

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 27, line 14, strike “and”.

Page 27, after line 14, insert the following (and redesignate the subsequent paragraph accordingly):

(2) by amending subsection (c) to read as follows:

“(c) STUDIES AND ENGINEERING.—

“(1) IN GENERAL.—When requested by an appropriate non-Federal interest, the Secretary shall undertake all necessary studies, engineering, and technical assistance on construction for any project to be undertaken under subsection (b), and provide technical assistance in obtaining all necessary permits for the construction, if the non-Federal interest contracts with the Secretary to furnish the United States funds for the studies, engineering, or technical assistance on construction in the period during which the studies, engineering, or technical assistance on construction are being conducted.

“(2) NO WAIVER.—Nothing in this section may be construed to waive any requirement of section 3142 of title 40, United States Code.

“(3) LIMITATION.—Funds provided by non-Federal interests under this subsection shall not be eligible for credit or reimbursement under subsection (d).

“(4) IMPARTIAL DECISIONMAKING.—In carrying out this section, the Secretary shall ensure that the use of funds accepted from a non-Federal interest will not affect the impartial decisionmaking of the Secretary, either substantively or procedurally.”; and

The Acting CHAIR. Pursuant to House Resolution 918, the gentleman from Pennsylvania (Mr. SHUSTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chair, this amendment should help projects be executed more quickly, and I appreciate my colleagues who worked on this: Mr. POSEY, Mr. MAST, Mr. HASTINGS, and Ms. WILSON.

I ask all my colleagues to support this. I think it is a good 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 Pennsylvania (Mr. SHUSTER).

The amendment was agreed to.

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in part A of House Report 115-711.

It is now in order to consider amendment No. 8 printed in part A of House Report 115-711.

Mr. SHUSTER. Mr. Chair, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GRAVES of Louisiana) having assumed the chair, Mr. HARPER, 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. 8) to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources,

and for other purposes, had come to no resolution thereon.

PERMISSION TO CONSIDER AMENDMENTS OUT OF SEQUENCE DURING FURTHER CONSIDERATION OF H.R. 8

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 8 in the Committee of the Whole pursuant to House Resolution 918, the following amendments printed in part A of House Report 115-711 may be considered out of sequence:

Amendments numbered 2, 3, 4, 5, 7, and 8.

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

There was no objection.

WATER RESOURCES DEVELOPMENT ACT OF 2018

The SPEAKER pro tempore. Pursuant to House Resolution 918 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. 8.

Will the gentleman from Mississippi (Mr. HARPER) kindly resume the chair.

□ 1530

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. 8) to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes, with Mr. HARPER (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole House rose earlier today, amendment No. 6 printed in House Report 115-711 offered by the gentleman from Pennsylvania (Mr. SHUSTER) had been disposed of.

AMENDMENT NO. 3 OFFERED BY MR. GIBBS

The Acting CHAIR. Pursuant to the order of the House of today, it is now in order to consider amendment No. 3 printed in part A of House Report 115-711.

Mr. GIBBS. 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 9, line 17, insert “, if determined necessary after taking into account all relevant factors (including past successful project completion)” before the semicolon.

The Acting CHAIR. Pursuant to House Resolution 918, the gentleman from Ohio (Mr. GIBBS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. GIBBS. Mr. Chairman, I rise to introduce my amendment to H.R. 8, the Water Resources Development Act, to provide the Army Corps of Engineers greater flexibility and the ability to use a variety of factors in determining financial assurances with respect to section 404 permitted projects.

The Army Corps currently has considerable discretion at the district level on whether to require financial assurance or a bond of unauthorized projects. This includes a firm source of funding from a project or its history of successful completion of projects. The exclusion of this relevant data in determining a financial assurance requirement has led to uneven application of the Corps discretion at the district levels.

As a result, regulatory and financial requirements can be uncertain for even one private entity from Corps district to Corps district. My amendment will give a more uniform framework with a wider scope of factors used in determining the financial mitigation requirements for a 404 project.

I urge my colleagues to support this amendment for regulatory certainty, and I reserve the balance of my time.

Mr. DEFAZIO. Mr. Chair, I claim time in opposition.

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

Mr. DEFAZIO. Mr. Chair, I yield to my colleague from Louisiana, GARRET GRAVES.

Mr. GRAVES of Louisiana. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, this amendment is an important amendment in that it tries to ensure that mitigation banks and other types of mitigation mechanisms are viable options to be able to build projects.

In some cases, you have unavoidable impacts. We need to be able to have options to mitigate for those impacts so we can truly build projects.

I commend the gentleman from Ohio for raising this issue, for bringing this up. I do think that we need to continue working on refining the text a little bit and working together in a bipartisan manner with our friends on the other side of the aisle to get this to a place where everyone can agree.

Again, I think it is an important issue for us to address to ensure that mitigation credits are actually accessible, and I want to see if the gentleman will be willing to withdraw the amendment with the understanding that we are going to work with him to ensure that we can address this issue moving forward through the legislative process.

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

Mr. GIBBS. Mr. Chairman, I think, with the comments from the subcommittee chairman and the chairman's willingness to work through this as we go through the process, I yield back the balance of my time.

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