

SA 5063. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 5042 proposed by Mr. INHOFE (for himself and Mrs. BOXER) to the amendment SA 4979 proposed by Mr. MCCONNELL (for Mr. INHOFE (for himself and Mrs. BOXER)) to the bill S. 2848, supra; which was ordered to lie on the table.

SA 5064. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 5042 proposed by Mr. INHOFE (for himself and Mrs. BOXER) to the amendment SA 4979 proposed by Mr. MCCONNELL (for Mr. INHOFE (for himself and Mrs. BOXER)) to the bill S. 2848, supra; which was ordered to lie on the table.

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SA 5066. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 5042 proposed by Mr. INHOFE (for himself and Mrs. BOXER) to the amendment SA 4979 proposed by Mr. MCCONNELL (for Mr. INHOFE (for himself and Mrs. BOXER)) to the bill S. 2848, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 5061. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 4979 proposed by Mr. MCCONNELL (for Mr. INHOFE (for himself and Mrs. BOXER)) to the bill S. 2848, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:
Subtitle B—Irrigation Rehabilitation and Renovation for Indian Tribal Governments and Their Economies

SEC. 8101. SHORT TITLE.

This subtitle may be cited as the "Irrigation Rehabilitation and Renovation for Indian Tribal Governments and Their Economies Act" or the "IRRIGATE Act".

SEC. 8102. DEFINITIONS.

In this subtitle:

(1) **DEFERRED MAINTENANCE.**—The term "deferred maintenance" means any maintenance activity that was delayed to a future date, in lieu of being carried out at the time at which the activity was scheduled to be, or otherwise should have been, carried out.

(2) **FUND.**—The term "Fund" means the Indian Irrigation Fund established by section 8111.

(3) **INDIAN TRIBE.**—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(4) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

PART I—INDIAN IRRIGATION FUND

SEC. 8111. ESTABLISHMENT.

There is established in the Treasury of the United States a fund, to be known as the "Indian Irrigation Fund", consisting of—

(1) such amounts as are deposited in the Fund under section 8113; and

(2) any interest earned on investment of amounts in the Fund under section 8115.

SEC. 8112. DEPOSITS TO FUND.

(a) **IN GENERAL.**—For each of fiscal years 2017 through 2038, the Secretary of the Treas-

ury shall deposit in the Fund \$35,000,000 from the general fund of the Treasury.

(b) **AVAILABILITY OF AMOUNTS.**—Amounts deposited in the Fund under subsection (a) shall be used, subject to appropriation, to carry out this subtitle.

SEC. 8113. EXPENDITURES FROM FUND.

(a) **IN GENERAL.**—Subject to subsection (b), for each of fiscal years 2017 through 2038, the Secretary may, to the extent provided in advance in appropriations Acts, expend from the Fund, in accordance with this subtitle, not more than the sum of—

(1) \$35,000,000; and

(2) the amount of interest accrued in the Fund.

(b) **ADDITIONAL EXPENDITURES.**—The Secretary may expend more than \$35,000,000 for any fiscal year referred to in subsection (a) if the additional amounts are available in the Fund as a result of a failure of the Secretary to expend all of the amounts available under subsection (a) in 1 or more prior fiscal years.

SEC. 8114. INVESTMENTS OF AMOUNTS.

(a) **IN GENERAL.**—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary, required to meet current withdrawals.

(b) **CREDITS TO FUND.**—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund.

SEC. 8115. TRANSFERS OF AMOUNTS.

(a) **IN GENERAL.**—The amounts required to be transferred to the Fund under this part shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(b) **ADJUSTMENTS.**—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates are in excess of or less than the amounts required to be transferred.

SEC. 8116. TERMINATION.

On September 30, 2038—

(1) the Fund shall terminate; and

(2) the unexpended and unobligated balance of the Fund shall be transferred to the general fund of the Treasury.

PART II—REPAIR, REPLACEMENT, AND MAINTENANCE OF CERTAIN INDIAN IRRIGATION PROJECTS

SEC. 8121. REPAIR, REPLACEMENT, AND MAINTENANCE OF CERTAIN INDIAN IRRIGATION PROJECTS.

(a) **IN GENERAL.**—The Secretary shall establish a program to address the deferred maintenance needs and water storage needs of Indian irrigation projects that—

(1) create risks to public or employee safety or natural or cultural resources; and

(2) unduly impede the management and efficiency of the Indian irrigation program.

(b) **FUNDING.**—Consistent with section 8113, the Secretary shall use or transfer to the Bureau of Indian Affairs not less than \$35,000,000 of amounts in the Fund, plus accrued interest, for each of fiscal years 2017 through 2038 to carry out maintenance, repair, and replacement activities for 1 or more of the Indian irrigation projects described in section 8122 (including any structures, facilities, equipment, personnel, or vehicles used in connection with the operation of those projects), subject to the condition that the funds expended under this part shall not be—

(1) subject to reimbursement by the owners of the land served by the Indian irrigation projects; or

(2) assessed as debts or liens against the land served by the Indian irrigation projects.

SEC. 8122. ELIGIBLE PROJECTS.

The projects eligible for funding under section 8121(b) are the Indian irrigation projects

in the western United States that, on the date of enactment of this Act—

(1) are owned by the Federal Government, as listed in the Federal inventory required by Executive Order 13327 (40 U.S.C. 121 note; relating to Federal real property asset management);

(2) are managed and operated by the Bureau of Indian Affairs (including projects managed, operated, or maintained under contracts or compacts pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.); and

(3) have deferred maintenance documented by the Bureau of Indian Affairs.

SEC. 8123. REQUIREMENTS AND CONDITIONS.

Not later than 120 days after the date of enactment of this Act and as a precondition to amounts being expended from the Fund to carry out this part, the Secretary, in consultation with the Assistant Secretary for Indian Affairs and representatives of affected Indian tribes, shall develop and submit to Congress—

(1) programmatic goals to carry out this part that—

(A) would enable the completion of repairing, replacing, modernizing, or performing maintenance on projects as expeditiously as practicable;

(B) facilitate or improve the ability of the Bureau of Indian Affairs to carry out the mission of the Bureau of Indian Affairs in operating a project;

(C) ensure that the results of government-to-government consultation required under section 8125 be addressed; and

(D) would facilitate the construction of new water storage using non-Federal contributions to address tribal, regional, and watershed-level supply needs; and

(2) funding prioritization criteria to serve as a methodology for distributing funds under this part, that take into account—

(A) the extent to which deferred maintenance of qualifying irrigation projects poses a threat to public or employee safety or health;

(B) the extent to which deferred maintenance poses a threat to natural or cultural resources;

(C) the extent to which deferred maintenance poses a threat to the ability of the Bureau of Indian Affairs to carry out the mission of the Bureau of Indian Affairs in operating the project;

(D) the extent to which repairing, replacing, modernizing, or performing maintenance on a facility or structure will—

(i) improve public or employee safety, health, or accessibility;

(ii) assist in compliance with codes, standards, laws, or other requirements;

(iii) address unmet needs; and

(iv) assist in protecting natural or cultural resources;

(E) the methodology of the rehabilitation priority index of the Secretary, as in effect on the date of enactment of this Act;

(F) the potential economic benefits of the expenditures on job creation and general economic development in the affected tribal communities;

(G) the ability of the qualifying project to address tribal, regional, and watershed level water supply needs; and

(H) such other factors as the Secretary determines to be appropriate to prioritize the use of available funds that are, to the fullest extent practicable, consistent with tribal and user recommendations received pursuant to the consultation and input process under section 8125.

SEC. 8124. STUDY OF INDIAN IRRIGATION PROGRAM AND PROJECT MANAGEMENT.

(a) **TRIBAL CONSULTATION AND USER INPUT.**—Before beginning to conduct the

study required under subsection (b), the Secretary shall—

(1) consult with the Indian tribes that have jurisdiction over the land on which an irrigation project eligible to receive funding under section 8122 is located; and

(2) solicit and consider the input, comments, and recommendations of—

(A) the landowners served by the irrigation project; and

(B) irrigators from adjacent irrigation districts.

(b) **STUDY.**—Not later than 2 years after the date of enactment of this Act, the Secretary, acting through the Assistant Secretary for Indian Affairs, shall complete a study that evaluates options for improving programmatic and project management and performance of irrigation projects managed and operated in whole or in part by the Bureau of Indian Affairs.

(c) **REPORT.**—On completion of the study under subsection (b), the Secretary, acting through the Assistant Secretary for Indian Affairs, shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report that—

(1) describes the results of the study;

(2) determines the cost to financially sustain each project;

(3) recommends whether management of each project could be improved by transferring management responsibilities to other Federal agencies or water user groups; and

(4) includes recommendations for improving programmatic and project management and performance—

(A) in each qualifying project area; and

(B) for the program as a whole.

(d) **STATUS REPORT.**—Not later than 2 years after the date of enactment of this Act, and not less frequently than every 2 years thereafter, the Secretary, acting through the Assistant Secretary for Indian Affairs, shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report that includes a description of—

(1) the progress made toward addressing the deferred maintenance needs of the Indian irrigation projects described in section 8122, including a list of projects funded during the fiscal period covered by the report;

(2) the outstanding needs of those projects that have been provided funding to address the deferred maintenance needs pursuant to this part;

(3) the remaining needs of any of those projects;

(4) how the goals established pursuant to section 8123 have been met, including—

(A) an identification and assessment of any deficiencies or shortfalls in meeting those goals; and

(B) a plan to address the deficiencies or shortfalls in meeting those goals; and

(5) any other subject matters the Secretary, to the maximum extent practicable consistent with tribal and user recommendations received pursuant to the consultation and input process under this section, determines to be appropriate.

SEC. 8125. TRIBAL CONSULTATION AND USER INPUT.

Before expending funds on an Indian irrigation project pursuant to section 8121 and not later than 120 days after the date of enactment of this Act, the Secretary shall—

(1) consult with the Indian tribe that has jurisdiction over the land on which an irrigation project eligible to receive funding under section 8122 is located; and

(2) solicit and consider the input, comments, and recommendations of—

(A) the landowners served by the irrigation project; and

(B) irrigators from adjacent irrigation districts.

SEC. 8126. ALLOCATION AMONG PROJECTS.

(a) **IN GENERAL.**—Subject to subsection (b), to the maximum extent practicable, the Secretary shall ensure that, for each of fiscal years 2017 through 2038, each Indian irrigation project eligible for funding under section 8122 that has critical maintenance needs receives part of the funding under section 8121 to address critical maintenance needs.

(b) **PRIORITY.**—In allocating amounts under section 8121(b), in addition to considering the funding priorities described in section 8123, the Secretary shall give priority to eligible Indian irrigation projects serving more than 1 Indian tribe within an Indian reservation and to projects for which funding has not been made available during the 10-year period ending on the day before the date of enactment of this Act under any other Act of Congress that expressly identifies the Indian irrigation project or the Indian reservation of the project to address the deferred maintenance, repair, or replacement needs of the Indian irrigation project.

(c) **CAP ON FUNDING.**—

(1) **IN GENERAL.**—Subject to paragraph (2), in allocating amounts under section 8121(b), the Secretary shall allocate not more than \$15,000,000 to any individual Indian irrigation project described in section 8122 during any consecutive 3-year period.

(2) **EXCEPTION.**—Notwithstanding the cap described in paragraph (1), if the full amount under section 8121(b) cannot be fully allocated to eligible Indian irrigation projects because the costs of the remaining activities authorized in section 8121(b) of an irrigation project would exceed the cap described in paragraph (1), the Secretary may allocate the remaining funds to eligible Indian irrigation projects in accordance with this part.

(d) **BASIS OF FUNDING.**—Any amounts made available under this section shall be nonreimbursable.

(e) **APPLICABILITY OF ISDEAA.**—The Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.) shall apply to activities carried out under this section.

SA 5062. Mr. PERDUE (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed to amendment SA 4979 proposed by Mr. MCCONNELL (for Mr. INHOFE (for himself and Mrs. BOXER)) to the bill S. 2848, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 1. PROJECTS OF NATIONAL SIGNIFICANCE.

Section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) is amended by adding at the end the following:

“(c) **PROJECTS OF NATIONAL SIGNIFICANCE.**—

“(1) **IN GENERAL.**—In the case of a project of national significance (as described in paragraph (2)) that has not been completed, subsection (a)(1) shall not apply.

“(2) **PROJECTS OF NATIONAL SIGNIFICANCE DESCRIBED.**—A project of national significance means a project for water resources development and conservation and related purposes authorized to be carried out by the Secretary that has a benefit-to-cost ratio equal to or greater than 3.5 to 1, as identified in a report of the Chief of Engineers or a Post Authorization Change Report.”.

SA 5063. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 5042 proposed by Mr. INHOFE (for himself and Mrs. BOXER) to the amendment SA 4979 proposed by Mr. MCCONNELL (for Mr. INHOFE (for himself and Mrs. BOXER)) to the bill S. 2848, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 125, between lines 18 and 19, insert the following:

SEC. 3008. REHABILITATION OF CORPS OF ENGINEERS CONSTRUCTED FLOOD CONTROL DAMS.

(a) **IN GENERAL.**—If the Secretary determines that the project is feasible, the Secretary may carry out a project for the rehabilitation of a dam described in subsection (b).

(b) **ELIGIBLE DAMS.**—A dam eligible for assistance under this section is a dam—

(1) that has been constructed, in whole or in part, by the Corps of Engineers for flood control purposes;

(2) for which construction was completed before 1940;

(3) that is classified as “high hazard potential” by the State dam safety agency of the State in which the dam is located; and

(4) that is operated by a non-Federal entity.

(c) **COST SHARING.**—Non-Federal interests shall provide 35 percent of the cost of construction of any project carried out under this section, including provision of all land, easements, rights-of-way, and necessary relocations.

(d) **AGREEMENTS.**—Construction of a project under this section shall be initiated only after a non-Federal interest has entered into a binding agreement with the Secretary—

(1) to pay the non-Federal share of the costs of construction under subsection (c); and

(2) to pay 100 percent of any operation, maintenance, and replacement and rehabilitation costs with respect to the project in accordance with regulations prescribed by the Secretary.

(e) **COST LIMITATION.**—The Secretary shall not expend more than \$10,000,000 for a project at any single dam under this section.

(f) **FUNDING.**—There is authorized to be appropriated to carry out this section \$25,000,000 for each of fiscal years 2017 through 2026.

SA 5064. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 5042 proposed by Mr. INHOFE (for himself and Mrs. BOXER) to the amendment SA 4979 proposed by Mr. MCCONNELL (for Mr. INHOFE (for himself and Mrs. BOXER)) to the bill S. 2848, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 80. PROTECTION OF CONGRESSIONAL OVERSIGHT.

Notwithstanding any other provision of law, the Secretary or the Administrator of

the Environmental Protection Agency may not enter into an agreement related to resolving a dispute or claim with an individual that would restrict in any way the individual from speaking to members of Congress or their staff on any topic not otherwise prohibited from disclosure by Federal law.

SA 5065. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 5042 proposed by Mr. INHOFE (for himself and Mrs. BOXER) to the amendment SA 4979 proposed by Mr. MCCONNELL (for Mr. INHOFE (for himself and Mrs. BOXER)) to the bill S. 2848, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1009 and insert the following:

SEC. 1009. GAO REVIEW AND REPORT.

Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct a review, and submit to Congress a report on the implementation and effectiveness of the projects carried out under section 219 of the Water Resources Development Act of 1992 (Public Law 102-580; 106 Stat. 4835).

SA 5066. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 5042 proposed by Mr. INHOFE (for himself and Mrs. BOXER) to the amendment SA 4979 proposed by Mr. MCCONNELL (for Mr. INHOFE (for himself and Mrs. BOXER)) to the bill S. 2848, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 65, between lines 5 and 6, insert the following:

SEC. 10 . GAO REVIEW AND REPORT.

Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct a review, and submit to Congress a report on the implementation and effectiveness of the projects carried out under section 219 of the Water Resources Development Act of 1992 (Public Law 102-580; 106 Stat. 4835).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. RUBIO. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on September 13, 2016, at 10 a.m., in room SR-328A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. RUBIO. Mr. President, I ask unanimous consent that the Committee on Armed Services be author-

ized to meet during the session of the Senate on September 13, 2016, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. RUBIO. Mr. President, I ask unanimous consent that the Committee on Banking, Housing and Urban Affairs be authorized to meet during the session of the Senate on September 13, 2016, at 10:30 a.m. to conduct a hearing entitled "The National Flood Insurance Program: Reviewing the Recommendations of the Technical Mapping Advisory Council's 2015 Annual Report."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. RUBIO. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on September 13, 2016, at 2:30 p.m., in room SR-253 of the Russell Senate Office Building to conduct a Subcommittee hearing entitled "Examining the Better Online Ticket Sales Act of 2016."

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. RUBIO. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 13, 2016, at 2:30 p.m., in room SH-219 of the Hart Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. GARDNER. Mr. President, I ask unanimous consent that my military fellow, Ashley Ritchey, be granted floor privileges for the remainder of the Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING USE OF THE CAPITOL GROUNDS

Mr. GARDNER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H. Con. Res. 131, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The senior assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 131) authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. GARDNER. Mr. President, I ask unanimous consent that the concur-

rent resolution be agreed to and the motion to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 131) was agreed to.

ENCOURAGING THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF THE CONGO TO ABIDE BY CONSTITUTIONAL PROVISIONS REGARDING THE HOLDING OF PRESIDENTIAL ELECTIONS IN 2016

Mr. GARDNER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 574, S. Res. 485.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 485) to encourage the Government of the Democratic Republic of the Congo to abide by constitutional provisions regarding the holding of presidential elections in 2016, with the aim of ensuring a peaceful and orderly democratic transition of power.

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Foreign Relations, with an amendment and an amendment to the preamble and an amendment to the title.

(Strike out all after the resolving clause and insert the part printed in italic.)

(Strike the preamble and insert the part printed in italic.)

Whereas the United States and the Democratic Republic of the Congo ("DRC") have a partnership grounded in economic development, investment, and mutual interests in security and stability, and marked by efforts to address the protracted humanitarian crisis facing the DRC;

Whereas, in 2006, the Government of the DRC adopted a new constitution with a provision limiting the President to two consecutive terms;

Whereas the constitution requires that elections be held in time for the inauguration of a new president on December 19, 2016, when the current presidential term expires;

Whereas events in the DRC over the last year and a half have called into serious question the commitment of the Government of the DRC to hold such elections on the required timeline, and President Joseph Kabila has not publicly committed to stepping down at the end of his term;

Whereas security and intelligence officials of the DRC have arrested, harassed, and detained peaceful activists (such as Fred Bauma and Yves Makwambala), members of civil society, political leaders, and others, and international and domestic human rights groups have reported on the worsening of the human rights situation in the DRC;

Whereas there are 12 presidential elections slated to take place on the continent of Africa by the end of 2017, and what transpires in the DRC will send an important message to leaders in the region;

Whereas President Barack Obama spoke with President Kabila on March 31, 2015, and "emphasized the importance of timely, credible, and peaceful elections that respect the Constitution of the DRC and protect the rights of all DRC citizens";