement. I recognize it was out of order, so I hope you accept my apology.

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

Ms. JAYAPAL. Reserving the right to object, I thank the gentleman from Alaska. I do accept your apology. I thank you for it. We have, obviously, some work to get to know each other. But I can tell you that I care about my State, as deeply as you do, and I look forward to getting to know you.

Mr. YOUNG of Alaska. And I thank the gentlewoman.

The Acting CHAIR. Without objection, the words are stricken from the RECORD.

There was no objection.

Mr. YOUNG of Alaska. Mr. Chairman, I urge passage of my amendment, and I yield back the balance of my time.

Ms. JAYAPAL. Mr. Chairman, let me continue by saying that the reason I do feel strongly about this is I also believe that this amendment would be bad for the economy and for the people who depend on it.

Every year, wildlife watchers contribute more than \$2 billion toward the economy. According to the National Park Service, in 2016, 2.8 million park visitors spent an estimated \$2.8 billion in local gateway regions while visiting National Park Service lands in Alaska. These expenditures supported a total of 18,900 jobs, \$644.7 million in labor income, \$1.1 billion in value added, and \$1.9 billion in economic output in the Alaska economy.

I do believe—and the reason I am speaking up so strongly about this, we all have very strong perspectives on all

sides. I do believe that we must do everything we can to preserve our natural lands and their inhabitants, particularly as climate change takes its toll all over the country and the world. In my home State of Washington, which I care deeply about, wildfires are destroying thousands of acres of land and threatening homes, while across the country residences of Houston are reeling from Hurricane Harvey and Floridians brace for Hurricane Irma.

We need to invest in our public lands for all Americans so that generations in the future can continue to enjoy the beauty that our country has to offer.

Mr. Chairman, I urge a "no" vote, and I yield back the balance of my time.

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

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

Ms. JAYAPAL. 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 Alaska will be postponed.

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AMENDMENT NO. 44 OFFERED BY MR. YOUNG OF ALASKA

The Acting CHAIR. It is now in order to consider amendment No. 44 printed in House Report 115-297.

Mr. YOUNG of Alaska. 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 division A (before the short title) insert the following:

SEC. ____ . None of the funds made available under this Act may be used to require changes to an existing placer mining plan of operations with regard to reclamation activities, including revegetation, or to modify the bond requirements for the mining operation.

The Acting CHAIR. Pursuant to House Resolution 504, the gentleman from Alaska (Mr. YOUNG) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, my amendment, which was successfully included in the House fiscal year 2007 Interior appropriations bill, prohibits the funds to be used by the Bureau of Land Management to change their existing placer mining plans of operations with regard to environmental mitigation in Alaska.

Alaska is one of the very few places left in the United States where placer mining is being still conducted. Unfortunately, unelected bureaucrats have targeted these small mom-and-pop, usually retired people, family miners from attaining unattainable regulations under the falsehood of protecting the environment.

Mr. Chairman, this is a sound piece of legislation that should be accepted by this committee and this body to make sure those people elected participate in mining on lands that are old. This is a mining area that has been mining for the last 100 years, yet the BLM has decided they are going to take these little miners and put them out of business.

Mr. Chairman, I urge passage of my amendment. It is very simple. It protects the smaller people of America. Let them do what they wish to do. Letting them have an activity after they retire I think is actually important. As I said before, it was adopted before.

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

Ms. MCCOLLUM. Mr. Chairman, I rise in opposition to the amendment.

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

Ms. MCCOLLUM. Mr. Chairman, I listened very carefully to what the gentleman from Alaska had to say, and the bulk of my objection, Mr. Chairman, is that this is better addressed in the Policy Committee than on the Appropriations Committee as a rider.

BLM does many outreach activities, including public meetings and interactions with individual miners, and is working with industry to incorporate best management practices in new science-based reclamation techniques.

In the course of the reclamation activities, it has been necessary to increase the annual cost to miners to recover these streams and restore ecostream function.

This amendment would prohibit the cost of reclaiming these areas to placer miners who are profiting from mineral extractions on BLM managed land.

I do hear the gentleman talking about not all business is the same shape or size, so I really think that we should work through the Policy Committee. For that reason, I object to this amendment, and I would encourage the gentleman from Alaska to work through the Policy Committee.

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

Mr. YOUNG of Alaska. Mr. Chairman, I yield such time as he may consume to the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. Mr. Chairman, I thank the gentleman for yielding.

I appreciate the gentleman's amendment and his dedication to the sound management of natural resources on behalf of the constituents in his State.

Placer mining is unique to Alaska and has a unique history in place in Alaska's economy. As such, the BLM proposal for unique reclamation and bonding requirements need to receive additional review.

Mr. Chairman, I urge adoption of the gentleman's amendment.

Mr. YOUNG of Alaska. Mr. Chairman, I, again, urge passage of the amendment, and I thank the chairman and the ranking member for their work.

This is a mom-and-pop operation. If I thought it was going to do anything wrong—it has been mined for 100 years. They came in, they had a guy in a wheelchair, and they made him walk to his mine because you couldn't use a mechanized vehicle. Now, that is not good personnel.

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

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

The amendment was agreed to.

AMENDMENT NO. 45 OFFERED BY MR. WESTERMAN

The Acting CHAIR. It is now in order to consider amendment No. 45 printed in House Report 115-297.

Mr. WESTERMAN. 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 division A (before the short title) insert the following:

LIMITATION ON USE OF FUNDS

SEC. ____ None of the funds made available by this Act may be used to enforce the final rule entitled "Onshore Oil and Gas Operations; Federal and Indian Oil and Gas Leases; Measurement of Oil" and published by the Bureau of Land Management on November 17, 2016 (81 Fed. Reg. 81462).

The Acting CHAIR. Pursuant to House Resolution 504, the gentleman from Arkansas (Mr. WESTERMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arkansas.

Mr. WESTERMAN. Mr. Chairman, I thank Chairman CALVERT and Chairman FRELINGHUYSEN for their hard work on this bill.

On November 17, 2016, the Bureau of Land Management released a final rule titled: "Onshore Oil and Gas Operations; Federal and Indian Oil and Gas Leases; Measurement of Oil."

Though the BLM claims that this rule would incorporate proven industry standards developed by oil measurement experts from industry and the BLM, it seems like the BLM ignored industry expert standards and set their standards, regardless of industry input.

In comments filed on December 14, 2015, the Independent Petroleum Association of America, the American Petroleum Institution, the Western Energy Alliance, and many citizens involved in oil production detailed serious concerns. Many of the comments centered on BLM's reluctance to recognize its obligation to adopt properly established industry standards.

Mr. Chairman, I believe that it is vital that agencies such as the BLM listen to and take into account industry concerns and input when promulgating these new rules.

My amendment would restrict funding for this rule in its current form, and I ask my colleagues to support this amendment.

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

Ms. MCCOLLUM. Mr. Chairman, I rise in opposition to the amendment.

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

Ms. MCCOLLUM. Mr. Chairman, this new rule updates outdated regulations and establishes minimum standards for the measurement of oil production from Federal and Indian leases to ensure that productivity is accurately measured and properly accounted for.

The administration has aggressively sought to abolish rules that were developed over many years, and adhere to the process outlined in the Administrative Procedure Act, which includes consideration of Tribal and public comments.

Updating this regulation avoids regulatory uncertainty and reflects the considerable changes in technology and industry practices that have occurred over 25 years since the previous oil and gas order No. 4—25 years since the previous onshore oil and gas order No. 1. Changes in technology. We should be embracing changes in technology and industry practices. We should not be using technology and practices formed 25 years ago.

The new rule also responds to comments made by the GAO, the Department of Interior's IG, and the Royal Policy Committee regarding BLM's production and verification efforts.

The objective of this rule is to ensure that the oil volume reported by the industry is sufficiently accurate to ensure that the royalties due are paid correctly, the royalties due to the U.S. taxpayer. The rulemaking process has been comprehensive and it has been transparent. If there are to be changes to those rules, those changes need to be done in accordance with the procedures outlined in the Administrative Procedure Act. There is a way to do that. So, once again, there would be an opportunity for Tribal and public comment.

This amendment does not provide for an open and transparent process.

Mr. Chairman, I urge my colleagues to defeat this amendment and to protect the American taxpayer to make sure that the royalties are accurately recorded.

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

Mr. WESTERMAN. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Chairman, I thank the gentleman for yielding. I won't take nearly 1½ minutes. I just want to support the amendment.

I understand there are portions of the order that are widely accepted and some parts that need to be reworked. I hope the Bureau gets the message and works with all of the interested parties to improve onshore order No. 3.

Mr. Chairman, I am happy to support the amendment.

Ms. MCCOLLUM. Mr. Chairman, I continue to reserve the balance of my time.

Mr. WESTERMAN. Mr. Chairman, another way the BLM has ignored their

obligations under the rulemaking process is by discounting the practical difficulties for both industry and the agency associated compliance.

Mr. Chairman, the BLM ignored their rulemaking responsibilities by both disregarding industry input and snubbing practical timelines for compliance.

I believe the BLM should go back, re-examine this rule, and this time listen and get it right.

Mr. Chairman, I ask support for my amendment, and I yield back the balance of my time.

Ms. MCCOLLUM. Mr. Chairman, I rise in opposition for two reasons.

One, this, once again, is a substantial piece of policy work being done on an appropriations bill on the floor of the House. We have committees which can take things up, government oversight, and we have the Natural Resources Committee. There are many venues in which the gentleman could ask for a hearing and bring people to testify, if there are things that need to be done. Or just work through the Administrative Procedure Act, which has opportunities before it, if people feel that they are not being treated justly.

But the other reason why I rise against this is, 25 years since the previous update has happened, technology has changed since then and industry practices have changed. Part of our responsibility—and I truly believe this in my heart—is to make sure that when we do leases, when we are to receive royalty payments, we need to be looking out for the U.S. taxpayer to make sure that they are fairly compensated for these leases.

Mr. Chairman, I object to the amendment, and I yield back the balance of my time.

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

The amendment was agreed to.

The Acting CHAIR. The Chair understands that amendment No. 46 will not be offered.

AMENDMENT NO. 50 OFFERED BY MR. GOODLATTE

The Acting CHAIR. It is now in order to consider amendment No. 50 printed in House Report 115-297.

Mr. GOODLATTE. 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 division A (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used by the Environmental Protection Agency to take any of the actions described as a "backstop" in the December 29, 2009, letter from EPA's Regional Administrator to the States in the Watershed and the District of Columbia in response to the development or implementation of a State's watershed implementation and referred to in enclosure B of such letter.

The Acting CHAIR. Pursuant to House Resolution 504, the gentleman from Virginia (Mr. GOODLATTE) and a

Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. GOODLATTE. Mr. Chairman, today I rise to urge support for my amendment, which would reaffirm and preserve the rights of the States to write their own water quality plans.

My amendment simply prohibits the EPA from using its Chesapeake Bay total maximum daily load and the so-called watershed implementation plans to hijack States water quality strategies.

Over the last several years, the EPA has implemented a total maximum daily load blueprint for six States in the Chesapeake Bay watershed, which strictly limits the amount of nutrients that can enter the Chesapeake Bay. Through its implementation, the EPA has basically given every State in the watershed an ultimatum: either the State does exactly what the EPA says, or it faces the threat of an EPA takeover of its water quality programs.

Congress intended that the implementation of the Clean Water Act be a collaborative approach through which the States and the Federal Government work together. This process was not meant to be subject to the whims of politicians and bureaucrats in Washington, D.C. Therefore, my amendment instructs the EPA to respect the important role States play in implementing the Clean Water Act.

I want to make it perfectly clear that my amendment would not stop the EPA from working with the States to restore the Chesapeake Bay, nor would it undermine the cleanup efforts already underway. My language only removes the ability of the EPA to take over a State's plan, or to take retaliatory actions against a State if it does not meet the EPA mandated goals. Again, it ensures states' rights remain intact and not usurped by the EPA.

It is important to point out that the correlation between the EPA's outrageous Waters of the United States rule and the bay TMDL. At the heart of both issues is the EPA's desire to control conservation and water quality improvement efforts throughout the country, and to punish all of those who dare to oppose them.

Mr. Chairman, the bay is a national treasure, and I want to see it restored. But we know that in order to achieve this goal, the States and the EPA must work together. The EPA cannot be allowed to railroad the States and micro-manage the process.

With this amendment, we are simply telling the EPA to respect the important role States play in implementing the Clean Water Act and preventing another Federal power grab.

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

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Mr. SCOTT of Virginia. Mr. Chair, I rise in opposition to the amendment.

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

Mr. SCOTT of Virginia. Mr. Chair, this amendment would prohibit the EPA from spending any funds to ensure that States fulfill their obligations under the Clean Water Act to help clean up the Chesapeake Bay. If passed into law, this amendment would endanger the progress we have made in restoring the Chesapeake Bay watershed and would put in jeopardy not only the Chesapeake Bay itself, but also critical economic contributions that the bay provides.

Since the Chesapeake Bay agreement was signed in 1983, the most recent agreement signed in 2014, bay States and the Federal Government have invested significant resources in cleanup and restoration efforts. Cooperation is critical in these efforts, and only under the cooperative agreement agreed upon in the Chesapeake Clean Water Blueprint are we seeing a lot of progress being made. But the Chesapeake Bay cleanup efforts are part of backstops that make sure that each State does what it has actually promised to do. With these safeguards in place, States have to certify that their investments are not made in vain and that other States will also make good on their investments.

This amendment would undermine this historic collaboration, endanger historic progress we have made, and give States a loophole to avoid meeting their responsibilities under the Clean Water Act.

I believe that, instead of offering amendments that undermine Chesapeake Bay restorations, we should be investing even more resources to ensure that they are successful.

Mr. Chair, I urge my colleagues to reject the amendment, and I reserve the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Chair, I won't take 1 minute. I just want to support the gentleman's amendment.

It is my hope that the gentlemen from Virginia and Pennsylvania may be able to work with the new administration, find common ground on approaches that will improve water quality in a flexible manner which works for everybody.

Mr. Chair, I support the amendment and urge an "aye" vote.

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

Mr. GOODLATTE. Mr. Chair, how much time is remaining on each side?

The Acting CHAIR. The gentleman from Virginia (Mr. GOODLATTE) has 2 minutes remaining. The gentleman from Virginia (Mr. SCOTT) has 3½ minutes remaining.

Mr. GOODLATTE. Mr. Chair, I understand that the gentleman from Virginia (Mr. SCOTT) has the right to close.

The Acting CHAIR. The gentleman from Virginia (Mr. GOODLATTE) has the right to close.

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

Mr. SCOTT of Virginia. Mr. Chairman, I urge my colleagues to reject the amendment.

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

Mr. GOODLATTE. Mr. Chairman, I yield myself the balance of my time.

Mr. Chair, I want to thank the gentlemen from Pennsylvania, Chairman SHUSTER along with Mr. THOMPSON, for being cosponsors of this amendment. I urge my colleagues to support it.

It is simply not true that this amendment would interfere with the cleanup of the Chesapeake Bay, and I am going to repeat what I said earlier. My amendment does not remove the TMDL or the watershed implementation plans. It only removes the retaliatory actions threatened by the EPA.

The current plans and processes the States are using to clean up the bay are working. That is absolutely right. They are working, and they started long before this imposition by the EPA that occurred at the beginning of the Obama administration.

States have made great strides in cleaning up the bay, so why continue to threaten them with an EPA takeover of their water quality plans.

The other argument that is made is the Federal Government needs to be involved in this cleanup process. Well, I believe the Federal Government should be a partner in this effort. As the chairman has noted, they can play an important function. However, the current process has the EPA dictating to States, local communities, and businesses instead of a cooperative approach. That is not playing a part; that is controlling the process.

Mr. Chair, I urge my colleagues to support this important amendment.

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

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

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

Mr. SCOTT of Virginia. Mr. Chair, I demand a recorded vote.

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

AMENDMENT NO. 51 OFFERED BY MR. SANFORD

The Acting CHAIR. It is now in order to consider amendment No. 51 printed in House Report 115-297.

Mr. SANFORD. Mr. Chair, as the designee of the gentleman from New Jersey (Mr. LOBIONDO), 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 division A (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used to authorize, permit, or conduct geological or geophysical activities (as those terms are used in the final

programmatic environmental impact statement of the Bureau of Ocean Energy Management entitled "Atlantic OCS Proposed Geological and Geophysical Activities, Mid-Atlantic and South Atlantic Planning Areas" and completed February 2014) in support of oil, gas, or methane hydrate exploration and development in any area located in the North Atlantic, Mid-Atlantic, South Atlantic, or Straits of Florida Outer Continental Shelf Planning Area.

The Acting CHAIR. Pursuant to House Resolution 504, the gentleman from South Carolina (Mr. SANFORD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from South Carolina.

Mr. SANFORD. Mr. Chair, I want to make clear I am offering this amendment on behalf of the gentleman from New Jersey, FRANK LOBIONDO, who I know has worked with my colleague, the gentleman from Virginia, DON BEYER, on this bipartisan measure. I think it is one that makes sense. It would, quite simply, restrict money with regard to seismic testing on the Atlantic waters and the waters of the Florida Straits.

Now, why do I think that that is important? I think it is important because you don't build a foundation if you don't intend to build a house. And yet, fundamentally, what we are trying to do is move forward on something that I think begs this most Republican of questions, which is: Do we believe in home rule?

At home, every municipality of every town and hamlet along the coast of South Carolina has come out unanimously against the idea of offshore drilling and seismic testing, not because they are against fossil fuel, but simply because they believe that they want to determine themselves how the coast of South Carolina develops. That is obviously the case with many colleagues from Florida, who have now headed home to deal with the hurricane, and a whole host of other places up and down the Atlantic and, again, the Straits of Florida.

So I think that this amendment fundamentally is about this notion of, if you believe that the government that is most local governs best—not always, but generally—then might you not give this amendment a try, because fundamentally what it says is places like Port Fourchon are nice, but what the people of South Carolina have determined is that we don't want our coast to develop that way because of the amount of onshore that is necessary to support offshore operations.

Mr. Chair, I yield the balance of my time to the gentleman from Virginia (Mr. BEYER), my colleague.

Mr. BEYER. Mr. Chairman, I thank the gentleman from South Carolina (Mr. SANFORD) for yielding time.

Mr. Chair, moving forward with permits for seismic airgun surveys for subsidy oil and gas deposits puts our vibrant Atlantic coast at risk.

I am a Virginia businessman, and I look at what seismic testing does. Con-

gressman RUTHERFORD and I led a bipartisan letter to the administration signed by over 100 of our colleagues expressing our concerns about seismic airgun blasting.

Our coastal economy relies on healthy ocean ecosystems, which generate \$95 billion in gross domestic product, support nearly 1.4 million jobs each year. We have heard from countless businessowners, as Congressman SANFORD has said, elected officials, residents all along our coasts who recognize and reject the risks.

NASA, the Department of Defense, the Florida Defense Support Task Force have all expressed concern that offshore oil and gas development will threaten their ability to perform critical activities.

The North, South, Mid-Atlantic Fishery Management Councils, which are responsible for the management of fish stocks and habitats in Federal waters from Maine to Florida, also have significant concerns about the risks associated with offshore drilling and seismic airgun blasting.

So you have numerous fishing and tourism interests, including all the local chambers of commerce, tourism, restaurant associations, an alliance representing over 41,000 businesses, and 500,000 fishing families from Florida to Maine oppose offshore oil drilling activities as well.

Opening up the Atlantic to seismic testing and drilling jeopardizes our economy and these coastal economies in the most immediate terms.

I strongly support the LoBiondo-Sanford amendment and urge my colleagues on both sides of the aisle to support this critical amendment.

Mr. DUNCAN of South Carolina. Mr. Chair, I rise in opposition to the amendment.

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

Mr. DUNCAN of South Carolina. Mr. Chair, this amendment sets a dangerous precedent not only for the energy future of the Atlantic and the Florida coasts, but for the Nation as a whole.

Although this is framed as an Atlantic amendment, I would make clear that the residents from South Carolina, Virginia, North Carolina, and Georgia support offshore seismic survey activities pursuant to the all-of-the-above energy approach that America needs.

Seismic surveys are routinely conducted off American coasts and around the world for oil and gas. We have been conducting seismic surveys around the globe in the oceans of the world for 50 years with not a single verifiable instance of a marine mammal being harmed or killed. In fact, the Bureau of Ocean Energy Management has confirmed this. President Obama's own BOEM Director, Abigail Hopper, confirmed this to me in a public hearing when I asked her last Congress.

Seismic surveys have not been conducted in the Atlantic region for over

30 years. Today's advancement in technologies allows for 3-D and 4-D seismic work to actually look into the Earth and see what may be there.

I would argue that the folks who are against seismic work really aren't against seismic for the purpose of trying to save marine mammals; they just don't like fossil fuel development. But we need to see what is out there.

If Members are genuinely concerned about Russia, then voting in favor of oil and gas exploration should be a no-brainer. Why would Members vote to cut off the most significant tool in America's arsenal, that is, our energy independence?

For these reasons, it is critical that we continue to permit safe G&G geological studies in all areas off America's coasts, that includes the mid-Atlantic, the south Atlantic, and all Florida.

Mr. Chair, I urge my colleagues to vote against this amendment.

Mr. CALVERT. Will the gentleman from South Carolina yield?

Mr. DUNCAN of South Carolina. I yield to the gentleman from California.

Mr. CALVERT. Mr. Chair, I just want to let the gentleman know that I oppose this amendment. I don't think we should stand in the way of exploration research that could inform potential future decisions, whether it is for or against drilling, but we need to know information so once we know the potential, we can allow the agencies to weigh those pros and cons.

Mr. Chair, I urge a "no" vote.

Mr. DUNCAN of South Carolina. Mr. Chair, we do have hurricanes coming. The Gulf of Mexico has prepared for hurricanes and dealt with it in the oil and gas industry. That is not the issue.

We are talking about seismic surveys so that we as American policymakers can see what may or may not be in the Earth for future development. I would be willing to bet that, if it was natural gas that was found off the coast of my home State of South Carolina, we would be having a completely different conversation than if oil was found.

Let's at least have the guts to go out there and look and do G&G work off the coast of the mid-Atlantic, the south Atlantic, and Florida and find out what resources may or may not be there and whether they are even recoverable or not.

Mr. Chair, I yield to the gentleman from South Carolina (Mr. SANFORD).

Mr. SANFORD. Mr. Chair, I thank the gentleman for yielding.

Mr. Chair, I very much respect the viewpoint of the gentleman from South Carolina (Mr. DUNCAN), and I want to be clear: I believe in fossil fuel.

I think that the real conundrum in this debate is who is best able to determine whether or not areas off of where they happen to live should or shouldn't be developed: Should it be decided from Washington, D.C., or should it be decided by local folks?

So I would frame this, fundamentally, as an issue of home rule, that all

the points that you are making are very, very valid, but shouldn't that determination be made by folks that are most close and would be most affected by what might or might not happen in the offshore waters off of the coast of South Carolina or Florida or Georgia or elsewhere?

So I just go back to, if we found the mother of all lodes, there has been testing out there, they say 132 days' worth of supply might be off the coast of South Carolina, and what people have said is we have a vibrant tourism industry on the coast of South Carolina and we don't think the risks are worth the rewards based on what might or might not be out there.

So I very much respect the viewpoint of the gentleman from South Carolina (Mr. DUNCAN), but again, what folks are telling me at home on the coast of South Carolina is, even if stuff is out there, we are concerned about the tourism risk and we are concerned about the infrastructure that would be required to support it.

Mr. DUNCAN of South Carolina. Mr. Chair, reclaiming my time, I appreciate the point of the gentleman from South Carolina (Mr. SANFORD).

We need to find out what is out there. G&G activity would allow us to determine whether there is oil or natural gas. If we find oil, I am willing to have a conversation with the folks in Charleston County, Horry County of South Carolina. If we find natural gas, I believe the conversation will be completely different.

Mr. Chair, what we need to do is G&G work, which is safe to marine mammals, to find out what might be there and might be recoverable.

The Acting CHAIR. The time of the gentleman has expired.

The gentleman from South Carolina (Mr. SANFORD) has 1½ minutes remaining.

Mr. SANFORD. Mr. Chair, I will split my time, in the spirit of bipartisanship, with my colleague from Virginia, and I would simply say this: I want to go back to the most basic of all conservative themes, which is we believe that the individual is paramount in the way that decisions get made and that not all decisions should be made in Washington, D.C. And if folks have spoken out as clearly and as loudly as they have with regard to home rule on what should or shouldn't happen off their coast, that voice ought to be respected in Washington, D.C.

Mr. Chair, I yield the balance of my time to my colleague from Virginia (Mr. BEYER).

□ 2030

Mr. BEYER. Mr. Chairman, to respond to both my friends from South Carolina, one of the dilemmas with the additional exploration is that, by law, the data obtained from the seismic surveys are proprietary. They will belong to the many different companies that will be doing this, and they won't be available to the American public; they

won't be available to local government officials; they won't even be available to Members of Congress.

So this inability to access information will leave coastal communities without the opportunity to provide these substantive cost-benefit analyses that Congressman SANFORD referred to.

Our constituents would take on significant risks without being involved in the future development decisions. So, for that reason, I encourage us to vote for the Sanford amendment.

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

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

The amendment was rejected.

Mr. CALVERT. Mr. Chairman, I move that the Committee do now rise. The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WALKER) having assumed the chair, Mr. HULTGREN, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3354) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2018, and for other purposes, had come to no resolution thereon.

DEPARTMENT OF THE INTERIOR,
ENVIRONMENT, AND RELATED
AGENCIES APPROPRIATIONS
ACT, 2018

The SPEAKER pro tempore. Pursuant to House Resolution 500 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 3354.

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

□ 2032

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 3354) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2018, and for other purposes, with Mr. HULTGREN (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, amendment No. 113 printed in part B of House Report 115-295, offered by the gentleman from Florida (Mr. GAETZ) had been disposed of.

VACATING DEMAND FOR RECORDED VOTE ON
AMENDMENT NO. 97 OFFERED BY MR. HASTINGS

Mr. HASTINGS. Mr. Chairman, I ask unanimous consent to withdraw my request for a recorded vote on amendment No. 97 printed in part B of House Report 115-295 to the end that the Chair put the question de novo.

The Acting CHAIR. The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

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

There was no objection.

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

The amendment was rejected.

VACATING DEMAND FOR RECORDED VOTE ON
AMENDMENT NO. 98 OFFERED BY MR. HASTINGS

Mr. HASTINGS. Mr. Chair, I ask unanimous consent to withdraw my request for a recorded vote on amendment No. 98 printed in part B of House Report 115-295 to the end that the Chair put the question de novo.

The Acting CHAIR. The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

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

There was no objection.

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

The amendment was rejected.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part B of House Report 115-295 on which further proceedings were postponed, in the following order:

Amendment No. 91 by Mr. ROTHFUS of Pennsylvania.

Amendment No. 92 by Mr. AUSTIN SCOTT of Georgia.

Amendment No. 99 by Mr. GROTHMAN of Wisconsin.

Amendment No. 110 by Mr. YOHO of Florida.

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

AMENDMENT NO. 91 OFFERED BY MR. ROTHFUS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Mr. ROTHFUS) 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 163, noes 248, not voting 22, as follows:

[Roll No. 467]

AYES—163

Abraham	Barletta	Blackburn
Aderholt	Barr	Blum
Allen	Barton	Bost
Arrington	Biggs	Brat
Babin	Bishop (UT)	Brooks (AL)
Banks (IN)	Black	Brooks (IN)