Wilson (SC)	Yarmuth	Young (IA)
Wittman	Yoder	Young (IN)
Womack	Yoho	Zeldin
Woodall	Young (AK)	Zinke

NOT VOTING—22

Amodei	Davis, Danny	Peterson
Ashford	Deutch	Rooney (FL)
Boyle, Brendan F.	Gutiérrez	Rush
Brat	Higgins	Sanchez, Loretta
Brown (FL)	Hinojosa	Schakowsky
Bucshon	Lofgren	Westerman
Clarke (NY)	Maloney, Carolyn	
Culberson	Miller (FL)	

□ 1906

So (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. WESTERMAN. Mr. Speaker, on rollcall No. 391, I was in the chamber and my vote did not register. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Ms. SCHAKOWSKY. Mr. Speaker, I was unable to vote today on the motion to close portions of the conference report on H.R. 1735 and the Senate amendment to H.R. 91 because I was attending the funeral of a dear friend in Chicago. Had I been present, I would have voted "yea" on both.

PERSONAL EXPLANATION

Mr. GUTIÉRREZ. Mr. Speaker, I was unavoidably absent for the following votes on July 7, 2015. Had I been present, I would have voted "yea" on rollcall votes 390 and 391.

PERSONAL EXPLANATION

Mr. MILLER of Florida. Mr. Speaker, due to being unavoidably detained, I missed the following rollcall votes: No. 390 and No. 391 on July 7, 2015.

If present, I would have voted: rollcall vote No. 390—Authorizing conferees to close meetings for H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for other purposes, "aye," rollcall vote No. 391—on motion to suspend the rules and concur in the Senate amendment to H.R. 91—Veterans I.D. Card Act of 2015, "aye."

REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.R. 5, STUDENT SUCCESS ACT, AND PROVIDING FOR CONSIDERATION OF H.R. 2647, RESILIENT FEDERAL FORESTS ACT OF 2015

Mr. NEWHOUSE, from the Committee on Rules, submitted a privileged report (Rept. No. 114–192) on the resolution (H. Res. 347) providing for further consideration of the bill (H.R. 5) to support State and local accountability for public education, protect State and local authority, inform parents of the performance of their children's schools, and for other purposes, and providing for consideration of the bill (H.R. 2647) to expedite under the National Environmental Policy Act and improve forest management activities in units of the National Forest System derived from the public domain, on public lands under the jurisdiction of the Bureau of Land Management, and on tribal lands to return resilience to overgrown, fire-prone forested lands, and for other purposes, which was referred to the House Calendar and ordered to be printed.

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2016

The SPEAKER pro tempore (Mr. ROUZER). Pursuant to House Resolution 333 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. 2822.

Will the gentleman from Minnesota (Mr. EMMER) kindly take the chair.

□ 1910

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. 2822) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2016, and for other purposes, with Mr. EMMER of Minnesota (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, a request for a recorded vote on amendment No. 6, printed in the CONGRESSIONAL RECORD, offered by the gentlewoman from Tennessee (Mrs. BLACKBURN), had been postponed, and the bill had been read through page 132, line 24.

AMENDMENT OFFERED BY MR. GALLEGO

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill, before the short title, insert the following:

SEC. 441. None of the funds made available by this Act may be used to issue a grazing permit or lease in contravention of section 4110.1 or 4130.1-1(b) of title 43, Code of Federal Regulations.

The Acting CHAIR. Pursuant to House Resolution 333, the gentleman from Arizona and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. GALLEGO. Mr. Chairman, I rise to offer an amendment that will reaffirm Congress' support for the enforcement of grazing fees on public lands.

Grazing on public lands is a privilege, not a right, and it is critical that individual ranchers who use these lands abide by the law and pay their fair share.

My commonsense amendment simply confirms that grazing permits or leases should not be issued to anyone who does not comply with BLM regulations. My amendment does not penalize people for forgetting to repair a fence or for forgetting to make a payment once or twice.

Rather, this amendment ensures that egregious violations of grazing regulations are not going to be allowed to happen under the taxpayers' watch, as there are American taxpayers who work every day to ensure that all of their regulations are met.

Mr. Chairman, revenues from grazing fees go toward the management, maintenance, and improvement of public rangeland. The vast majority of ranchers understands how important these efforts are and pay their fees on time, but some ranchers are outright refusing to pay their grazing fees.

One particular rancher, who is well known to the media, has been more than $1 million in arrears since 1993. He has ignored the executive and judicial branches of our government, expanding his herds further onto our lands without permission.

Unauthorized grazing, such as in this case, has the potential to destroy habitat for protected species and to damage public property. In addition, he has instigated volatile situations that has put the lives of local and Federal Government officials at risk.

Unbelievably, some in this body have actually applauded these dangerous actions. That is simply irresponsible. Mr. Chairman, I strongly suspect that, if anyone in my congressional district in Phoenix forcibly resisted paying the Federal Government more than $1 million, he or she would be in handcuffs instead of on television or meeting with potential Presidential candidates.

□ 1915

Ultimately, however, this amendment is about more than one man. It is about upholding the basic principles that our laws should be applied fairly to everyone who lives in this country and uses its public lands.

Mr. Chairman, we must ensure that egregious violations of grazing regulations are not financed by the American taxpayer. To that end, I hope all Members will support this critical amendment.

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

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. PEARCE

Mr. PEARCE. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to increase the rate of any royalty required to be paid to the United States for oil and gas produced on Federal land, or to prepare or publish a proposed rule relating to such an increase.

The Acting CHAIR. Pursuant to House Resolution 333, the gentleman from New Mexico and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. PEARCE. Mr. Chair, Washington recently issued the advanced notice of rulemaking in which they declared they were going to consider raising the royalty rates on oil and gas production on Federal land. Now, there is several reasons that we would want to consider that before we implemented it, and so our amendment simply says let's stop the process.

First of all, what it does is it is going to drive the royalty rates up on Federal lands. It will be one more impediment to producing the oil and gas that fuels this Nation's economy.

Secondly, small businesses, small independent producers are already under pressure to try to just stay in business, and it would increase their operating costs. For a small State like ours, rural States, the small businesses, these local producers are sources of prosperity that are desperately missing from the rural parts of the country.

If we are going to have an economy that is healthy, if we are going to have an economy that provides jobs for the future, then we need energy that is both affordable and a predictable supply. Nothing is better than producing our own. When we have to import oil from other nations, some of those nations are unstable politically. Some just don't like us as a country; and so why not produce our own energy, providing our own jobs and providing revenues to the Federal Government?

Anytime you increase taxes on a given item, then you are going to see less of that item, and oil and gas is no exception. Let's let the department think about this just a bit more before we rush into a royalty rate which will decrease America's energy supply and make us more dependent on foreign oil.

I reserve the balance of my time.

Ms. PINGREE. Mr. Chair, I claim the time in opposition to this amendment.

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

Ms. PINGREE. Mr. Chair, the amendment would prohibit the Bureau of Land Management from using its legal authorities to modernize its royalty rate structure, which would result in less revenue to the Treasury.

The Department of the Interior's oil and gas royalties have been the subject of repeated study by the Government Accountability Office and other entities for many years. In 2008, the GAO said the United States could be forgoing billions of dollars in revenue from the production of Federal oil and gas resources due to the lack of price flexibility in royalty rates and the inability to change the fiscal terms on existing leases. In 2013, the GAO issued another report that noted concern that the Department of the Interior had not taken the steps to change the onshore royalty rate regulations.

Modernizing the Bureau of Land Management's rate structures can provide critical flexibility, especially given the dramatic growth of oil development on public and tribal lands, where production has increased in each of the past 6 years and combined production was up 81 percent in 2004 versus 2008.

It seems to me that it is critical that the Department of the Interior is ensuring that the public is receiving a fair return from the production of oil and gas from Federal leases. This amendment would guarantee a sweetheart deal for Big Oil companies at the expense of the American taxpayer.

I urge my colleagues to oppose this amendment.

I reserve the balance of my time.

Mr. PEARCE. Mr. Chair, I would like to thank my cosponsors on this amendment: Mr. TIPTON, Mr. CRAMER, Mr. LAMBORN, and Mr. ZINKE. I appreciate their presence here.

The gentlewoman raises a significant question whether or not revenues would increase or decrease. We have got a couple of charts here showing exactly what is happening.

First of all, the average number of leases that the BLM issued during each administration, we can see back in the Reagan administration the highest level. It decreases down to—you can see the relative position of the Obama administration. If the administration were really interested in revenues, it seems like they would be producing the permits at a little faster rate.

Then this chart shows the oil production; the increase in oil production in blue is shown here on private lands while the decrease in oil production on the public lands is being shown in the red.

Again, if the administration were very interested, it seems like they would modernize not the royalty rate, but the way in which they approve these wells. Sometimes, wells go for 6 months or a year without being permitted, where States can offer 30-day processing of the permits.

The same is happening with natural gas. Again, we just see the blue on private lands where natural gas production is increasing, dramatic decreases in production of natural gas on Federal lands. Again, it looks like, if the agency were worried about the revenues, they would seek to modernize and update their procedures first.

I yield to the chairman of the committee.

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

Mr. Chair, I thank the gentleman for this amendment. I think it is a good amendment. I certainly understand his concern.

I would urge my colleagues to support the gentleman's amendment.

Mr. PEARCE. I reserve the balance of my time.

Ms. PINGREE. Mr. Chair, I yield 2 minutes to the gentleman from California (Mr. LOWENTHAL).

Mr. LOWENTHAL. Mr. Chair, I rise in opposition to the amendment. The Bureau of Land Management has only just begun the process of examining whether royalty rates and rentals for oil and gas leases on public lands should be increased. That process should be allowed to continue.

GAO recently found that, based upon the results of a number of studies, the U.S. Government receives one of the lowest government takes, commonly understood to be the total revenue, as a percentage of the value of oil and natural gas produced in the entire world.

For example, royalty rates on public land are at 12.5 percent, considerably less than the royalty rates even on State lands, which range from a low of 16.67 percent to 25 percent-plus. These low royalty rates cheat the American taxpayers and keep them from receiving a fair return for the extraction of their oil and gas resources.

However, rental rates are even worse. To secure very valuable mineral rights, sometimes worth hundreds of millions of dollars, companies only have to bid a minimum, and I repeat, a minimum of $2 an acre upfront to win the lease and then $1.50 per acre each year to keep the lease. That is right, a rental of $1.50 per acre per year. This low price was last set by Congress in the 1980s and has not been adjusted since.

This can and should change. Oil companies, some of which generate billions of dollars per quarter in profits, should pay their fair share to the American people for the development of the Nation's public resources. Imagine if your rent had not increased since Ronald Reagan was President or if the local grocery store had not raised their prices since 1987.

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

Ms. PINGREE. I yield the gentleman an additional 30 seconds.

Mr. LOWENTHAL. This scenario may sound too good to be true, but in fact, that is exactly the sweetheart deal that we are currently giving oil and gas industries, a sweetheart deal that should end. All Americans must deal with the unavoidable reality of inflation; so why shouldn't oil and gas companies?

It is long past time for the BLM to assess better ways for the public to receive their fair share. Blocking the BLM from doing that is fiscally irresponsible, a giveaway to the oil and gas companies.

Ms. PINGREE. I reserve the balance of my time.

Mr. PEARCE. Mr. Chair, may I inquire how much time I have remaining?

The Acting CHAIR. The gentleman from New Mexico has 1 minute remaining, and the gentlewoman from Maine has 1 minute remaining.

Mr. PEARCE. Mr. Chair, the assumption that the royalty rates are abnormally low in the United States simply ignores the fact that we have lease

sales on top of the royalties. Many countries fail to have those.

The United States has the most extreme environmental regulations, so the regulatory burden gladly borne by the oil companies is an additional cost that many nations do not have. In addition, we have got income taxes paid by the companies, and many countries don't charge that on top of the royalty.

What we are hearing from our friends on the other side of the aisle about the sweetheart deals, I think, take a look and see actually how much the oil and gas companies are paying. In our State, they have contributed to two of the largest permanent funds in the world held by our State. I think oil and gas companies are paying their fair share by a lot.

What other industry is paying truck drivers $100,000 a year to drive a truck for a contractor? I think that those sorts of computations are simply ignored by the GAO.

Again, I would urge Members to support this amendment.

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

Ms. PINGREE. Mr. Chair, in spite of the arguments that my colleague from New Mexico has made, I still say this amendment, in my opinion, doesn't pass the straight face test.

I can't imagine my constituents thinking that we should make things any easier for the oil and gas companies or that we should be giving away the opportunity to earn taxpayer revenue on our Federal lands.

The Federal onshore royalty rate has not been increased since 1920. That is 95 years. The offshore royalty rate is 18.75 percent; yet the onshore rates have been stuck at 12.5 percent for 95 years. Where is the equity in that?

As far as I am concerned, I think it is time for the American taxpayers to get a fair return on the use of public resources, especially from some of the most profitable companies in the world. I urge my colleagues to oppose 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 Mexico (Mr. PEARCE).

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

Ms. PINGREE. 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.

AMENDMENT OFFERED BY MR. HUFFMAN

Mr. HUFFMAN. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill, before the short title, insert the following:

SEC. ____. None of the funds made available by this Act may be used to implement National Park Service Director's Order 61 as it pertains to allowing a grave in any Federal cemetery to be decorated with a Confederate flag.

The Acting CHAIR. Pursuant to House Resolution 333, the gentleman from California and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

□ 1930

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

I appreciate very much the bipartisan support and passage of my earlier amendment, which would end the practice of concessionaires in our national parks selling Confederate flags and memorabilia of the Confederacy.

We now, with this Interior Appropriations bill, have a second opportunity to speak on this very important national debate that we are having regarding symbols of the Confederacy. This additional amendment will end the practice of allowing groups to display Confederate flags on federally managed cemeteries.

The American Civil War was fought, in Abraham Lincoln's words, to ''save the last best hope of Earth.'' We can honor that history without celebrating the Confederate flag and all of the dreadful things that it symbolizes.

I request an ''aye'' of my colleagues, and I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. WALBERG

Mr. WALBERG. 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 the bill (before the short title), insert the following:

LIMITATION ON FUNDS

SEC. ____. None of the funds made available by this Act may be used by the Environmental Protection Agency to lobby in contravention of section 1913 of title 18, United States Code, on behalf of the proposed rule entitled ''Definition of 'Waters of the United States' Under the Clean Water Act'' (79 Fed. Reg. 22188; April 21, 2014).

The Acting CHAIR. Pursuant to House Resolution 333, the gentleman from Michigan and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. WALBERG. Mr. Chairman, my amendment tells the Environmental Protection Agency to follow the law and clearly establishes the view of Congress that the EPA cannot lobby on behalf of the waters of the U.S. rule, in violation of the Anti-Lobbying Act.

Over the past few years, the EPA has been pushing the limits of its statutory authority to the issue of the waters of the U.S. rule. Now, we have learned that, as part of their efforts to regulate every pond, stream, and ditch in America, the EPA may have violated the Anti-Lobbying Act to garner public comments in support of the proposed rule, even though the Department of Justice has consistently stated that the act prohibits Federal agencies from engaging in substantial grassroots lobbying.

In fact, The New York Times recently reported:

In a campaign that tests the limits of Federal lobbying law, the Agency orchestrated a drive to counter political opposition from Republicans and enlist public support in concert with liberal environmental groups and a grassroots organization aligned with President Obama.

The New York Times went on to say as well:

The most contentious part of the EPA's campaign was deploying Thunderclap, a social media tool that spread the Agency's message to hundreds of thousands of people, a ''virtual flash mob,'' in the words of Travis Loop, the head of communications for EPA's water division.

Mr. Chairman, this is unseemly. The EPA Administrator later used the skewed results as evidence of public support before Congress.

For this reason, my amendment is needed to make clear that the EPA shall not violate the Anti-Lobbying Act while pursuing the completion of the waters of the U.S.

I respectfully urge all my colleagues to support my amendment.

Mr. CALVERT. Will the gentleman yield?

Mr. WALBERG. I yield to the gentleman from California.

Mr. CALVERT. I thank the gentleman for yielding.

I agree with the gentleman and with The New York Times that this is why the underlying bill reduces funding for certain offices within EPA that were responsible for these questionable actions.

Therefore, this language is complementary to the approach the committee has already taken in the bill, and I urge an ''aye'' vote on the amendment.

Mr. WALBERG. I reserve the balance of my time.

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

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

Ms. PINGREE. The gentleman's amendment would prohibit funds in the act from being used to lobby on the waters of the U.S. There is an existing prohibition on lobbying that applies to all Federal employees that has been in place since 1919, so this is an unnecessary and redundant amendment.

I would remind my colleagues that Federal employees are not prohibited from providing information to Congress on legislation, policies, or programs. There must be an open dialogue between the legislative and executive branches to ensure that laws are being implemented appropriately and programs achieve their intended goals.

We should not and cannot operate in an information vacuum. We don't need

to add extraneous, redundant provisions to a bill that is already overburdened with harmful legislative riders.

I urge my colleagues to oppose the amendment, and I reserve the balance of my time.

Mr. WALBERG. Mr. Chairman, I thank the gentlewoman for her comments.

It is the law, and that is all I am trying to substantiate, but I have read to you not from an organ of the conservative Republican Party side, but from The New York Times.

They also went on to say:

The architect of the EPA's new public outreach strategy is Thomas Reynolds, a former Obama campaign aid who was appointed in 2013 as an associate administrator.

He said this in relationship to flash mob tactics and the lobbying efforts:

We are just borrowing new methods that have proven themselves as being effective.

Mr. Chairman, it may be effective, but it is unseemly that EPA, an agency of the Federal Government, would violate the law in lobbying and trying then to show Congress through trumped up evidence that they have produced through lobbying the private sector that they have support for the waters of the U.S. rule.

Mr. Chairman, that is why I think we need to establish it here very clearly in this appropriations bill.

I reserve the balance of my time.

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

Mr. WALBERG. Mr. Chairman, I urge support, and I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. PETERS

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (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 section 435 of this Act.

The Acting CHAIR. Pursuant to House Resolution 333, the gentleman from California and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. PETERS. Mr. Chairman, my amendment would not allow any funds to enforce section 435 of this bill, which is another harmful policy rider that limits the ability of our environmental agencies to take action to improve public health and fight the root causes of climate change.

This section blocks the EPA's ongoing efforts to regulate hydrofluorocarbons, or HFCs, which is the wrong approach. HFCs are factory-made gases used in air conditioning and refrigeration and are up to 10,000 times more potent than carbon dioxide. This potency has led to HFCs being referred to as a superpollutant. Unless we act now, United States emissions are expected to double by 2020 and triple by 2030.

While not as abundant as carbon dioxide, superpollutants, also known as short-lived climate pollutants—including HFCs, methane, and black carbon—have contributed up to 40 percent of observed global warming.

By limiting the EPA's authority under the Clean Water Act to propose, finalize, or enforce any regulation or guidance regarding HFCs, we undercut their ability to protect public health and demonstrate American leadership in emission reductions.

The EPA's Significant New Alternatives Policy Program, or SNAP, requires us to evaluate substitutes for superpollutants like HFCs that are harming public health and our environment. Through SNAP, we can ensure a more smooth transition to safer alternatives for our country's industrial sector.

Within the last week, EPA finalized a new rule on HFCs that the Environmental Investigation Agency estimates will avoid superpollutant emissions equal to the annual greenhouse gas emissions of more than 21 million cars by 2030. It will allow heavy users of HFCs, including supermarkets, which are the largest source of HFC emissions, to continue developing cleaner alternatives.

As we continue international negotiations to phase down HFCs, the United States should be a leader in reducing the use of HFCs and other superpollutants. The standard set by EPA will drive U.S. and international innovation and market development of low-emission and energy-efficient refrigeration, air conditioning, foam-blowing agents, and aerosol technologies.

These innovations will actually get at one of the root causes of climate change before we are forced to react to increasingly extreme weather and sea level rise.

American industry has already begun creating alternatives that both have a lower emissions profile and are more energy efficient than current HFCs, and last September, we saw major companies—including Coca-Cola, Carrier, DuPont, Honeywell, PepsiCo, and other industry leaders—commit to voluntarily reducing harmful HFC emissions.

My amendment simply bars funding to enforce section 435 of this bill so we can instead continue with existing rules and move our country's global leadership in finding innovative solutions to reducing emissions forward. We should not be handcuffing the important work being done at EPA to reduce superpollutants.

I ask my colleagues to support the amendment, and I reserve the balance of my time.

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

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

Mr. CALVERT. The committee still has concerns about the costs, technology requirements, and compliance periods in the final rule. It is not clear why EPA divided some categories into subcategories and provided different deadlines for similar products.

The EPA clearly chose winners and losers. For the losers, the timetables remain unworkable. Manufacturers need time to implement engineering and technology changes and address new risk and safety challenges. Historic experience with the Montreal Protocol indicates that manufacturers need approximately 6-plus years to successfully transition between new materials.

This new rule will particularly be hard on small businesses. The large businesses that the gentleman mentioned have the resources and the technologies available to them to comply quicker. These smaller businesses will find it very difficult to comply with DOE's energy conservation standards.

EPA's proposal is not being driven by a statutory mandate, so the committee believes additional time is warranted. The EPA left critical decisions regarding energy, efficiency, and system performance up to the manufacturers; and they need time to get this right.

I urge my colleagues to vote ''no'' on this amendment, and I reserve the balance of my time.

Mr. PETERS. Mr. Chairman, I appreciate very much the constructive comments by my colleague, the gentleman from California. I would just suggest this is not the way to deal with these issues, but rather to address them via policy approach.

Section 435 of this bill will just take out the legs from all work we would do on HFCs and superpollutants, and it is just too broad a brush to paint with.

I urge a ''yes'' vote on this amendment, and I yield back the balance of my time.

Mr. CALVERT. I urge opposition to 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 California (Mr. PETERS).

The amendment was rejected.

□ 1945

AMENDMENT NO. 30 OFFERED BY MR. WALDEN

Mr. WALDEN. 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 the bill (before the short title), insert the following new section:

RESOURCE MANAGEMENT PLANS

SEC. ____. None of the funds made available by this Act may be used to complete or implement the revision of the resource management plans for the Coos Bay, Eugene, Medford, Roseburg, or Salem Districts of the Bureau of Land Management or the Klamath

Falls Field Office of the Lakeview District of the Bureau of Land Management proposed in the Bureau of Land Management Notice of Availability of the Draft Resource Management Plan Revisions and Draft Environmental Impact Statement for Western Oregon published in the Federal Register on April 24, 2015 (80 Fed. Reg. 23046).

The Acting CHAIR. Pursuant to House Resolution 333, the gentleman from Oregon and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. WALDEN. Mr. Chairman, the past several decades have been really hard on Oregon's forested communities as timber harvest from Federal lands dropped more than 90 percent because of, in part, litigation, lack of management, government regulation.

Across the State, we have lost more than 300 forest product mills. They have closed. We have lost more than 30,000 forest-related jobs. This has left our communities in really bad shape, nearing bankruptcy in some cases in our counties, high poverty rates in our communities. Unemployment rates are high in these forested areas and, of course, we face, without active management, these enormous forest fires that contribute massively to the carbon buildup.

Recently, the BLM released a proposed update to their two-decade, 20-year-old management plan in western Oregon. The vast majority of the forests covered by these plans are what are called O&C lands, which are managed by a very unique Federal statute called the O&C Act. That law calls for sustainable timber production and revenue to local counties. It is different than the other forest laws.

Now, despite that clear mandate in Federal law, the BLM's proposal would allow for harvesting on about 22 percent is all, 22 percent of the land base. It would lock up the remainder in various reserves.

Oregon's forested counties, some of which have more than 70 percent of their land controlled by the Federal Government, rely on receipts from Federal timber projects to fund basic needs like law enforcement, schools, and other essential services. Unfortunately, under BLM's proposal, these counties would receive an estimated 27 percent is all of their historical average receipt—27 percent.

Now, while the BLM's proposed plans fall far short of meeting these communities' needs, it seems the agency is determined to push forward anyway with these plans.

In a bipartisan effort, the entire Oregon Congressional Delegation requested a 120-day extension of the comment period so that the counties and other interested parties have time to thoroughly review the more than 1,500 pages of analysis and provide some useful input and comment.

Apparently, the BLM isn't interested in that input, since I understand they will be rejecting our request and moving forward with their plan under their current timeline. That is really disappointing. You see, these local communities are most affected by the management changes on the Federal land that surrounds them, and the BLM, I wish, would care more about their input than a self-imposed deadline likely out of some office back here.

This amendment would simply delay the BLM's implementation of these proposed plans. That would give more time for our counties and interested parties to thoroughly review the more than 1,500 pages of analysis. It would also give the agency time to consider additional alternatives that better incorporate the clear mandates of the O&C Act.

I want to quote, Mr. Chairman, from the Portland Oregonian. This is the statewide newspaper that probably leans a little more to the left. They said: ''Minimally, BLM needs to extend its comment period and develop more alternatives to be considered. But it is unlikely to develop any alternative that would be acceptable to the industry, counties and environmental advocates. Congress, not a government agency, needs to step up and help solve this long-festering problem.''

Mr. Chairman, with Oregon's wildfire season well off to a terrible start, we need time to review these plans, get active management on these forestlands, and by passing this amendment, we will give the taxpayers, the people who live there, a better opportunity to weigh in. So I urge support.

I yield such time as he may consume to the gentleman from California (Mr. CALVERT), the chairman of the committee.

Mr. CALVERT. Mr. Chairman, I thank the gentleman for offering the amendment and yielding me time.

I appreciate the concerns that he brings to us today. It is troubling that the Bureau of Land Management has proposed land use plans that appear to contradict its multiple-use mandate. So with that, I would happily accept his amendment.

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

Ms. PINGREE. Mr. Chair, I claim the time in opposition to the amendment.

The Acting CHAIR. The Chair recognizes the gentlewoman from Maine for 5 minutes.

Ms. PINGREE. Mr. Chair, I appreciate the concerns raised by the gentleman from Oregon, but this amendment would prohibit the Bureau of Land Management from completing or implementing updates to certain resource management plans in western Oregon.

These updated plans cover 2.5 million acres of land that play an important role in the social, economic, and ecological well-being of western Oregon, as well as to the American public generally. The plans determine how BLM-administered lands will be managed to further the recovery of threatened and endangered species, provide for clean water, restore fire-adapted ecosystems, produce a sustained yield of timber products, and coordinate land management of surrounding tribal land.

The amendment would suspend the BLM's authority to implement a new resource management plan in western Oregon. As a result, the BLM would be forced to rely on a 20-year-old outdated plan that doesn't incorporate significant new information. For example, the old plan does not include important conservation activities, such as the northern spotted owl recovery plan. The amendment would block one of the most comprehensive and detailed landscape plans that the BLM has ever developed and would ignore significant public input. The public has a right to engage in the management decisions of their Federal lands.

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

Mr. WALDEN. Mr. Chairman, I would suggest that the spotted owl is covered by their planning process today in some measure because it certainly contributed to the downfall of our communities, absent this plan.

Look, all we are asking for is time for people to have a better chance to review what this Federal agency, after 20 years, has finally come up with—1,500 pages. I think they should have a chance, as do my colleagues, including Mr. SCHRADER, a member of your party, supporting this amendment. So it is a bipartisan Oregon approach that I would hope my colleague from Maine would share that we need to do better managing America's Federal forests.

Turn on the TV. They are going up in flames right now. I don't like that for the habitat. I don't like that for the communities. I don't like that for what the firefighters have to face.

I think we can do better. Most observers in the State think we can do better, and I would encourage my colleagues on both sides of the aisle to support this amendment.

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

Ms. PINGREE. Mr. Chairman, again, I just want to say I appreciate the concerns that the gentleman from Oregon has raised, and other Members from Oregon who share those concerns. I thought it was important to address some of the considerations and concerns that we have with this amendment.

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

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. LOWENTHAL

Mr. LOWENTHAL. Mr. Chairman, I rise to offer an amendment to require companies to follow the law if they want to export crude oil from the United States.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

LIMITATION ON USE OF FUNDS TO ISSUE ANY NEW FEDERAL OIL AND GAS LEASES AND DRILLING PERMITS

SEC. ____. None of the funds made available by this Act may be used to issue any new Federal oil and gas lease or drilling permit to any person that does not commit to following Department of Commerce regulations regarding the requirement of obtaining a license for exporting crude oil.

Mr. CALVERT. Mr. Chairman, I reserve a point of order.

The Acting CHAIR. A point of order is reserved.

Pursuant to House Resolution 333, the gentleman from California and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. LOWENTHAL. Mr. Chairman, as I mentioned, I offer this amendment to require companies to follow the law if they want to export crude oil from the United States.

I want to make it clear. This amendment is not about whether we should lift the crude oil export ban altogether. That is a debate for a different time and a different bill. This is about those narrow cases where companies are currently able to export crude oil in limited quantities but are also choosing not to follow the rules.

Last summer, the Commerce Department ruled that two companies could export very light crude oil, called condensate, after it had been lightly processed. That decision meant that those companies would not need to obtain a license to export crude oil even though licenses are required for all other crude oil exports.

Because of that ruling, which I believe was inappropriate, another company decided that they, too, would begin exporting their own light crude oil without even asking the Commerce Department for a decision first, let alone try to get a license.

Since then, exports have skyrocketed. From January 2010 until June 2014, when the Commerce Department made that ruling, we exported about 97,000 barrels of crude oil a day, mostly to Canada. Since that day in June of 2014, our oil exports have quadrupled to an average of over 400,000 barrels a day, hitting all-time record levels, with more and more of that crude oil going to Europe and to Asia.

I don't think we should be exporting so much of our domestic oil when we are still importing roughly 7 million barrels every day. We may be the world's number one oil producer, but we are still the world's number one oil importer.

If we want to change that, we shouldn't be letting oil companies simply ship American crude oil anywhere in the world that they want to. We should certainly also not let them ignore existing laws and regulations in order to do so. First and foremost, oil produced in America, particularly oil from America's public lands that belong to the American people, should remain in this country for the benefit of the American people.

If we are going to allow these companies to export oil, they must follow the law. They simply can't take matters into their own hands and decide whether they need or do not need a license before shipping this oil all over the world.

My amendment is a simple, commonsense solution to this problem. It simply states, if you are going to drill on public land, you must follow the legal process for getting an export license if you want to ship that oil elsewhere.

This is not an onerous restriction. It only applies to public land, only requires companies to commit to following the existing process for getting a license with the Department of Commerce. That way, the Commerce Department can evaluate these options on a case-by-case basis to determine if they are in the national interest.

The concept of exporting American crude oil is too important to let the companies make that call on their own.

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

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

There was no objection.

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VACATING DEMAND FOR RECORDED VOTE ON AMENDMENT OFFERED BY MR. YOHO

Mr. YOHO. Mr. Chair, I ask unanimous consent that the request for a recorded vote on my amendment be withdrawn to the end that the amendment stand disposed of by the voice vote thereon.

The Acting CHAIR. The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The Acting CHAIR. Without objection, the request for a recorded vote is withdrawn. Accordingly, the noes have it, and the amendment is not adopted.

There was no objection.

AMENDMENT OFFERED BY MR. HARDY

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill, before the short title, insert the following:

SEC. 441. None of the funds made available by this Act may be used to make a Presidential declaration by public proclamation of a national monument under chapter 3203 of title 54, United States Code in the counties of Mohave and Coconino in the State of Arizona, in the counties of Modoc and Siskiyou in the State of California, in the counties of Chaffee, Moffat, and Park in the State of Colorado, in the counties of Lincoln, Clark, and Nye in the State of Nevada, in the county of Otero in the State of New Mexico, in the counties of Jackson, Josephine and, Malheur in the State of Oregon, or in the counties of Wayne, Garfield, and Kane in the State of Utah.

The Acting CHAIR. Pursuant to House Resolution 333, the gentleman from Nevada and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nevada.

Mr. HARDY. Mr. Chairman, I rise today to offer an amendment with my good friends from Arizona, California, Colorado, New Mexico, Oregon, and Utah to prohibit public land management agencies in this bill from making declarations under the Antiquities Act in counties where there is significant local opposition.

Mr. Chairman, I would like to begin by stating my strong support for our Nation's public lands. As an active hunter and an outdoorsman, I marvel at the beauty of our landscapes, our unique flora, and the abundant animal species that roam our terrain.

With that being said, I also come from Nevada, a State where roughly 85 percent of the land is controlled by the Federal Government.

Addressing this concentration of land use decisionmaking power in the hands of Washington bureaucrats has been one of the strong motivating factors during my time in this body, as I am sure that it has been for many of my colleagues in the Western States.

While this concentration is certainly a topic that should be addressed by the authorizing committees, I believe that we can and should take an important step here today.

A recent prominent example demonstrating the need for this amendment is the administration's draft proclamation to establish the Basin and Range National Monument on more than 700,000 acres of land in Lincoln and Nye Counties in my district.

Not only is the sheer size of the proposed monument staggering, being nearly as large as many of the Eastern States, it also poses some significant risks, both local and national in scope.

Nevada's economy was one of the hardest hit by the Great Recession, and far too many in our State are still struggling to get by. Nevada's rural county economies are particularly sensitive, and any decision that restricts ranching, recreation, and types of land use activities should have much of the local input as possible.

Earlier this year I spoke on the floor of the House about the national security implications of designating the Basin and Range, given that most of the acreage in the proposed monument falls directly under the airspace of the Nevada Test and Training Range, one of the most heavily used military operating areas, or MOAs, in the United States. Establishing this monument could drastically impair vital ground-based training activities tied to the NTTR.

Mr. Chairman, I yield 1 minute to my colleague from Arizona (Mr. GOSAR).

Mr. GOSAR. Mr. Chairman, in my home State of Arizona, a few special interest groups have been pushing the President to unilaterally designate a massive new 1.7-million-acre national monument in the Grand Canyon watershed.

Twenty-six Members of Congress have joined me in opposing this misguided effort, and there is significant local opposition.

Here is a sample of those resolutions, and I would like to share a few of their comments here:

''The creation of a national monument by Presidential declaration does not allow for input from local communities . . . and could result in negative impacts for . . . grazing, hunting, water development and forest restoration . . . which would result in negative economic and public health impacts to the City of Williams.

''The Arizona Game and Fish Commission is concerned that the potential monument . . . 'will impede proactive and effective management of wildlife populations and habitats . . . and may result in reduced hunter opportunities and loss of revenues that directly support conservation and local communities.' ''

I could provide several more examples but will stop there.

I urge the adoption of the amendment.

Mr. HARDY. Mr. Chairman, I now ask how much time I have remaining.

The Acting CHAIR. The gentleman from Nevada has 1½ minutes remaining.

Mr. HARDY. I yield 1 minute to my distinguished colleague from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. Mr. Chairman, this Antiquities Act was passed over a century ago in 1906, when four States weren't even in the Union at that time. They were still territories.

There are absolutely no environmental laws that we had at that particular time protecting anything. Yet, this act was not used by every President. In fact, most Presidents never used it. Ronald Reagan never used it. Most Presidents only used it one time.

It was changed, starting with the Jimmy Carter administration, so that no longer is this act that was supposed to protect antiquities—thus, the name the Antiquities Act—used to protect antiquities. It was used as a political weapon and abused as a political weapon. The saddest part is there is absolutely no input that has to be guaranteed by this act.

In fact, the vast majority of monuments that were created through this Antiquities Act, there was no public input whatsoever. Any public input that took place was purely by accident, purely by coincidence.

The people in the counties that are designated in this amendment need to have the right to have some input in how land decisions are used that area. That is what this amendment does.

Give them the chance to be heard because, under the present Antiquities Act, they are not heard.

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

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

Mr. GRIJALVA. Mr. Chairman, this amendment would place uncalled-for restrictions and undercut any President from using their authority under the Antiquities Act to establish a national monument, an authority, I should add, that has been available to Presidents for 100 years.

The Antiquities Act is an important tool that enables the President to protect and strengthen America's heritage. Since Theodore Roosevelt first designated the national monument Devil's Tower in Wyoming, 16 Presidents from both parties have used the Antiquities Act to protect more than 160 of America's best known and loved landscapes. Only three Presidents have not.

National monuments tell the story of the American people. Out of 460 national monuments and national parks, 113 reflect the diverse community that makes up our Nation. Nineteen recognize the achievements of the Latino community, twenty-six of the African American community, and eight for women.

It should be noted that an important factor in the designation process is the First Americans, the Native Americans, their legacy, their heritage, and their cultural and historic resources on the land.

But with the Antiquities Act, the lack of diversity reflected in our public units, whether it is parks or national monuments, is changing.

President Obama has been using the Antiquities Act to diversify the story of public lands with new designations such as the Cesar Chavez National Monument in Keene, California, which he recently designated.

Since the beginning of his administration, the President used this authority to create national monuments that recognize the contributions of Africa Americans and other diverse voices in this country.

The Center for American Progress published a report that found that 33 percent of presidential designations are inclusive of the American people, compared to only 20 percent of the designations done by Congress.

America's public places are becoming more inclusive, more representative of all Americans because of the Antiquities Act. This amendment would jeopardize that progress. I urge its defeat.

I reserve the balance of my time.

Mr. HARDY. How much time remains, Mr. Chairman?

The Acting CHAIR. The gentleman from Nevada has 30 seconds remaining. The gentleman from Arizona has 3 minutes remaining.

Mr. GRIJALVA. Mr. Chairman, let me point out some obvious points.

This amendment, as I said earlier, would undermine conservation of public lands and stall efforts to ensure that our public places tell the very important diverse story of America and be representative of all Americans.

Development and conservation—to say that this would deny jobs and opportunities to particular regions is not true.

Over 9 million acres are available right now under energy leases from the Obama administration compared to—those were added to it—only 4.1 million acres that are now land that is protected.

Since its enactment in 1906, 16 Presidents have used it. 160 of America's best known landscapes have been preserved. National monuments designated under the Antiquities Act are comprised of existing Federal lands only. No new lands are added to the Federal estate by these designations.

National monument designations have better reflected the complexity—and Presidents have used that—of our Nation, ensuring that the voices of a changing and diverse community, which is this country, is told as we change and as we go forward.

I would urge a ''no'' vote. Undercutting an authority that existed for 100 years that has brought benefit to the Nation, enhanced the cultural, historic, and conservation ethics of this Nation should be preserved.

With that, I urge a ''no'' vote amendment. It is unneeded, restrictive, and goes against a tradition and an authority that has existed in this country for 100 years.

I hope this effort is not about who is President at this time, but it is an authority that has been with us for 100 years.

I yield back the balance of my time.

Mr. HARDY. Mr. Chairman, in closing, I would just like to reiterate to my colleagues that voting for this amendment is a vote for empowering the communities and the local stakeholders most affected by the monument designations.

Doing so will increase transparency, allow local input, and provide improved management of our public lands. It will fulfill the responsibility to ensure these communities have a legitimate voice in the process.

I strongly urge a ''yes'' vote.

I yield back the balance of my time.

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

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 Nevada will be postponed.

AMENDMENT OFFERED BY MR. ENGEL

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used by the Department of the Interior, the Environmental Protection Agency, or any other Federal agency to lease or purchase new light duty vehicles for

any executive fleet, or for an agency's fleet inventory, except in accordance with Presidential Memorandum—Federal Fleet Performance, dated May 24, 2011.

The Acting CHAIR. Pursuant to House Resolution 333, the gentleman from New York and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. ENGEL. Mr. Chairman, on May 24, 2011, President Obama issued a memorandum on Federal fleet performance that required that all new light-duty vehicles in the Federal fleet to be alternative fuel vehicles, such as hybrid, electric, natural gas, or biofuel by December 31, 2015.

My amendment echoes the President's memorandum by prohibiting funds in this act from being used to lease or purchase new light-duty vehicles unless that purchase is made in accord with the President's memorandum.

I have submitted identical amendments to 18 different appropriations bills over the past few years, and every time they have been accepted by both the majority and the minority. I hope my amendment will receive similar support today.

Global oil prices are down. We no longer pay $147 per barrel. But despite increased production here in the United States, the global price of oil is still largely determined by OPEC.

Spikes in oil prices have profound repercussions for our economy. The primary reason is that our cars and trucks run only on petroleum.

□ 2015

We can change that with alternative technologies that exist today. The Federal Government operates the largest fleet of light-duty vehicles in America, over 633,000 vehicles. Almost 35,000 of these vehicles are within the jurisdiction of this bill.

Mr. Chairman, when I was in Brazil a few years ago, I saw how they diversified their fuel use. People there can drive to a gas station and choose whether to fill their vehicle with gasoline or with ethanol. They make their choice based on cost or whatever criteria they deem important.

I want the same choice for American consumers. That is why I am also proposing a bill this Congress, a bipartisan bill, as I have done many times in the past, which will provide for cars built in America to be able to run on a fuel instead of or in addition to gasoline. It is virtually very inexpensive, under $100 per car; and if they do it in Brazil, we can do it here.

In conclusion, Mr. Chairman, expanding the role these alternative technologies play in our transportation economy will help break the leverage that foreign government controlled oil companies hold over Americans. It will increase our Nation's domestic security and protect consumers.

Mr. Chairman, I ask that my colleagues support the Engel amendment, and 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. ENGEL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BYRNE

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to propose or develop legislation to redirect funds allocated under section 105(a)(2)(A) of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note).

The Acting CHAIR. Pursuant to House Resolution 333, the gentleman from Alabama and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Alabama.

Mr. BYRNE. Mr. Chairman, my straightforward amendment would prohibit any effort to redirect funds allocated under the Gulf of Mexico Energy Security Act, also referred to as GOMESA.

GOMESA was passed in 2006 and created a revenue sharing agreement for offshore oil revenue between the Federal Government and four States in the Gulf of Mexico: Texas, Louisiana, Mississippi, and my home State of Alabama.

Under GOMESA, 37.5 percent of the revenues generated from selected oil and gas lease sales in the Outer Continental Shelf of the Gulf of Mexico is returned to these Gulf States. There is a reason the law was structured this way.

These Gulf States not only provide the lion's share of the infrastructure and workforce for the industry in the Gulf of Mexico; we also have inherent environmental and economic risks. The BP oil spill 5 years ago should tell us all what that means.

Unfortunately, Mr. Chairman, in his budget proposal this year, President Obama has recommended that the Bureau of Ocean Energy Management, under the Department of the Interior, redirect the distribution of expanded revenue payments expected to start in 2018 for the Gulf of Mexico oil and gas leases away from the Gulf Coast and instead be spent all around the country.

Not only does this proposal directly contradict the current Federal statute, it vastly undermines the purpose of the law, to keep revenues from these lease sales in the States that supply the workforce and have the inherent risk of a potential environmental and economic disaster.

My amendment today is simple, to protect the clearly defined statute and prevent the President from using these revenue sharing agreements as a slush fund for politically driven environmental projects across the country.

Regardless of whether you are from a Gulf Coast State or not, I would urge my colleagues to vote in favor of this important amendment to protect the rule of law to support our coastal communities.

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

Mr. CALVERT. Mr. Chairman, I thank the gentleman for yielding, and I would urge adoption of the gentleman's amendment.

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

Ms. MCCOLLUM. Mr. Chair, I claim the time in opposition to express a few concerns.

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

Ms. MCCOLLUM. Mr. Chair, this amendment is an overreaction to a policy proposal in the administration's—in the administration's—2016 budget request.

The President's budget requested to propose to direct funds currently allocated to payments to States and shift them more towards Federal programs that serve the Nation more broadly.

Now, this is a proposal that the President suggested in his budget, and it wasn't included in this bill because the Appropriations Committee just flat out rejected it. This is an appropriations process. That is what it is. It is a process.

The administration submitted a proposal. The committee evaluated it. It had the power to accept it or reject it. The proposal lay with the committee as to what to do. As I said, the committee rejected it.

This amendment would unnecessarily stifle any proposals to amend current formula, which is unnecessary because Congress would need to enact legislation before any changes could be made to the formula.

The Department of the Interior doesn't have the authority to change the formula through rulemaking or other administrative action. Basically, this amendment would prohibit the Department from even suggesting an idea for Congress to consider.

I just wanted to claim the time in opposition, Mr. Chair, just to say I really think this amendment—although it appears that the majority is going to take it and I am not going to ask for a vote or anything on it—is just really, in my opinion, political overreach.

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

Mr. BYRNE. Mr. Chairman, I wish that these sorts of amendments were unnecessary, but the way this administration plays fast and loose with its interpretation of the law, particularly through these administrative agencies, I am afraid it is necessary to protect a law passed by this Congress in 2006 in recognition of the inherent risk that these four Gulf States have produced so much energy for this country have, and

without it, we will have an agency that will take the laws that exist—even this appropriations bill—and interpret it the way they want to, and this amendment makes it very clear they can't do that, that these four coastal States will retain control over these moneys as it was enacted by this Congress in 2006.

Mr. Chairman, I respect the gentlewoman's point of view. I wish it were unnecessary, but given the behavior of this administration through these administrative agencies, I am afraid it is necessary.

Mr. Chairman, I ask for the Members to support 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 Alabama (Mr. BYRNE).

The amendment was agreed to.

AMENDMENT NO. 34 OFFERED BY MR. GRAYSON

Mr. GRAYSON. 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 the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to enter into a contract with any offeror or any of its principals if the offeror certifies, pursuant to the Federal Acquisition Regulation, that the offeror or any of its principals—

(1) within a three-year period preceding this offer has been convicted of or had a civil judgment rendered against it for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) contract or subcontract; violation of Federal or State antitrust statutes relating to the submission of offers; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, violating Federal criminal tax laws, or receiving stolen property; or

(2) are presently indicted for, or otherwise criminally or civilly charged by a governmental entity with, commission of any of the offenses enumerated in paragraph (1); or

(3) within a three-year period preceding this offer, has been notified of any delinquent Federal taxes in an amount that exceeds $3,000 for which the liability remains unsatisfied.

The Acting CHAIR. Pursuant to House Resolution 333, the gentleman from Florida and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. GRAYSON. Mr. Chair, this amendment is identical to other amendments that have been inserted by voice vote into every appropriations bill considered under an open rule during the 113th and 114th Congresses.

My amendment expands the list of parties with whom the Federal Government is prohibited from contracting due to serious misconduct on the part of the contractor.

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

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

The amendment was agreed to.

AMENDMENT NO. 39 OFFERED BY MR. ZINKE

Mr. ZINKE. 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 the bill (before the short title), insert the following:

LIMITATION ON USE OF FUNDS WITH RESPECT TO VALUATION OF COAL

SEC. ____. None of the funds made available by this Act may be used to finalize, implement, or enforce subparts F and J of part 1206 of the proposed rule by the Department of the Interior entitled ''Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform'' and dated January 6, 2015 (80 Fed. Reg. 608).

The Acting CHAIR. Pursuant to House Resolution 333, the gentleman from Montana and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Montana.

Mr. ZINKE. Mr. Chairman, I rise today in support of economic opportunity for local communities across the Nation.

In my home State of Montana, the Crow Nation suffers from unemployment rates as high as 50 percent, despite having over $1 billion in coal reserves. Similar situations play out in communities across America. This administration has waged a war against coal. In the words of Crow Chairman Old Coyote: ''A war on coal is a war on the Crow people.''

Republicans and Democrats agree; we all want clean air and water and affordable power. Thankfully, advances in technology have made it possible to have both, making it possible to use our vast resources of clean coal to power American homes and manufacturers and put Americans back to work. We can't power the American economy on pixie dust and hope; it takes innovation and investment in areas like clean coal.

Unfortunately, Mr. Chairman, this administration is fighting a more aggressive war against American coal than they are against ISIS. We all know of countless attempts to kill coal with regulations, cap-and-trade, and carbon taxes.

Now, the most recent attempt is by the Department of the Interior. The DOI is planning to change how coal on Federal lands and reservations is valued, creating an unpredictable and unstable market that threatens the livelihoods of our local communities and tribes.

When oil, gas, and coal resources are sold, local communities receive tax revenues and royalties to help fund everything from education to infrastructure. However, this administration's one-size-fits-all plan puts funding in jeopardy; places heavier burdens on States and local governments; and also stifles innovation, investment, and job creation.

The national labor participation is the lowest it has been in the past 30 years. Wages are stagnant; the cost of living is going up, and energy prices for home heating and manufacturing are skyrocketing. Our communities simply can't afford another Federal assault on our economy.

These jobs are real, Mr. Chairman. I have been to the Rosebud Mine in Colstrip where union jobs earn their paychecks to provide for their families. This is not just a couple hundred jobs in Montana. There are thousands more like them in Kentucky, West Virginia, Utah, and beyond.

Whether the coal is mined in Montana or turned into electricity to build cars in Michigan, coal is a critical part of our American economy. Again, I am reminded of the words of Chairman Old Coyote: ''For the Crow people, there are no jobs that compare to a coal job—the wages and benefits exceed anything else that is available.''

Mr. Chairman, I urge my colleagues to join me in fighting for American workers and American jobs by supporting my amendment to block funding for the Obama administration to continue their war on coal.

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

Mr. CALVERT. Mr. Chairman, I thank the gentleman for yielding, and I urge the adoption of the gentleman's amendment.

It is a good amendment.

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

Ms. MCCOLLUM. Mr. Chair, 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 rise in strong opposition to this amendment which would deny the American public, especially Native Americans, a fair return for the use of their coal resources.

The current coal valuation regulations have been in effect since 1989. A lot has happened in the intervening 26 years since these regulations were last updated. It has now been nearly 3 years since it was first reported that coal companies were skirting Federal royalty payments by selling coal to sister companies in order to value exported coal at low domestic prices rather than the much higher prices these sister companies were selling the exported coal for in overseas markets.

Now, while there has been a boom for Western coal companies, it has meant the Federal Government and Western States—where we share 50–50 of the royalties—have forgone hundreds of millions of dollars that are rightly due the American people.

These coal royalty valuations especially hurt Native Americans who depend on these royalties for their income. The proposed regulations were a response to States such as Wyoming pleading with the Department of the Interior: Do not allow coal producers to create affiliates to reduce the royalties paid.

This amendment offers Members a stark contrast. Do they want to side with the coal industry which has been gaming the existing royalty system? Or do they stand with the American public, especially Native Americans, in seeing that coal is fairly priced and that the royalties due Western States, tribes, and the Federal Government are paid?

I, for one, will stand with the American people and especially my Native American brothers and sisters to make sure that they are treated fairly.

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

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

The Acting CHAIR. The gentleman from Montana has 2 minutes remaining.

Mr. ZINKE. Mr. Chairman, I yield 1¾ minutes to the gentleman from Colorado (Mr. LAMBORN).

□ 2030

Mr. LAMBORN. Mr. Chairman, I thank the gentleman from Montana for yielding.

Mr. Chairman, current Federal coal valuation rules have provided stable and significant royalty revenue to State, tribal, and Federal governments. Despite this tract record, the Department of the Interior has carelessly proposed to modify the valuation of Federal and Indian coal by granting the Office of Natural Resources Revenue new authority to deem sales, potentially disallow costs, and use the default rule to assert arbitrary values for royalty purposes.

These broad new authorities come without clear or transparent guidelines for regulators and regulated parties alike, setting the stage for inconsistent valuation and protracted litigation. Furthermore, the arbitrary regulatory environment created by this rule could jeopardize affordable and reliable energy production, American jobs, and crucial revenue for State, Federal, and tribal governments.

For these reasons, I encourage my colleagues to support this amendment and to stop funding for this new rule until the Department of the Interior can demonstrate the need, if there is any—and I am skeptical—to radically alter the way royalties are accessed on Federal coal.

Mr. ZINKE. Mr. Chairman, as the sole Representative of the great State of Montana, I do represent, and am proud to represent, the Crows, the Northern Cheyenne, the Assiniboine Sioux, and our American Indian tribes and great nations and understand the value of having a prosperous economy.

With that, Mr. Chairman, I would like the support of all Members.

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

Ms. MCCOLLUM. Mr. Chairman, I want to repeat, it has now been nearly 3 years since it was first reported. Coal companies were skirting Federal royalty payments by selling coal to sister companies in order to value exported coal at low domestic prices rather than the much higher prices these sister companies were selling the exported coal for in overseas markets.

It is our job—it is our job—to see that coal is fairly priced and that the royalties due to Western States, tribes, and the Federal Government are paid.

I yield back the balance of my time.

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

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

Ms. MCCOLLUM. 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 Montana will be postponed.

AMENDMENT OFFERED BY MR. NORCROSS

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

REVISION OF DOLLAR AMOUNTS

SEC. ____. The amounts otherwise provided by this Act are revised by reducing the amount made available for ''Department of the Interior—Office of the Secretary—Departmental Operations'' for payments in lieu of taxes under chapter 69 of title 31, United States Code, and increasing the aggregate amount made available for ''Environmental Protection Agency—Hazardous Substance Superfund'', by $22,884,840.

Mr. CALVERT. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. A point of order is reserved.

Pursuant to House Resolution 333, the gentleman from New Jersey and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

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

This is a very simple amendment that would increase funding for the Superfund with the intention the money go specifically to the cleanup program account. Superfund cleanup is right for the environment and certainly right for the U.S. economy, which is right for the U.S.

I come from New Jersey, the Garden State. We have great tomatoes, corn, and it is blueberry season. But what we also have, particularly in the southern half of the State, is a history of heavy industry.

New Jersey found out the hard way that you just can't take those resources after they are finished and dump them into the backyard. We have more than 200 sites in New Jersey listed as being in serious violation of at least one of four Federal environmental laws. The company offenders, they are gone, and left the constituents, my constituents, holding the bags.

My predecessor, Representative Jim Florio, back in the early eighties, was the author of the Superfund bill. He had the vision of what we have to do to protect our citizens.

I just want to tell a quick story, two of them.

The first one is one site, $1 billion, and it is about a quarter of a mile from where I live. It is the Welsbach & General Gas Mantle in Gloucester City, New Jersey. As part of that process of making gas mantles almost a half century ago, radium, the substance that was used to make it glow brighter, was dumped throughout the city. This material is now sitting there. Radium has a half-life of 1,600 years—1,600 years. The process started in 1996, and it is about two-thirds finished. There is no company to go back to.

The second story is Sherwin Williams in Gibbsboro, which was a gorgeous spot. But as we all know, years ago, that lead paint is now in the water system and impacting that area horribly. The site includes Kirkwood Lake. The soil under the lake is contaminated. They can't use the lake.

These are two very simple stories. I have 15 Superfund sites in my district—15.

It is our responsibility to protect our citizens. There are no companies to go back to. That is why I offer this simple amendment. The damage is already done, and we must continue to protect our citizens by funding this amendment correctly.

I want to thank the chairman, with the understanding that this amendment will be ruled out of order.

Mr. Chairman, I ask unanimous consent to withdraw my amendment with the hope that we continue to work on this important issue in a very bipartisan way to protect our citizens.

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

There was no objection.

AMENDMENT OFFERED BY MR. JOLLY

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to research, investigate, or study offshore drilling in the Eastern Gulf of Mexico Planning Area.

The Acting CHAIR. Pursuant to House Resolution 333, the gentleman from Florida and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

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

As a nation, we continually strive to achieve both energy independence, as well as protect the environment, our critical habitats, and the quality of life

in communities like Pinellas County, Florida, that I have the opportunity to represent.

One way we strike that balance is represented in how we currently manage the Gulf of Mexico when it comes to oil drilling. Under a 2006 act, we allow for drilling exploration in the central and western Gulf off the coast of Texas and Louisiana and other States, but we have a ban that protects the State of Florida. That ban currently protects the State of Florida with a drilling ban of about 125 miles or, in some cases, 235 miles.

This ban has been in place for 32 years through the operations of the Appropriations Committee. And while the current statute allows for the ban through 2022, year after year, those on the other side of this debate, very respectfully, attempt to erode that ban.

The truth is we don't need any additional drilling in the eastern Gulf of Florida to achieve energy independence. There are nearly 1,000 active leaseholds in the central and western Gulf. There are probably nearly 3,000 more available. And to change the ban is just something that we don't need.

This amendment is very simple. It says none of the funds may be used to study, prepare for, research, investigate any increased offshore oil drilling in the eastern Gulf contemplating the expiration of a ban in 2022.

I am pleased to be joined in offering this amendment by my colleague from Bonita Springs, Mr. CLAWSON; my colleague from Tallahassee, Ms. GRAHAM; and my colleague from Jupiter, Mr. MURPHY.

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

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

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

Mr. CALVERT. Mr. Chairman, as in the case of a number of offshore-related amendments that we will deal with today, the Interior Appropriations bill is not the appropriate venue, though I do understand it has been used in the past.

I understand this amendment dovetails with the current congressional moratorium, and the Department of the Interior has no intention of acting in a manner that is contrary to congressional intent. The Department is focused on the next 5-year oil and gas leasing plan, which is limited to 2017–2022, so many departmental activities in fiscal year 2016 are already limited in scope through 2022. If my colleagues wish to see the moratorium extended beyond 2022, then they should work with the appropriate authorizing committees.

With that, I would oppose the amendment, and urge a ''no'' vote.

I reserve the balance of my time.

Mr. JOLLY. Mr. Chairman, I appreciate the chairman's understanding of the interest of those in the State of Florida and the current debate currently from those on the other side that wish to actually lift the ban. It is important that, as a delegation, we have the opportunity to have this debate.

I yield 2 minutes to the gentleman from Florida (Mr. CLAWSON), my colleague from Bonita Springs.

Mr. CLAWSON of Florida. Mr. Chairman, I start by thanking Representative JOLLY for his leadership and persistence on this issue—it is so important to my district—and to the chairman for allowing disagreement. Disagreement allows learning, and we appreciate your leadership in this regard.

I speak in full support of Representative JOLLY's amendment. I base my support on the enormous all-time high, proven reserves elsewhere in our country and a conviction that we can focus in areas other than the Gulf.

The private sector definitely needs cheap oil, and our businesses, our manufacturing companies, cannot be successful without low energy prices. I know it, because I lived it.

But let's drill where drilling makes sense. And to us, it doesn't make sense to drill in the eastern Gulf of Mexico. The recent BP settlement, the highest such settlement ever, is evidence that the economic and environmental risk of drilling in the Gulf greatly offset any potential returns.

For those of us who live, work, or have business in the Gulf, we were told that an oil disaster could never happen, and then it happened. Fool me once, shame on you; fool me twice, shame on me.

I say it is not worth the risk. I say let's do everything we can to never have more drilling in the eastern Gulf.

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

Mr. CALVERT. Mr. Chairman, I would just say that, again, I am in reluctant opposition to this amendment. This should be dealt with in the authorizing committees.

I yield back the balance of my time.

Mr. JOLLY. Mr. Chairman, I would close by offering my colleagues there is authorizing legislation that would extend the ban past the year 2022.

This language simply says a ban is a ban is a ban. And while there is a ban on activities on drilling and the like, this simply says that no planning may occur for post-2022 drilling.

With that, I would urge a ''yea'' vote, and I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GARAMENDI

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

None of the funds made available by this Act may be used in contravention of Executive Order 13693.

The Acting CHAIR. Pursuant to House Resolution 333, the gentleman from California and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

□ 2045

Mr. GARAMENDI. Mr. Chairman, I think I will start this discussion with the words of a rather influential individual: Pope Francis. In his recent encyclical, he wrote: ''If present trends continue, this century may well witness extraordinary climate change and an unprecedented destruction of ecosystems, with serious consequences for all of us.'' That is Pope Francis.

In this legislation, the appropriation bill, there are numerous efforts to deny the reality of climate change. And, specifically, what I want to deal with on this amendment is Executive Order No. 13693: Planning for Federal Sustainability in the Next Decade.

The intention of this amendment is to support the Federal Government's efforts to reduce greenhouse gas emissions by 40 percent over the next decade relative to 2008.

This bill will save taxpayers money—about $18 billion—in avoided energy costs, and it will increase the share of electricity the Federal Government consumes from renewable resources by up to 30 percent. Twenty-six million metric tons of greenhouse gases would be eliminated.

So why in the face of all of the scientific evidence and why in the face of the reality that the climate is, indeed, changing, when we have throughout the State of California and around the Nation local governments planning for the eventually, not the reality, of higher sea levels, would we put forth a bill that would prohibit the Federal Government from planning for climate change?

Let me just cite some of the ways in which the current legislation, this proposal, deals with it:

It prohibits Federal funds for any rulemaking or guidance with regard to the social cost of climate change.

It prohibits the EPA from limiting carbon pollution from new and renovated power plants, and there has been much discussion about that on the floor today.

It prohibits the funding to update and revise the EPA's ozone standards.

It prohibits the funding for any change to the status of HFCs. These are fluorocarbons.

It also prohibits the reporting detailing the Federal funding for domestic and international climate change programs. This is denial, denial, denial about what is really happening.

My amendment would simply say that there is no money to carry out these provisions in the current bill. It is really time for all of us here to recognize that there is a serious challenge, and it is one that Pope Francis points out so clearly.

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, climate change is winning the amendment contest tonight. We have had a number of amendments on that subject.

Earlier we debated whether or not to continue a bipartisan reporting requirement in the bill on climate change expenditures.

My colleagues on the other side of the aisle wanted to remove that requirement, which would have reduced transparency. Now my friend wants to ensure that funds are being expended on climate and efficiency executive orders issued by the President.

So I am left to wonder whether my colleagues would prefer to know if the funds are spent on these programs or not.

Regardless, this amendment is certainly unnecessary. The President did not consult Congress on these executive orders. If anything, we should defund these programs until Congress can have an appropriate policy debate. I see no reason to include this language, and I urge my colleagues to vote ''no.''

I reserve the balance of my time.

Mr. GARAMENDI. Mr. Chairman, the executive order by the President is very straightforward. It basically says that the Federal Government shall reduce greenhouse gases, and he is using his appropriate authority as the administrative agent of our government to find ways to do that.

Certain goals are set in the executive order, for example, reducing greenhouse gases by 40 percent over the next decade. What could be wrong with that when you save $18 billion in the process and create more opportunities for renewable energy by up to 30 percent?

Why would we pass a bill in this appropriation bill that would go in exactly the opposite direction, one that would actually create greater greenhouse gases and lead more directly and more imminently to the climate crisis?

I fail to understand why we would want to take up a piece of legislation that has so many provisions in it that deny the reality of climate change, that puts this government on the course to spend more money on programs that actually create a crisis that will be extraordinarily expensive.

I ask for an ''aye'' vote on this amendment, which would maintain the President's executive order and keep America on a path that all the world should carry out.

Pay attention to what Pope Francis said: ''If present trends continue, this century may well witness extraordinary climate change and an unprecedented destruction of ecosystems, with serious consequences for all of us.''

This is not something we should deny. This is something we should, in fact, pay attention to, and we ought to be able to maintain the President's executive order.

I yield back the balance of my time.

Mr. CALVERT. Mr. Chairman, the President did make his unilateral determination in an executive order. We have an opportunity to vote ''no'' on this amendment, and I urge a ''no'' vote.

I yield back the balance of my time.

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

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

Mr. GARAMENDI. 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 OFFERED BY MR. CRAWFORD

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used by the Administrator of the Environmental Protection Agency to enforce the requirements of part 112 of title 40, Code of Federal Regulations, with respect to any farm (as that term is defined in section 112.2 of such title).

The Acting CHAIR. Pursuant to House Resolution 333, the gentleman from Arkansas and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arkansas.

Mr. CRAWFORD. Mr. Chairman, I offer this amendment in defense of agricultural producers across our Nation who are facing the heavy hand of EPA regulations.

The EPA's Spill Prevention, Control, and Countermeasure rule for on-farm fuel storage requires farmers and ranchers to make costly infrastructure improvements to their oil storage facilities to reduce the possibility of an oil spill.

These regulations fail to take into account the relative risk of oil spills on farms, and they do not factor in the simple fact that family farmers are already careful stewards of our land and water. No one has more at stake in the health of their land than those who work on the ground from which they derive their livelihoods.

The USDA itself discovered little evidence of oil spills on farms and determined in a recent study that more than 99 percent of farmers have never experienced a spill.

To require that all of our producers make a significant investment to prevent such an unlikely event seems out of touch with reality and disregards the already overwhelming number of safeguards our farmers already employ.

My amendment would restrict the EPA's ability to enforce SPCC regulations on farms so that farmers and ranchers can go about their business of producing food and fiber without having to worry about unnecessary compliance costs and red tape.

On three separate occasions, the House unanimously passed my bipartisan legislation, the FUELS Act, which rolled back these same SPCC regulations on farms. I urge my colleagues to again support our farmers and ranchers by supporting this amendment.

Mr. CALVERT. Will the gentleman yield?

Mr. CRAWFORD. I yield to the gentleman from California.

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

Mr. CRAWFORD. Mr. Chairman, I yield back 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, this amendment would stop the EPA from requiring farms to submit a plan on how they will prevent oil from entering navigable waters.

I come from Minnesota; so, this seems like a pretty commonsense requirement to me. If a facility has large amounts of oil, it should tell the agency responsible for an inland oil spill cleanup how it will prevent an environmental disaster.

Why shouldn't the holder of gallons of oil have a plan even if it is an agriculture business? It should have a plan. And there are criteria to make sure that a facility truly should be subject to the Spill Prevention, Control, and Countermeasure rule.

It has to meet three criteria. It must be nontransported. It must have an aggregate aboveground storage capacity greater than 1,320 gallons or a completely buried storage capacity greater than 42,000 gallons. We are talking about a lot of oil.

The third point is that there must be a reasonable expectation that, if something were to go wrong and if there were a discharge, it would go into navigable waters of the United States or of adjoining shorelines.

In other words, if there is an accident and if there is water nearby, you would need to have a plan in place so that not only would oil not seep in and ruin your land, but that it would not flow into waters past the boundaries of your water and just keep polluting.

The preparation of the SPCC plan is the responsibility of a facility owner or operator or it can be prepared by an engineer or a consultant, but it must be certified by a registered professional engineer.

Let's just think about it. You have 42,000 gallons of oil stored underground, and you have 1,320 gallons of oil above. All this does is say you need to have an emergency plan if, when that accident would occur—and it can

occur—there would be the possibility of having that oil go into navigable waters and spread onto other property owners' land or State land or Federal land.

I think these sound like reasonable requirements. It is a small step to help work with the farmer to prevent an environmental disaster that would most likely end up being cleaned up with taxpayers' funds.

I always think you should hope for the best, but you always need to have a plan just in case something goes wrong. This rule requirement makes sure that these facilities that meet these criteria have a plan in place.

I yield back the balance of my time.

The Acting CHAIR (Mr. RODNEY DAVIS of Illinois). The question is on the amendment offered by the gentleman from Arkansas (Mr. CRAWFORD).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. JEFFRIES

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

LIMITATION ON USE OF FUNDS

SEC. ____. None of the funds made available to the National Park Service by this Act may be used for the purchase or display of a confederate flag with the exception of specific circumstances where the flags provide historical context as described in the National Park Service memorandum entitled ''Immediate Action Required, No Reply Needed: Confederate Flags'' and dated June 24, 2015.

The Acting CHAIR. Pursuant to House Resolution 333, the gentleman from New York and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. JEFFRIES. Mr. Chairman, this amendment would prohibit the use of funds made available to the National Park Service by this Act for the purchase or display of a Confederate flag with the exception of specific circumstances when such flags provide historical context as set forth by the National Park Service in their memo to all park superintendents, dated June 24, 2015.

□ 2100

The National Park Service has jurisdiction over operation of the National Park System, associated sites such as national heritage areas, and various State grant accounts.

In light of recent events, the display of the Confederate flag has been at the forefront of discussion throughout our Nation. This amendment is consistent with a bipartisan effort across the country to promote harmony and not division in this great Nation.

On June 17, we were all shocked by the heinous massacre that took the lives of nine God-fearing African American churchgoers in Charleston, South Carolina. This act of domestic terror was carried out by an individual who idolized the Confederate flag and harbored racist beliefs, calling for a return to the human subjugation of others on the basis of race.

Unfortunately, that same Confederate flag flew on the grounds of the State capitol amidst the funeral of a State senator and dedicated pastor who taught that we are all God's children at the historic Emanuel AME Church.

We have come a long way in America, but we still have a long way to go in our march toward a more perfect Union. The cancer of racial hatred continues to adversely impact our society, and people of good will must unite to eradicate it. Limiting the use of Federal funds connected to the purchase or display of the Confederate flag is an important step in that direction.

Earlier today, lawmakers in South Carolina from both sides of the aisle came together to support removing the Confederate battle flag from their State capitol grounds. This evening, the United States House of Representatives has the opportunity to further limit the public display of this divisive symbol that is so closely associated with defense of the institution of slavery.

I thank the chairman and the ranking member for their consideration. For the aforementioned reasons, I urge my colleagues to support the amendment.

I yield to the distinguished gentlewoman from Minnesota.

Ms. MCCOLLUM. Mr. Chairman, I am very happy that this opportunity has been presented for us to have a discussion on the House floor and the National Park Service doing the right thing about the removal of this symbol of what has become racist hate speech.

I thank the gentleman for bringing forward the amendment, and I rise in support of it.

Mr. JEFFRIES. I thank the distinguished gentlewoman for her support.

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 York (Mr. JEFFRIES).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SMITH OF TEXAS

Mr. SMITH of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill, 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 propose, finalize, implement, or revise any regulation in which the research data relied on to support such action is subject to OMB Circular A-110 and is withheld in contravention of the Freedom of Information Act as prescribed under OMB Circular A-110 or if the Science Advisory Board of the Environmental Protection Agency fails to provide scientific advice as may be requested on such regulation to the Congress in contravention of section 4365 of title 42, United States Code.

The Acting CHAIR. Pursuant to House Resolution 333, the gentleman from Texas and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. SMITH of Texas. Mr. Chairman, this amendment reflects the core principles of two bills passed by the House earlier this year with bipartisan support. They are H.R. 1029, the EPA Science Advisory Board Reform Act, and H.R. 1030, the Secret Science Reform Act.

I am pleased to be joined by the Committee on Science, Space, and Technology's former Subcommittee on Environment chairman, Representative DAVID SCHWEIKERT, who sponsored the original version of the Secret Science bill in 2014.

The amendment simply requires the Environmental Protection Agency to base its regulations on publicly available data that can be verified. Why would the administration want to hide this information from the American people? We must make sure that Federal regulations are based on science that is available for independent review.

Many Americans are unaware that some of the EPA's most expensive and burdensome regulations, such as its proposed climate and ozone rules, are based on underlying data that not even the EPA has seen.

This amendment ensures that the decisions that affect every American are based on independently verified, unbiased, scientific research instead of on secret data that is hidden from the American people. That is called the scientific method.

This amendment also ensures that the EPA Science Advisory Board is able to provide meaningful, balanced, and independent assessments of the science behind the EPA regulations. The EPA frequently undermines the SAB's independence and prevents it from being able to provide advice to Congress. As a result, the valuable advice these experts can provide is often ignored or silenced.

The public's right to know must be protected in a democracy. This amendment ensures that happens. The EPA has a responsibility to be open and transparent with the people it serves and whose money it uses.

Anyone who supports government transparency and accountability should be able to support this amendment. It helps EPA and the Obama administration keep their promise to be open and honest with the American people.

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

Mr. CALVERT. Mr. Chair, I thank the gentleman. I certainly rise in support of this amendment. Having chaired that subcommittee for 6 years and knowing the good work of that subcommittee, I think the intent of the

language aligns with the two authorizing bills passed by the House Committee on Science, Space, and Technology earlier this year. I certainly voted for them both times.

I think it is a good amendment, so I urge an ''aye'' vote.

Mr. SMITH of Texas. Mr. Chairman, I thank the chairman for his comments. I very much appreciate his support.

I reserve the balance of my time.

Ms. MCCOLLUM. Mr. Chairman, I claim time in opposition.

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

Ms. MCCOLLUM. Mr. Chairman, the gentleman's amendment seeks to stop the Environmental Protection Agency from issuing regulations through two different mechanisms.

The first one would prevent the EPA from issuing regulations if supporting research data is withheld under the Freedom of Information Act.

Second, it would withhold regulations if the Agency's Science Advisory Board does not provide the requested advice and information to Congress.

I would just like to take a moment to address each one of these issues fully. Last year, for example, the EPA received 10,500 FOIA requests—Freedom of Information requests—or an average of 40 per workday.

These requests required nearly $11 million—$11 million—in personnel costs to process; yet the EPA receives less than $1 million to collect fees for these requests. They get $11 million in personnel costs to process; yet they get less than $1 million to collect the fees for these requests. You can simply do the math.

There are only nine allowable exemptions under the law that would prevent the EPA from complying with FOIA requests in the first place. These exemptions range from classified national defense, foreign relations information, to confidential business information and matters of personal privacy, things which we discuss in this room all the time.

The amendment is simply another attempt to stop the EPA from issuing regulations, many of which are required by law and are designed to improve human health and the environment.

Now, that was in regards to the first point about EPA issuing regulations on the Freedom of Information Act, lack of funding available to do it, and then they are following the laws with the nine exemptions.

Now, with regard to the Science Advisory Board, let me remind my colleagues that these boards are comprised of nearly four dozen experts from academia. For example, there are academics from the University of Texas Health Science Center in Houston, Texas; the Environmental Systems and Research Institute in Redlands, California; and from the University of Minnesota, my home State.

Now, in my opinion, it is very disingenuous to suggest that this Advisory Board's subject matter of experts would withhold information to Congress. I urge my colleagues to oppose this amendment, which simply puts two more roadblocks in the EPA regulations.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I yield myself 15 seconds simply to point out that this amendment does not prevent the EPA from issuing any regulations.

In fact, it doesn't take a position on regulations. It simply says that the underlying data that the EPA is using to justify regulations needs to be made public. I don't know who could oppose transparency and honesty by this administration.

I reserve the balance of my time.

Ms. MCCOLLUM. I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I yield the balance of my time to the gentleman from Arizona (Mr. SCHWEIKERT), who as I mentioned a while ago is a former chairman of the Subcommittee on Energy of the Committee on Science, Space, and Technology and is now a member of the Committee on Financial Services.

Mr. SCHWEIKERT. Mr. Chairman, may I inquire into the remaining time on our side?

The Acting CHAIR. The gentleman from Texas has 45 seconds remaining.

Mr. SCHWEIKERT. Mr. Chair, in this 45 seconds, I want to walk through a couple mechanical things really quickly. First off, this amendment is based on the OMB's circular that actually said this data is supposed to be public.

Number two, the release of data, if you are making rules, does not pre-assume that the reg is too tough, too little, too soft. What it means is, if you are going to be doing public policy—public policy—doesn't the public deserve access to public data because there is lots of smart people out there on the left and the right or just academia that should have this information, this raw data, to decide are we doing it the most rational, the most powerful way?

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

Ms. MCCOLLUM. Mr. Chairman, I would like to once again reiterate there are only nine allowable exemptions under this law that would prevent the EPA from complying with FOIA requests.

These exemptions range from classified national defense, foreign relations information, confidential business information, and matters of personal privacy.

Once again, Mr. Chair, I urge my colleagues to oppose this amendment, which simply works to put roadblocks in front of the EPA ever being able to issue a regulation.

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

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

The amendment was agreed to.

AMENDMENT OFFERED BY MS. SPEIER

Ms. SPEIER. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (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 implement, administer, or enforce the final rule following the Supplemental Environmental Impact Statement for the Dog Management Plan (Plan/SEIS), Golden Gate National Recreation Area (GGNRA), California (78 Fed. Reg. 55094; September 9, 2013).

Mr. CALVERT. Mr. Chairman, I reserve a point of order on the gentlewoman's amendment.

The Acting CHAIR. A point of order is reserved.

Pursuant to House Resolution 333, the gentlewoman from California and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

□ 2115

Ms. SPEIER. Mr. Chairman, ''Ruff.'' That is what my dog Buddy says when he wants to go out for a walk, and that is what dogs throughout the bay area have been accustomed to doing in the Golden Gate National Recreation Area for decades.

I, like them, believe that the GGNRA should be able to afford the opportunity for people to recreate, whether one wants to watch a bird, ride a horse, walk a path, or climb a hill. Some of these uses are incompatible, but that doesn't mean we should ban them. That means that we should create opportunity for all.

In San Mateo County, in my district, the GGNRA is proposing zero off-leash dog areas, closing down one site that has been in operation for over many decades.

For 40 years, people and their dogs have been welcome at the beaches and trails of the GGNRA, which compromises 80,000 acres across San Francisco, Marin, and San Mateo Counties. This public land provides much-needed recreational space in the densely populated bay area.

Today, that access is at risk. The National Park Service is trying to dramatically change how it manages recreational areas in the bay area by turning the majority of open space in the GGNRA into what are called controlled zones, where visitor access and activities could be highly restricted. Public use could be denied for longstanding activities in the GGNRA, like hiking, surfing, bike riding, horseback riding, and dog walking.

The bay area is densely populated, and open space is precious. For many, the GGNRA is the only option for time outdoors.

My amendment would slow the National Park Service's regulatory overreach and ensure that people in the bay

area continue to have recreational access to these urban parks.

People and nature aren't incompatible. We can be good stewards and also allow those in the GGNRA to have access to this very beautiful area.

I ask for an ''aye'' vote, Mr. Chairman, and I reserve the balance of my time.

POINT OF ORDER

Mr. CALVERT. Mr. Chairman, I insist on my point of order.

The Acting CHAIR. The gentleman will state his point of order.

Mr. CALVERT. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and, therefore, violates clause 2 of rule XXI.

The rule states in pertinent part:

''An amendment to a general appropriations bill shall not be in order if changing existing law.''

The amendment requires a new determination.

I ask for a ruling from the Chair.

The Acting CHAIR. Does any other Member wish to be heard on the point of order?

If not, the Chair will rule.

The Chair finds that this amendment includes language requiring a new determination as to whether a rule ''follows'' a specified Environmental Impact Statement.

The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the amendment is not in order.

AMENDMENT OFFERED BY MR. RICE OF SOUTH CAROLINA

Mr. RICE of South Carolina. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

LIMITATION ON USE OF FUNDS FOR OFFSHORE OIL AND GAS LEASING

SEC. ____. None of the funds made available by this Act may be used to issue any oil and gas lease under the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Program unless the Secretary of the Interior has entered into revenue sharing agreement with each affected State.

Mr. CALVERT. Mr. Chairman, I reserve a point of order.

The Acting CHAIR. A point of order is reserved.

Pursuant to House Resolution 333, the gentleman from South Carolina and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from South Carolina.

Mr. RICE of South Carolina. Mr. Chairman, my amendment withholds funding for permitting of offshore oil exploration until the Secretary of the Interior reaches revenue-sharing agreements with coastal States.

The Bureau of Ocean Energy Management's 2017–2022 Outer Continental Shelf Oil and Gas Leasing Program opens the mid- and south Atlantic regions to oil and gas development after several decades of being off-limits.

While advanced drilling techniques and spill response have made environmentally safe access to oil and gas reserves in the Atlantic possible, coastal States should consider and prepare for impacts that offshore energy development present.

Sharing of revenues with coastal States will help address the risk and responsibilities that States and coastal counties assume with offshore energy development. These revenues would help State governments expand coastal management and conservation, build necessary infrastructure, fund emergency preparation and response, and expand public service to support the influx of new industry and workforce.

Involving the coastal infrastructure and management will add to the overall economic well-being of the coastal communities. Before our coastal States agree to share in the burden of offshore drilling, we ought to ensure that our coastal States are able to share in the economic blessings of such drilling.

My amendment would prohibit funding for implementation of BOEM's plan until the Secretary of the Interior enters into a revenue sharing agreement with the States affected.

While it may not be possible this evening to adopt my amendment for coastal States, as we move forward with energy exploration off our coastlines, please be mindful of revenue sharing.

Because I understand my amendment is subject to a point of order, I plan to withdraw this amendment. But before I withdraw my amendment, I ask for the chairman's consideration to assist in development of revenue sharing agreements to compensate the coastal States and help them to mitigate risk.

Mr. CALVERT. Will the gentleman yield?

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

Mr. CALVERT. I would be happy to work with the gentleman in the future to see if there is a methodology where we can move your idea forward and see if we can't get the Federal Government and States to cooperate to their mutual, I think, benefit on this issue.

Mr. RICE of South Carolina. Reclaiming my time, I appreciate the chairman's consideration.

I ask unanimous consent to withdraw my amendment.

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

There was no objection.

AMENDMENT NO. 23 OFFERED BY MR. GARAMENDI

Mr. GARAMENDI. 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 the bill (before the short title), insert the following new section:

PROHIBITION ON TRANSFER OF FIRE PREPAREDNESS FUNDS

SEC. ____. None of the funds made available by this Act may be used to transfer funds made available by this Act for fire preparedness activities to the Wildland Fire Management appropriation for fire suppression activities.

The Acting CHAIR. Pursuant to House Resolution 333, the gentleman from California and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. GARAMENDI. Mr. Chairman, I am trying to figure out where to start with this, because we are making progress. I guess the purpose of this amendment is to give this whole process a swift kick so we can actually do something that is absolutely necessary.

The chairman of the Appropriations Subcommittee really has it correct. And I want to read the language of the appropriations bill, which I happen to agree with this evening, but not the result.

In 7 of the last 10 years, the Forest Service and the Department of the Interior have exceeded their wildland fire suppression budgets despite being fully funded at the 10-year suppression average for such costs.

Fire seasons have grown longer and more destructive, putting people, communities, and ecosystems at greater risk. Fire borrowing has now become routine rather than extraordinary. Borrowing from nonfire accounts to pay suppression costs results in the Forest Service and Department of the Interior having fewer resources for forest management activities, including hazardous fuels management and other proven efforts, to improve overall forest health and reduce the risk of catastrophic wildland fires.

Mr. Chairman of the subcommittee, you have it right. You and your committee staff have done the right analysis but haven't completed the follow-through to achieve that goal.

I see our good friend from Idaho standing nearby, and he has a very, very fine bill to deal with this. It would basically create two separate accounts. Now, understanding the necessity of proper order and being out of order, which sometimes I am, I am not proposing that we adopt the good gentleman from Idaho's bill in this bill, but I have got a different idea. I am going to take this idea from my Republican colleagues who have created so many fiscal crises, otherwise known as cliffs, to create one.

Basically, what I am doing here with this amendment is saying you can't borrow from other accounts, and when you run out of money, my goodness, we have a crisis. We will have to then adopt my good friend from Idaho's legislation and solve the problem once and for all.

So that is what this amendment does. It says you can't borrow from other accounts to fight wildfires, which means that we are going to have to come to grips with the reality of our funding crisis—where we cannot get ahead of the wildland fires, where there is a necessity for us to spend money on

protecting the forests and forest health, thinning and other kinds of things, firebreaks and the like, so we don't just burn down all the forests to get around with the proper management. This is what you call kicking the issue into gear.

I reserve the balance of my time.

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

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

Mr. SIMPSON. I understand what the gentleman is trying to do, and we are on the same page, actually, in ultimately what we want to accomplish with this.

The fact is that we appropriate money—the Interior Subcommittee has done it for several years now, and Chairman CALVERT has done it in this bill—where, under the FLAME Act, we fund the 10-year average of what it costs to fight wildfires. Unfortunately, I think it is in 8 of the last 10 years we have exceeded that 10-year average. Consequently, when money runs out for fighting wildfires, what the Forest Service does is borrow that money from other accounts.

We sometimes complain that the Forest Service doesn't go out and do the thinning that is necessary or do the restoration that is necessary or do the trail maintenance that is necessary. The reason they can't do it is because we have borrowed all the money to fight wildfires, and we are trying to prevent that wildfire borrowing.

It is one thing to try to prevent it in a manner that will address the problem and another to just say you just can't borrow, because I would hate to be in the situation where we run up against a fire year where we are going to exceed the 10-year average, we run out of firefighting money, and there is no way to get the resources in order to fund the fires that are occurring in the latter part of the year. This would put pressure on for Congress to probably do something.

As you know, there is a challenge with the Budget Committee that we have been working with in trying to address this issue.

There is some language, as I understand it, in the Senate Interior bill dealing with the wildfire-fighting costs and how we handle that. There is some language in a bill that will be before us I think this week, the Healthy Forest bill out of the Resources Committee.

I think more and more people are starting to realize that we have got to address this problem. There is absolutely no reason that wildfires should not be treated as other natural disasters are—hurricanes, tornadoes, earthquakes, and other things. But for some reason, we treat wildfires differently, and that doesn't make a lot of sense to me.

So we have had various proposals. I have talked with the administration, with the Department of the Interior, with the Forest Service, and with many other people, trying to come to a resolution on this, and there are many people on both the Republican and the Democratic side of the aisle that are trying to address this.

I am hopeful that we are inching ever closer, because you know things don't move as quickly as we like oftentimes in Congress. We are moving, inching closer, I would hope, to finding the solution to this. There are different ideas out there about how to go about doing exactly what the gentleman from California, myself, and the chairman all want to do, and that is quit the fire borrowing so that the Forest Service can do the job that we appropriate the money for them to do.

Given that this could create some real problems, I appreciate what the gentleman is trying to do, but I would have to oppose the amendment.

I reserve the balance of my time.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. The Chair would remind Members not to traffic the well.

Mr. GARAMENDI. My good friend from Idaho has it right. His bill ought to become law. And you did find a way to fund it: the same way we fund hurricanes, tornadoes, earthquakes, and the like—out of FEMA.

□ 2130

Good bill—by the way, I am a coauthor of it. Thank you very much. Only you can prevent forest fires. How many times have we seen Smokey the Bear? Congress can help.

I want to congratulate and I really want to thank my colleagues on the other side of the aisle because you are in a position to lead on this. This amendment is in a position to cause action. That is all it is.

Would we have a disaster? We are going to have a fire disaster; there is no doubt about it.

Would we have a financing disaster? Probably, but we can solve it—we can solve it both with legislation, and then we can solve it with a piece of legislation moving through this House that would reach back to the FEMA money, where we always stack a huge stash of money for the eventuality of a disaster. We would reach back and say: Okay. That is how we are going to do it going forward.

I think it is about time for me to yield. I probably don't have much more time, but I am kind of stirring the pot here. I am trying to kick this into gear, and I am delighted to work with the good language that the chairman of the committee has put into the bill.

Had I the time, I would read, once again, your analysis of the problem and also your analysis of the solution. That is found in, this year, H.R. 167, a fine piece of legislation by an outstanding gentleman from Idaho.

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

Mr. SIMPSON. I thank the gentleman for his comments and his help on trying to get us to a resolution on this. I am sure, working together, we can solve this problem eventually.

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. GARAMENDI).

The amendment was rejected.

AMENDMENT OFFERED BY MR. NEWHOUSE

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

LIMITATION ON USE OF FUNDS TO TREAT GRAY WOLVES IN WASHINGTON, OREGON, AND UTAH AS ENDANGERED SPECIES OR THREATENED SPECIES

SEC. ____. None of the funds made available by this Act may be used by the Department of Interior or the United States Fish and Wildlife Service to treat any gray wolf (*Canis lupus*) in Washington, Oregon, or Utah as an endangered species or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

The Acting CHAIR. Pursuant to House Resolution 333, the gentleman from Washington and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. NEWHOUSE. Mr. Chairman, I rise today to offer an amendment that would prohibit the Department of the Interior and the U.S. Fish and Wildlife Service from using funds to continue listing the gray wolf under the Endangered Species Act in the States of Washington, Oregon, and Utah.

Mr. Chairman, this is a very serious issue of extreme importance to my home State of Washington, where the gray wolf is listed in the western two-thirds of the State, but is delisted in the eastern third. This fragmented listing means that there are no geographic barriers to prevent the wolves from traveling between listed and delisted areas, posing a risk to people living, farming, and ranching in the region.

Unfortunately, this issue should already have been settled. In June of 2013, the U.S. Fish and Wildlife Service published a proposed rule to remove the gray wolf from the list of endangered and threatened wildlife under the Endangered Species Act.

The Fish and Wildlife Service made this determination after evaluating this ''classification status of gray wolves currently listed in the contiguous United States'' and found the ''best available science and commercial information indicates that the currently listed entity is not a valid species under the Act.''

On June 30 of this year, the Service released its response to a petition seeking to reclassify all gray wolves in the U.S. as a threatened species under ESA. In its response, the Fish and Wildlife Service states that it determined there was not substantial information to indicate that such a reclassification was warranted, and as a result, the Fish and Wildlife Service will take no further action on the petition.

Furthermore, the statutory purpose of ESA is to recover a species to the point where it is no longer considered endangered or threatened. The gray wolf is currently found in nearly 50 countries around the world, and the wolf specialist group of the International Union for Conservation of Nature has placed the species in the category of ''least concern globally'' for risk of extinction.

Mr. Chairman, the proposed rule and other examples I have cited clearly show that a full delisting of the gray wolf is long overdue. Since wolves were first placed under ESA, uncontrolled and unmanaged growth of gray wolf populations has resulted in devastating impacts on hunting and ranching, as well as tragic losses to historically strong and healthy livestock and wildlife populations.

Mr. Chairman, the gray wolf population has grown substantially across its range and is now considered to be recovered; therefore, it does not merit protection under the Endangered Species Act.

The Pacific Northwest States are fully qualified to responsibly manage their gray wolf populations and are better suited than the Federal Government to meet the needs of local communities, ranchers, livestock, and wildlife populations.

My amendment today is simple. It would take steps that the Fish and Wildlife Service has already said are necessary and are supported by the best available scientific evidence and data. I urge my colleagues to support this commonsense amendment, and I urge its adoption.

Mr. Chairman, I yield 1½ minutes to my colleague from eastern Washington, Congresswoman CATHY MCMORRIS RODGERS.

Mrs. MCMORRIS RODGERS. Mr. Chairman, I thank my colleague, Representative NEWHOUSE, for yielding and for his leadership on this important issue.

Four years ago, when the Federal Government delisted wolves in a portion of the Western United States, what was left behind was a growing wolf population and a confusing checkerboard of regulations.

Wolves do not know regulatory boundaries. When a single forest is divided between two different management plans, local leaders', farmers', and other stakeholders' hands are tied when protecting themselves from a wolf threat and often face unnecessary repercussions.

Washington State proposed a wolf conservation and management plan, but is unable to fully implement it with Federal protections lingering in the western two-thirds of the State.

Our local leaders can manage the resources and wildlife in our State more effectively and efficiently than the Federal Government; but if we want to empower them to protect herds of livestock, people, and lands from other possible threats of wolves, we need a consistent framework for the entire State, not just sections.

For this reason, I strongly support this amendment and urge my colleagues to do the same.

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

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

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

Ms. MCCOLLUM. This amendment is yet another attack on a vulnerable icon American species, the gray wolf. The gray wolf is a keystone species that plays a vital role in keeping our ecosystems healthy.

It is also an animal that many Native American cultures feel a kinship bond with. I heard from many tribal leaders that the protections afforded under the Endangered Species Act for gray wolves are the only way that they have been able to keep wolf hunts out of their tribal reservation boundaries.

Now, I understand many of my colleagues have very strong views about listings and delistings affecting their States, but the Endangered Species Act exists to offer necessary protections and ensure a species' survival, which the majority of our constituents strongly support. This is the same law that successfully restored another iconic American species, the bald eagle.

This amendment restricts the Department of the Interior's ability to implement the Endangered Species Act. However, it does not alter the protections for the endangered wolves in these States.

Regardless of one's position on species protection, the amendment is very problematic. The restrictions will ultimately hurt farmers, ranchers, landowners and businessowners.

Here is why: under this amendment, the Fish and Wildlife Service would not be able to offer exemptions or permits for incidental killings of wolves to landowners, ranchers, and other parties who might be in need of them; however, the prohibition against accidental kills or takes would still remain and would still be legally enforceable.

Thus, this constitutes that States would either have to stop any activity—any activity—that led to the taking of a wolf, or they would be vulnerable to a lawsuit or heavy penalties. Simply put, this amendment is bad for wolves; it is bad for our ecosystem; it is bad for business, and it is bad for our constituents.

Mr. SIMPSON. Will the gentlewoman yield?

Ms. MCCOLLUM. I yield to the gentleman from Idaho.

Mr. SIMPSON. I just wanted to explain the situation that we find ourselves in.

I am sympathetic with what the gentleman is doing, and when we actually passed language 4 years ago on the wolves in Idaho and Montana, we thought about what happened to the wolves that go into Washington and Oregon and Nevada and Utah and so forth; and we thought about including those in the general delisting. Well, we didn't delist them; the Fish and Wildlife Service did.

We found it created several problems. One, those States didn't have State management plans, which is the case today with most of them because we discussed this, or I discussed this issue earlier with the Fish and Wildlife Service.

What their plan is and what they would like to do is, currently, they support the language that is in the bill that reinstates their delisting in Wyoming and the Great Lakes. Those States have State management plans that have been approved by Fish and Wildlife Service.

If you include the other States that are included in this that don't have the State management plans, then Fish and Wildlife has to oppose what we are doing.

I believe that what their goal is, is to get this language passed dealing with Wyoming, the Great Lakes, and then do a wider, rangewide delisting once those States have State management plans that have been adopted by the Fish and Wildlife Service, and this amendment may undermine that.

This is something that we need to discuss, I think. I am not opposing the gentleman's amendment, but it is something that I think we need to discuss between now and conference so that we get a plan and to make sure that we are not undermining what I think we all want, and that is the ultimate delisting of the gray wolves that have met the standard.

Ms. MCCOLLUM. Reclaiming my time, Mr. Chairman, as I said earlier, I understand that my colleagues have strong views about this, pro and con, about the listing and delisting; but this amendment is very, very problematic. For that reason, I can't support it.

The gentleman from Idaho is correct. This has so many unintended consequences that I feel very strongly—very strongly—about not supporting this amendment for that reason.

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

Mr. NEWHOUSE. Mr. Chairman, with the few seconds I have left, I would certainly thank the gentleman from Idaho, as well as the lady from Minnesota, for sharing their concerns.

I certainly look forward to working with my colleagues. I would urge support and look forward to a continuing effort to move this to a conclusion that we can all accept.

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

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

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

Ms. MCCOLLUM. 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 Washington will be postponed.

□ 2145

AMENDMENT OFFERED BY MR. GARAMENDI

Mr. GARAMENDI. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

LIMITATION ON USE OF FUNDS

None of the funds made available by this Act for California drought response or relief may be used by the Administrator of the Environmental Protection Agency or the Secretary of the Interior in contravention of implementation of Division 26.7 of the California Water Code (the Water Quality, Supply, and Infrastructure Improvement Act of 2014), as approved by the voters of California in California Proposition 1 (2014).

Mr. SIMPSON. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. A point of order is reserved.

Pursuant to House Resolution 333, the gentleman from California and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. GARAMENDI. Mr. Chairman, despite the potential for a point of order and the amendment being out of order, it really, really is a good policy. While it may not come to a vote on this House floor, it certainly ought to come to the attention of the appropriators and the administration that we have got a pretty serious drought in the West. It does affect California, Arizona, Oregon, probably parts of Idaho, and on into New Mexico.

California voters last November passed a $7 billion water bond that deals with the long-term issues of the water supply in California and some of the immediate challenges that the California drought has brought to the 30-plus million citizens of the State.

This amendment would direct the Department of the interior, the EPA, the Department of Agriculture, and the Department of Defense to focus the money that it would be spending in California under any circumstance, to focus that money on assisting, augmenting, advancing, and supplementing those programs that the State of California is undertaking to address the drought using the bond act money.

That is a great idea, that instead of spending the money on things that are not immediately relevant, that are not immediately necessary and do not immediately help those citizens of California, those communities, those agencies in the State that are suffering from the drought, rather to spend the money on those programs. That is it.

It doesn't call for any additional money. It doesn't really cause long-term problems to our appropriation processes, but, rather, it says, hey, we have got a problem. Let's focus on the problem, and let's coordinate with the State of California in solving the problem. That is it, pretty simple stuff.

Unfortunately, I guess we may have a point of order, and this rather important concept won't be in the legislation.

However, I do think that the administration is aware, and they are beginning to focus appropriately on the drought in California. And I would hope in other States, just as we are suggesting they do here, that they, the administration and the Federal Government, focus the money that it would otherwise be spending in the State of California and in these other States on projects that the local governments, the State governments in those States are undertaking to address the drought—pretty basic.

So that I might challenge the point of order, I will reserve the balance of my time.

POINT OF ORDER

Mr. SIMPSON. Mr. Chairman, I insist on my point of order and make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and, therefore, violates clause 2 of rule XXI.

The rule states in pertinent part:

''An amendment to a general appropriations bill shall not be in order if changing existing law.''

The amendment requires a new determination, and I ask for a ruling from the Chair.

The Acting CHAIR. Does any other Member wish to be heard on the point of order?

Mr. GARAMENDI. Mr. Chairman, my good friend from Idaho was so right and is now so wrong. But that is the way it is. When you have got the votes, you have got the votes.

Nevertheless, this is really a very, very good program. I would encourage all of us—and particularly the administration—to follow along the policies here; and I would point out that they are.

So I challenge the point of order and would ask for a ruling of the Chair.

The Acting CHAIR. The Chair will rule.

The Chair finds that this amendment includes language requiring a new determination of whether certain actions will contravene a specified State law.

The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the amendment is not in order.

AMENDMENT OFFERED BY MR. NEWHOUSE

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used by the Administrator of the Environmental Protection Agency to issue any regulation under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) that applies to an animal feeding operation, including a concentrated animal feeding operation and a large concentrated animal feeding operation, as such terms are defined in section 122.23 of title 40, Code of Federal Regulations.

The Acting CHAIR. Pursuant to House Resolution 333, the gentleman from Washington and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. NEWHOUSE. Mr. Chair, I rise today to offer an amendment on an issue that is critical to livestock producers not just in my State and in my district, but across the whole country.

Last year, a group of folks in my area, environmental activists, sued several dairies in the Yakima Valley in Washington State, claiming that the dairies were responsible for ''open dumping'' under the Resources Conservation and Recovery Act of 1976—or, as it is most commonly referred to, RCRA—because of manure storage and management issues on their farms.

The big issue is what law the activists were suing the dairies under. There are many laws and regulations, both at the State and Federal level, which are appropriate mechanisms for protecting and ensuring our Nation's waters are kept clean, but the problem I see is that RCRA is not one of them.

RCRA was a law designed to govern solid wastes and prevent open dumping. The major application of this law is regulating landfills. It was never intended to regulate animal waste. In fact, the EPA, in its initial 1979 regulations for RCRA, expressed that the law ''does not apply to agricultural waste, including manure and crop residue, returned to the soil as fertilizers or soil conditioners.''

I don't know how much clearer we can get that manure storage and handling were not intended to be governed under this law. Unfortunately, though, a Federal judge in Spokane, Washington, agreed with the group and stretched the definition of ''solid waste'' to apply to manure nitrates, contrary to the law and Federal regulatory code, and held the dairies responsible for open dumping because of how they stored and handled animal waste.

Mr. Chair, my amendment does nothing to prevent EPA from enforcing the current regulations under RCRA. It does nothing to change the Clean Water Act rulemakings, nor does it prevent EPA from issuing or enforcing Clean Water Act regulations. All my amendment does is prevent EPA from issuing and expanding new regulations under RCRA that would reflect the interpretation of this current law.

Mr. Chair, no one is saying that livestock producers—like every American—don't share in the responsibility of good stewardship of our environment

and our resources. They certainly do. But there are appropriate laws and regulations intended to govern this, and there are ones that are not appropriate for this purpose.

Simply piling additional layers of regulation on producers and giving activists new litigation tools to target our Nation's farmers and ranchers is not what Congress had in mind when passing the Resources Conservation and Recovery Act. We, as Congress, have a responsibility to make that clarification, and that is what I am seeking to do with this amendment.

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 would be better able to comment on this amendment if the gentleman had shared a copy. In this day and age, I am glad we are allowed to bring an iPad on the floor.

Mr. Chairman, I would ask the gentleman from Washington when he decided upon this amendment. Has it been in the last 20 minutes, or was it 2 hours ago?

I yield to the gentleman from Washington.

Mr. NEWHOUSE. It was, let's see, more like 6 hours ago that it was in the hopper.

Ms. MCCOLLUM. Reclaiming my time, Mr. Chairman, I thank the gentleman.

The headlines are, groundbreaking rule in Washington State on this dairy case. And it is, ''Dairy Pollution Threatens Washington Valley's Water.'' This was a big enough story, in fact, that it was even reprinted by the Minneapolis Star Tribune. It was the first time that the Federal Resources Conservation Recovery Act was used to consider ways in which land and water had to be protected.

So, Mr. Chairman, just because I didn't have an opportunity to really delve into this and find out more about it—and what the amendment does is it just totally stops funds to be issued under this regulation to animal feeding operations—I am going to oppose it because it also includes large concentrated animal feeding operations. And I do come from a farming State, so I do know the difference between a small farm, a small hog farmer, and a lagoon, and large dairy farms and small dairy farms. So with that, I oppose this amendment.

I reserve the balance of my time.

Mr. NEWHOUSE. Mr. Chairman, I am not questioning the good lady's credentials from the farming State of Minnesota. But certainly given time, as this process moves forward, she will become intimately familiar with this law as it is being interpreted. It is already happening in other parts of the country, and I would offer this amendment to help preclude the wrongful use of the law and ask my colleagues for strong consideration.

I yield back the balance of my time.

Ms. MCCOLLUM. Mr. Chairman, I will just read into the RECORD from January 15, 2015, Spokane, Washington:

A Federal judge has ruled that a large industrial dairy in eastern Washington has polluted drinking water through its application, storage, and management of manure in a case that could set precedents across the Nation.

U.S. District Judge Thomas O. Rice of Spokane ruled Wednesday that the pollution posed an ''imminent and substantial endangerment'' to the environment and to people who drink the water.

Rice wrote that he ''could come to no other conclusion than that the dairy's operations are contributing to the high levels of nitrate that are currently contaminating—and will continue to contaminate . . . the underlying groundwater.''

''Any attempt to diminish the dairy's contribution to the nitrate contamination is disingenuous, at best,'' Rice wrote in the 111-page opinion, in which he granted partial summary judgment in favor of environmental groups that sued the dairy.

These environmental groups are people who are looking out for their drinking water. So, Mr. Chairman, I rise in strong opposition to this amendment.

I yield back the balance of my time.

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

The amendment was agreed to.

□ 2200

AMENDMENT OFFERED BY MS. JACKSON LEE

Ms. JACKSON LEE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill before the short title, insert the following:

LIMITATION ON USE OF FUNDS

SEC. ____. None of the funds made available in this Act may be used to eliminate the Urban Wildlife Refuge Partnership.

The Acting CHAIR. Pursuant to House Resolution 333, the gentlewoman from Texas and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE. Mr. Chairman, let me thank the committee, both the staff and the gentlewoman from Minnesota, the gentleman from California, and the gentleman from Idaho who are now managing this appropriations bill.

I call this the good health appropriations for the quality of life of many Americans, both urban and rural. I ask my colleagues to consider my amendment, which deals with the urban reforestation program. I live close and personal to both urban areas and rural areas in my congressional district.

Given close to 80 percent of the population of the conterminous United States lives in an urban area, the benefits provided by urban forests touch most U.S. citizens. My amendment specifically reinforces the importance of urban reforestation, as well as preserves our ability to return urban areas to healthy and safe living environments for our children.

I offered these amendments in years past. I know it from a real-time experience. Over the last couple of years, when the drought hit Houston and many other areas in Texas, millions of trees were lost. Millions of trees were lost.

Today, now, we face the large and very challenging effort of trying to reforest parks like Memorial Park, MacGregor Park, and many parks in the northeast part of my district. In the past 30 years alone, we have lost 30 percent of all of our urban trees, a loss of over 600 million trees.

I have certainly seen neighborhoods in Houston benefit from urban reforestation. In fact, many Members will remember that throughout our careers, we have been involved in planting of trees. There are major efforts throughout our community.

I want to cite, for example, those who have worked in Houston, Texas, doing the reforestation work: Houston Wilderness, Student Conservation Association, the Buffalo Bayou Partnership, the Greater East End Management District, Houston Parks and Recreation Department, and Texas Parks & Wildlife Department, along with many civic clubs of which I have had the privilege of working with.

Several years ago, American Forests, a leading conservation group, estimated that the tree-covered loss in the greater Washington metropolitan area from 1973 to 1997 resulted in an additional 540 million cubic feet of storm water runoff annually, which would have taken more than 1 billion in storm water control facilities to manage.

We know that the green effect in the middle of the city can have a beneficial effect on a community's health, both physically and psychologically. A healthy 32-foot-tall ash tree can produce about 260 pounds of oxygen annually.

Trees help reduce pollution. Trees help combat the effects of greenhouse gases. Trees help cool down the overall city environment by shading asphalt, concrete, and metal surfaces. Buildings and paving in city centers create a heat island effect. A mature tree canopy reduces air temperatures by about 5 to 10 degrees.

Let me give a personal story on the importance of reforestation. A few years ago, I helped create a memorial plaza for a Martin Luther King monument in MacGregor Park. There was a tree of life that was presented to that park by Martin Luther King's father.

In the course of urban development, that tree had to be moved. It caused an emotional uprising in our community. Ovide Duncantell tied himself to the tree.

Ultimately, we resolved that the tree had to be moved, and that tree was potentially a tree that would die. With the right kind of nurturing and reforestation and treatment by the foresters who came, that tree is now a shining example of a unified community.

I ask my colleagues to support the Jackson Lee amendment to ensure that our programs dealing with urban reforestation continue.

Mr. Chair, thank you for this opportunity to speak in support of my amendment to H.R. 2822, the Interior and Environment Appropriations Act of 2016 and to commend Chairman CALVERT and Ranking Member MCCOLLUM for their leadership in shepherding this bill through the legislative process.

Among other agencies, this legislation funds the U.S. Forest Service, the National Park System, and the Smithsonian Institution, which operates our national museums including the National Zoo.

Mr. Chair, my amendment is simple but it sends a very important message from the Congress of the United States.

The Jackson Lee amendment emphasizes the importance of urban forests, and preserves our ability to return urban areas to healthy and safe living environments for our children.

Identical amendments were offered and accepted in the Interior and Environment Appropriations Acts for Fiscal Year 2008 (H.R. 2643) and Fiscal Year 2007 (H.R. 5386), and were adopted by voice vote.

Mr. Chair, surveys indicate that some urban forests are in serious danger.

In the past 30 years alone, we have lost 30% of all our urban trees—a loss of over 600 million trees.

Eighty percent (80%) of the American population lives in the dense quarters of a city.

Reforestation programs return a tool of nature to a concrete area that can help to remove air pollution, filter out chemicals and agricultural waste in water, and save communities millions of dollars in storm water management costs.

I have certainly seen neighborhoods in Houston benefit from urban reforestation.

In addition, havens of green in the middle of a city can have beneficial effects on a community's health, both physical and psychological, as well as increase property value of surrounding real estate.

Reforestation of cities is an innovative way of combating urban sprawl and/or deterioration.

Mr. Chair, a real commitment to enhancing our environment involves both the protection of existing natural resources and active support for restoration and improvement projects.

Several years ago, American Forests, a leading conservation group, estimated that the tree cover lost in the greater Washington metropolitan area from 1973 to 1997 resulted in an additional 540 million cubic feet of storm water runoff annually, which would have taken more than $1 billion in storm water control facilities to manage.

Trees breathe in carbon dioxide, and produce oxygen.

People breathe in oxygen and exhale carbon dioxide.

A typical person consumes about 38 lb of oxygen per year.

A healthy tree, say a 32 ft tall ash tree, can produce about 260 lb of oxygen annually—two trees supply the oxygen needs of a person for a year.

Trees help reduce pollution by capturing particulates like dust and pollen with their leaves.

A mature tree absorbs from 120 to 240 lbs of the small particles and gases of air pollution.

Trees help combat the effects of "greenhouse" gases, the increased carbon dioxide produced from burning fossil fuels that is causing our atmosphere to "heat up."

Trees help cool down the overall city environment by shading asphalt, concrete and metal surfaces.

Buildings and paving in city centers create a heat-island effect.

A mature tree canopy reduces air temperatures by about 5–10 degrees Fahrenheit.

A 25 foot tree reduces annual heating and cooling costs of a typical residence by 8 to 12 percent, producing an average annual savings of $120 per American household.

Proper tree plantings around buildings can slow winter winds, and reduce annual energy use for home heating by 4–22%.

Mr. Chair, trees play a vital role in making our cities more sustainable and more livable.

The Jackson Lee amendment simply provides for continued support to programs that reforest our urban areas.

For all these reasons, Mr. Chair, I urge adoption of the Jackson Lee amendment and thank Chairman CALVERT and Ranking Member MCCOLLUM for their courtesies, consideration, and very fine work in putting together this legislation.

Mr. Chair, I yield to the gentlewoman from Minnesota (Ms. MCCOLLUM), the ranking member of the Appropriations Subcommittee on the Interior, Environment, and Related Agencies.

Ms. MCCOLLUM. Mr. Chairman, I rise in support of the Jackson Lee amendment.

It was very interesting to learn more about what your goals and objectives are, and I think it is very worthy of our consideration.

Ms. JACKSON LEE. Mr. Chairman, let me conclude by simply saying what a great difference life will be in many urban areas with our commitment to reforestation of urban areas and creating more opportunities for trees to grow in those areas.

I ask for support of the Jackson Lee amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. YODER

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

LIMITATION ON USE OF FUNDS TO IMPLEMENT OR ENFORCE THREATENED SPECIES LISTING OF THE LESSER PRAIRIE CHICKEN

SEC. ___. None of the funds made available by this Act shall be used to implement or enforce the threatened species listing of the lesser prairie chicken under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

The Acting CHAIR. Pursuant to House Resolution 333, the gentleman from Kansas and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Kansas.

Mr. YODER. Mr. Chairman, my amendment today would prohibit further waste of Federal funds from being used to enforce the unnecessary listing of the lesser prairie chicken as a threatened species under the Endangered Species Act.

Now, this listing has Americans crying foul in Kansas and all across the country over the burden it places on farmers, ranchers, and agriculture producers. This misguided listing comes at a time when the lesser prairie chicken is actually becoming the greater prairie chicken, in some respects, gaining in population significantly each of the last several years.

Less than 1 week ago, a new population count for the lesser prairie chicken was released, and it shows a 25 percent increase in the species population over the last year. That follows a 20 percent increase from the year before.

What is to account for all this? Is it the listing on the endangered species list? No—these population increases, according to experts, are attributed to improved habitat conditions, as a result of increased rainfall to an area that had previously been experiencing one of the worst droughts since the infamous Dust Bowl.

Now, not a single drop of this rainfall can be attributed to the central planners in Washington, D.C., nor can this listing have any effect on making it rain in places like Kansas.

We need to let State and local municipalities and States work together to create these conservation plans to help produce the populations we need for the lesser prairie chicken.

In fact, five States with habitat areas—Kansas, Oklahoma, Texas, New Mexico, and Colorado—already have a locally driven, areawide plan in place known as the lesser prairie chicken rangewide conservation plan. It has broad stakeholder support to conserve and replenish the lesser prairie chicken population.

Now, we have an opportunity today, as Democrats and Republicans, to flock together, to break out of our shells, to work with States and localities and delist the lesser prairie chicken.

Keeping it in place makes it harder on hard-working farmers to grow crops and feed our Nation, and it makes it harder for energy producers to produce renewable or traditional energy.

All of that increases the cost at the grocery store or at the pump for average everyday working Americans. This cost of the listing is having little to no impact; this is while the cost of this listing has little to no impact on the ever-growing population.

That growth is coming from States and localities working hand in hand with farmers and producers; yet, as these ineffective Federal burdens go up, so does the cost of doing business in America. Now, that is truly something to crow about.

Let's work together. Let's let States recoup and conserve and grow the lesser prairie chicken populations, and let's pass 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 gentlewoman from Minnesota is recognized for 5 minutes.

Ms. MCCOLLUM. Mr. Chair, this amendment would prohibit the Fish and Wildlife Service from implementing or enforcing threatened species listing of the lesser prairie chicken under the Endangered Species Act and would restrict the Fish and Wildlife Service from offering any critical protections to preserve the species.

This amendment is harmful and misguided and maybe a little scrambled, as in some eggs. Once the species is listed under the Endangered Species Act, the role of Fish and Wildlife is primarily permissive, helping parties comply with the act as they carry out their activities.

Under this amendment, all the Endangered Species Act prohibitions would still apply. They would still apply, the Endangered Species Act prohibitions, but landowners would have no avenue to comply with them.

The U.S. Fish and Wildlife Service would be barred from issuing permits or exemptions. This means landowners, industry, and other parties who might need to take the lesser prairie chicken incidentally to do their otherwise lawful activities, such as oil and gas development, would be vulnerable to a citizens lawsuit.

Additionally, this amendment would halt an innovative plan to conserve the lesser prairie chicken. In 2014, Fish and Wildlife, in partnership with States and local stakeholders, began the implementation of a lesser prairie chicken rangewide conservation plan. That encouraged participants to gain in proactive and voluntary conservation activities, promoting lesser prairie chicken conservation.

The plan describes a locally controlled and an innovative approach for maintaining the State's authority to conserve the species and allows for economic development to continue in a seamless manner. It sounds like a win-win to me, with Fish and Wildlife partnering with local partners and with the State.

This plan prevents significant regulatory delays in obtaining taking permits, disruption to economic activities vital to the State and national interests, and little incentive for conservation habitat on prairie lands.

Sadly, the gentleman's amendment would undermine this plan that local folks and the State came up with to be more collaborative in a conservation effort. This amendment would create uncertainty for landowners, making them vulnerable, as I said earlier, to lawsuits.

We should be supporting the Fish and Wildlife Service in its efforts to work with local community leaders and to work with the States, not blocking the agency for doing their job.

I urge my colleagues to oppose this amendment.

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

Mr. YODER. Mr. Chairman, at this time, I yield 1½ minutes to the gentleman from western Kansas (Mr. HUELSKAMP), my friend and colleague.

Mr. HUELSKAMP. Mr. Chairman, I am pleased to cosponsor this commonsense amendment as we work to stop the Federal Government from enforcing the ill-advised listing of the lesser prairie chicken.

As a fifth-generation farmer and possibly the only Member on the floor who has actually seen the real-life bird on a family farm that we are talking about, I am strongly opposed to this listing.

As was mentioned, this listing occurred during a massive, historical multiyear drought in my home area in my region and State, which obviously limits habitat growth and reduces the numbers of prairie chickens.

The best solution is for it to rain; and that, it has. Thank you, Lord, though I fully expect the U.S. Fish and Wildlife Service to take credit for the resulting increase in the lesser prairie chicken population.

For the last 4 years, I have heard from farmers, ranchers, homebuilders, energy producers, and other small businesses concerned about what this listing would do to our rural economy. Our farmers and ranchers are in a state of uncertainty as to whether certain farming and conservation practices, like we have in my own farm, will result in fines or perhaps even jail time. Many energy producers have stopped drilling new wells for fear of risking the consequences of the listing.

Unless Congress does something and does it soon, this threat to our rural economy will probably continue forever. In 40 years of the Endangered Species Act, more than 1,350 species have been listed as endangered, but only 24 have been delisted, and that is just 1.7 percent—not very successful, Mr. Chairman.

I appreciate the opportunity to share these concerns with you, and I encourage my colleagues to support this amendment, support our farmers and ranchers, and support common sense.

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

The Acting CHAIR. The gentleman from Kansas has 1 minute remaining.

Mr. YODER. Mr. Chair, I yield 1 minute to the gentleman from California (Mr. CALVERT), the chairman of the committee.

Mr. CALVERT. Mr. Chairman, I am sympathetic to the gentleman's concerns, particularly because my home State of California probably has more than its fair share of endangered species problem.

The Endangered Species Act hinges upon the principle that, if a species is listed, that it will be recovered and management will return to the States. This push by the States is the reality we see playing out. Bats, wolves, greater sage-grouse, delta smelt, the list goes on and on and on.

It should come as no surprise, then, to see the States pushing back through their elected Representatives in the legislative branch in an effort to bring the Endangered Species Act back into balance.

I would support this amendment.

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

Ms. MCCOLLUM. Mr. Chair, I understand that there is a concern with the listings; and I hear that very loud and clear from my colleagues.

The problem with the way that these amendments have been drafted, particularly in line with this amendment, again, all the Endangered Species Act prohibitions would still apply.

Landowners would have no avenue to comply with because they wouldn't have a partner in the Fish and Wildlife because Fish and Wildlife would be barred from issuing any permits or any exemptions.

Clearly, it means landowners, industries, and other parties who might need to take a lesser prairie chicken incidentally to their otherwise lawful activities will be vulnerable to a lawsuit. Additionally, this amendment will halt any innovation plan to conserve the lesser prairie chicken.

The gentleman's amendment, by undermining collaborative efforts and, I believe, with an amendment that creates uncertainty for landowners making them vulnerable to lawsuits, should be an amendment that should be opposed.

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

□ 2215

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

The amendment was agreed to.

AMENDMENT OFFERED BY MS. JACKSON LEE

Ms. JACKSON LEE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

LIMITATION ON USE OF FUNDS

SEC. ____. None of the funds made available in this Act may be used to limit outreach programs administered by the Smithsonian Institution.

The Acting CHAIR. Pursuant to House Resolution 333, the gentlewoman from Texas and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE. Mr. Chairman, again, let me offer my appreciation to the gentlewoman from Minnesota, the gentleman from California, and their staff who have worked with us.

Let me remind my colleagues that just a few days ago, I offered this amendment dealing with museums and dealing with my concern for the funding and the Smithsonian, to provide for the Nation's museum.

Let me also say to my colleagues that I have offered this amendment in the past because I have a particular interest in the museums of America and their ability to do outreach. I imagine I am not alone standing here amongst appropriators to again say and call for the end of sequestration to be able to provide the appropriators and to provide the people of America the full funding to address these quality of life issues from the various lands and Federal parks and, as well, the historic trails, of which I will talk about, but museums, urban reforestation, all elements of the beauty of this Nation. And I frankly believe that museums, likewise, are that form of beauty.

My amendment specifically says: ''None of the funds made available in this Act may be used to limit outreach programs administered by the Smithsonian Institution.''

In order to fulfill the Smithsonian's mission, the increase and diffusion of knowledge, the Smithsonian seeks to serve an even greater audience by bringing the Smithsonian to enclaves of communities who otherwise would be deprived of the vast amounts of cultural history offered by the Smithsonian.

Our museums of the Nation are in trouble. The Smithsonian has a beautiful array of museums that are here that millions of Americans have the opportunity to visit. But the outreach program serves millions of Americans, thousands of communities, and hundreds of institutions in all 50 States through loans of objects, traveling exhibitions, and sharing of educational resources via publications, lectures and presentations, training programs, and Web sites.

Allow me to mention just a few in my own district:

The Holocaust Museum, unique in its presentation of a horrible time in history, but it also serves as a very unifying entity in our community;

The Children's Museum, as one of the original board members and founders, now the Children's Museum is one of the major children's museums in the Nation. But again, it needs the impact of the outreach of the Smithsonian;

And then, of course, the Museum of African American Culture, headed by a dear friend, but also a champion of holding this museum together, and that is John Guess. He needs a fuller embrace by the Smithsonian, including its expertise, its experts, its Ph.D.s, traveling efforts, and again, its encouragement of corporate communities to recognize the value of participating in museums.

The Smithsonian's outreach activities include the Smithsonian Institution traveling exhibition, the Smithsonian Center for Education and Museum Studies, National Science Resources Center, the Smithsonian Institution Press, the Office of Fellowships, and the Smithsonian Associates.

Who are we if we do not value preserving those items that tell the varied and diverse history of America, the good history of America, the history that is unifying and purposeful in citing us as a country that recognizes our wonderful diversity?

So I ask my colleagues to support this amendment that deals specifically with allowing the outreach to the kinds of museums that really need the help of the Smithsonian.

The Smithsonian, in concluding, Mr. Chairman, is very important to urban areas and rural areas alike, and its ability or its affiliation is to build a strong national network of museums and educational organizations in order to establish active and engaging relationships with communities throughout the country.

Again, allow me to salute, in particular, John Guess, with the Museum of African American Culture in Houston. He has literally put that museum together, along with his board members.

The Smithsonian—I hope they are hearing me as I am talking on the floor of the House—we need your help in Houston, Texas. We probably need your help in Washington State, in California, Minnesota, New York, and beyond to preserve and help these small museums throughout the Nation.

I ask my colleagues to support not only this amendment, but the museums of this Nation.

And I say to Mr. CALVERT, we had discussed this before. This amendment now is a placeholder, hopefully, for our discussion going forward dealing with the preservation of our museums.

Let me thank Mr. CALVERT, Mr. SIMPSON, and Ms. MCCOLLUM.

I yield back the balance of my time.

Mr. Chair, thank you for this opportunity to speak in support of my amendment to H.R. 2822, the ''Interior and Environment Appropriations Act of 2016.''

Let me also thank Chairman CALVERT and Ranking Member MCCOLLUM for their leadership in shepherding this bill to the floor.

Among other agencies, this legislation funds the Smithsonian Institution, which operates our national museums, including the Air and Space Museum; the Museum of African Art; the Museum of the American Indian; and the National Portrait Gallery.

The Smithsonian also operates another national treasure: the National Zoo.

Mr. Chair, my amendment is simple but it sends a very important message from the Congress of the United States.

The Jackson Lee Amendment simply provides that:

''Sec. ____. None of the funds made available in this Act may be used to limit outreach programs administered by the Smithsonian Institution.''

This amendment is identical to an amendment I offered to the Interior and Environment Appropriations Act for FY2008 (H.R. 2643) that was approved by voice vote on June 26, 2007.

Mr. Chair, the Smithsonian's outreach programs bring Smithsonian scholars in art, history and science out of ''the nation's attic'' and into their own backyard.

Each year, millions of Americans visit the Smithsonian in Washington, D.C.

But in order to fulfill the Smithsonian's mission, ''the increase and diffusion of knowledge,'' the Smithsonian seeks to serve an even greater audience by bringing the Smithsonian to enclaves of communities who otherwise would be deprived of the vast amount of cultural history offered by the Smithsonian.

The Smithsonian's outreach programs serve millions of Americans, thousands of communities, and hundreds of institutions in all 50 states, through loans of objects, traveling exhibitions, and sharing of educational resources via publications, lectures and presentations, training programs, and websites.

Smithsonian outreach programs work in close cooperation with Smithsonian museums and research centers, as well as with 144 affiliate institutions and others across the nation.

The Smithsonian's outreach activities support community-based cultural and educational organizations around the country.

They ensure a vital, recurring, and high-impact Smithsonian presence in all 50 states through the provision of traveling exhibitions and a network of affiliations.

Smithsonian outreach programs increase connections between the Institution and targeted audiences (African American, Asian American, Latino, Native American, and new American) and provide kindergarten through college-age museum education and outreach opportunities.

These outreach programs enhance K–12 science education programs, facilitate the Smithsonian's scholarly interactions with students and scholars at universities, museums, and other research institutions; and disseminate results related to the research and collections strengths of the Institution.

The programs that provide the critical mass of Smithsonian outreach activity are:

1. the Smithsonian Institution Traveling Exhibition Services (SITES);
2. the Smithsonian Affiliations, the Smithsonian Center for Education and Museum Studies (SCEMS);
3. National Science Resources Center (NSRC);
4. the Smithsonian Institution Press (SIP);
5. the Office of Fellowships (OF); and
6. the Smithsonian Associates (TSA), which receives no federal funding.

To achieve the goal of increasing pubic engagement, SITES directs some of its federal resources to develop Smithsonian Across America: A Celebration of National Pride.

This ''mobile museum,'' which will feature Smithsonian artifacts from the most iconic (presidential portraits, historical American flags, Civil War records, astronaut uniforms, etc.) to the simplest items of everday life (family quilts, prairie schoolhouse furnishings, historical lunch boxes, multilingual store front and street signs, etc.), has been a long-standing organizational priority of the Smithsonian.

SITES ''mobile museum'' is the only traveling exhibit format able to guarantee audience growth and expanded geographic distribution during sustained periods of economic retrenchment, but also because it is imperative for the many exhibitors nationwide who are struggling financially yet eager to participate in Smithsonian outreach.

For communities still struggling to fully recover from the economic downturn, the ability of museums to present temporary exhibitions, the ''mobile museum'' promises to answer an ever-growing demand for Smithsonian shows in the field.

A single, conventional SITES exhibit can reach a maximum of 12 locations over a two- to three-year period.

In contrast, a ''mobile museum'' exhibit can visit up to three venues per week in the course of only one year, at no cost to the host institution or community.

The net result is an increase by 150 in the number of outreach locations to which SITES shows can travel annually.

And in addition to its flexibility in making short-term stops in cities and towns from coast-to-coast, a ''mobile museum'' has the advantage of being able to frequent the very locations where people live, work, and take part in leisure time activities.

By establishing an exhibit presence in settings like these, SITES will not only increase its annual visitor participation by 1 million, but also advance a key Smithsonian performance objective: to develop exhibit approaches that address diverse audiences, including population groups not always affiliated with mainstream cultural institutions.

SITES also will be the public exhibitions' face of the Smithsonian's National Museum of African American History and Culture, as that new Museum comes online.

Providing national access to projects that will introduce the American public to the Museum's mission, SITES in FY 2008 will tour such stirring exhibitions as NASA ART: 50 Years of Exploration; 381 Days: The Montgomery Bus Boycott Story; Beyond: Visions of Planetary Landscapes; The Way We Worked: Photographs from the National Archives; and More Than Words: Illustrated Letters from the Smithsonian's Archives of American Art.

To meet the growing demand among smaller community and ethnic museums for an exhibition celebrating the Latino experience, SITES provided a scaled-down version of the National Museum of American History's 4,000-square-foot exhibition about legendary entertainer Celia Cruz.

Two 1,500-square-foot exhibitions, one about Crow Indian history and the other on basket traditions, will give Smithsonian visitors beyond Washington a taste of the Institution's critically acclaimed National Museum of the American Indian.

Two more exhibits, ''In Plane View'' and ''Earth from Space,'' provided visitors an opportunity to experience the Smithsonian's recently opened, expansive National Air and Space Museum Udvar-Hazy Center.

For almost 30 years, The Smithsonian Associates—the highly regarded educational arm of the Smithsonian Institution—has arranged Scholars in the Schools programs.

Through this tremendously successful and well-received educational outreach program, the Smithsonian shares its staff—hundreds of experts in art, history and science—with the national community at a local level.

The mission of Smithsonian Affiliations is to build a strong national network of museums and educational organizations in order to establish active and engaging relationships with communities throughout the country.

There are currently 138 affiliates located in the United States, Puerto Rico, and Panama.

By working with museums of diverse subject areas and scholarly disciplines, both emerging and well-established, Smithsonian Affiliations is building partnerships through which audiences and visitors everywhere will be able to share in the great wealth of the Smithsonian while building capacity and expertise in local communities.

The National Science Resources Center (NSRC) strives to increase the number of ethnically diverse students participating in effective science programs based on NSRC products and services.

The Center develops and implements a national outreach strategy that will increase the number of school districts (currently more than 800) that are implementing NSRC K–8 programs.

The NSRC is striving to further enhance its program activity with a newly developed scientific outreach program introducing communities and school districts to science through literacy initiatives.

In addition, through the building of the multicultural Alliance Initiative, the Smithsonian's outreach programs seek to develop new approaches to enable the public to gain access to Smithsonian collections, research, education, and public programs that reflect the diversity of the American people, including underserved audiences of ethnic populations and persons with disabilities.

For all these reasons, Mr. Chair, I urge adoption of my amendment and thank Chairman CALVERT and Ranking Member MCCOLLUM for their courtesies, consideration, and very fine work in putting together this excellent legislation.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ROTHFUS

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill, before the short title, insert the following:

SEC. ____. None of the funds made available by this Act may be used by the Director of the National Park Service to implement, administer, or enforce Policy Memorandum 11–03 or to approve a request by a park superintendent to eliminate the sale in National Parks of water in disposable plastic bottles.

The Acting CHAIR. Pursuant to House Resolution 333, the gentleman from Pennsylvania and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

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

This summer, thousands of Americans will load the kids into the car and set out on a trip to visit one of our country's historic national parks.

Whether it is to see the stunning valleys of the Grand Canyon or the towering stone faces etched into Mt. Rushmore, tens of millions of families arrive at national park destinations each year.

As some may know, the National Park Service has implemented a policy allowing parks to ban the sale of bottled water, and only bottled water, at park concessions. I understand that the Park Service is concerned about waste left behind by visitors. We all agree that protecting our national parks is a laudable goal. However, banning the sale of bottled water is not the best way to go about it.

In blocking the sale of bottled water at our parks, we are depriving millions of Americans access to a healthy and necessary beverage that park visitors rely on. This is especially true in the hot summer months.

Families who don't own expensive camping equipment and aren't experienced hikers and climbers will be surprised to find out that they can't buy their child a bottle of water at one of our national parks. Nineteen national parks have adopted or plan to adopt a bottled water ban. This includes the Grand Canyon National Park. Temperatures at the Grand Canyon just this week will top 100 degrees. Visitors who may have forgotten or have run out of water could be put at risk of dehydration.

Banning bottled water defies common sense. Even the Park Service admits that the ban ''could affect visitor safety'' and ''eliminates the healthiest choice for bottled drinks, leaving sugary drinks as a primary alternative.''

The policy runs counter to the Park Service's own Healthy Parks Healthy People initiative, which urges visitors to make healthy food choices because, remember, bottled water, and only bottled water, is banned from being sold at concessions.

Some argue that the ban is necessary to reduce waste. But the National Park Service has confirmed that participating parks haven't been able to determine if the policy works. To start, we know parks don't separately analyze recycled waste visitors leave behind. Parks simply can't say whether the ban has worked.

It is also worth noting that studies conducted on similar water bans show that they aren't effective in reducing waste. A study in the American Journal of Public Health found the bottled water bans on college campuses had unintended consequences. Eliminating bottled water did not, in fact, reduce waste, but actually led to a spike in sales and increased shipments of packaged beverages.

Mr. Chairman, we all support efforts to protect our parks. All we ask today is that the National Park Service carefully consider its policies.

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, I would like to work with the gentleman on this issue because I think he raises some concerns which do need to be addressed.

I would just kind of like to set the picture about what is currently going on right now. There are 407 units in the National Park system, and only 19 of them—19 of them—have elected to eliminate the sale of water in disposable plastic bottles.

It is important to note that in the National Park system units, including these 19, visitors are still free to bring water in with them and use water in disposable plastic bottles. They are not banned from bringing in their own water.

The use of these disposable water bottles has had a significant environmental impact on the National Park system units. That is why I would like to work with the gentleman and figure out what we need to do about waste reduction in our parks and if this was part of the Park's overall system on it, and the sugary drinks that the gentleman referred to, if those bottles are also a potential problem, or how do we educate and work with families and hikers and vacationers and visitors to our national parks about not leaving this waste out in the open.

Another example, in Grand Canyon Park, disposable bottles compromise nearly 20 percent of the Grand Canyon's waste stream and 30 percent of the park's recyclables.

So before eliminating bottle water sales, the National Park system units were required to undertake an extensive review process considering 14 different factors before seeking approval from the regional director. This extensive review process included rigorous impact analysis, including assessment of the effects on visitors' health and safety.

Once approved, these park units are required to maintain an extensive public education program that provides readily available designed water bottle refilling stations. And in many places that I visited recently, I have seen both the ability to purchase as well as refill, at our national parks, water bottles.

So as a leader in conservation, the National Park Service encourages recycling in the reduction of plastic disposable water bottles. My concern would be we wouldn't want your amendment—and I will speak for myself. I don't want to be part of undercutting any of those efforts to encourage recycling in the reduction of disposable water bottles.

I would also be concerned that the park system eliminated water sales without having a viable alternative, as the gentleman pointed out, but that does not appear to be the case here. As I noted earlier, there is an extensive review process, and these park units are required to offer readily available free water refilling stations. Plus, people are still free to bring in water themselves.

I would very much like to work with the gentleman and the chairman to see if there are any refinements or if there is anything that we need to know more about what the National Park system's policy on plastic water bottles is. But I do not support an outright prohibition on the National Park Service to be able to carry out a policy that encourages the reuse and the reduction of plastic water bottles in our parks and in our Nation.

I reserve the balance of my time.

Mr. ROTHFUS. Mr. Chairman, may I inquire how much time is remaining?

The Acting CHAIR. The gentleman from Pennsylvania has 2½ minutes remaining.

Mr. ROTHFUS. Mr. Chairman, at this time, I yield 2 minutes to the gentlewoman from North Carolina (Mrs. ELLMERS).

Mrs. ELLMERS of North Carolina. Mr. Chairman, I rise today in support of my colleague from Pennsylvania's amendment.

As a nurse, I know the key component of staying healthy is being hydrated and drinking plenty of water. However, if you were to be in one of our Nation's parks, you might find this difficult.

Why?

Because the National Park Service allows individual parks to ban bottled water from their premises. Yet, in those same parks, someone can still purchase soda and other bottled beverages.

□ 2230

Mr. Chairman, this ban is misguided. While it was created in an attempt to reduce litter in the parks, it has, instead, served as a primary example of intrusive government overreach—something this country certainly needs less of and something my constituents sent me here to Washington to prevent.

According to the National Park's Sustainable Practices report, parks that have implemented this ban are not actually reporting any useful data on recycling by type. In other words, they don't know if this ban is effectively working or not. Preserving the beauty of our parks is a noble goal and is something we should all care about, but it should not come at the expense of consumer choice.

Mr. Chairman, we should support freedom; we should support the beauty of our parks; and we should support good, healthy lifestyles for every American. However, the current ban in place does none of the above. I urge my colleagues to support this commonsense measure as it stops this ineffective ban.

Ms. MCCOLLUM. Mr. Chairman, to the speakers and to the chairman of the subcommittee, I hear the concerns. If there are concerns to be addressed, I want to be a partner in that, but I also don't want to be part in party of walking back—reducing waste in our streams and not in any way, shape or form, adding to the costs of Park Service rangers and volunteers in their having to go out and clean up plastic bottles, plastic water caps, and other such things.

I am sincere in my efforts in saying I would like very much to work with my colleagues on this issue, but I did not hear anybody saying that they wanted to work back. So, at this point, I will oppose the amendment.

I yield back the balance of my time.

Mr. ROTHFUS. Mr. Chairman, I urge my colleagues to support this amendment for the convenience of consumers and also in light of the fact that studies show that it is not having an impact.

I yield the balance of my time to the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Chairman, I am more than happy to work with my good friend from Minnesota as we move this process forward.

As you know, we talked about this in the budget process with the National Park Service earlier in the year. We, obviously, don't want to discourage people from drinking water. We want them to stay hydrated. There are also people who work in the bottled water industry, and I think it is a noble industry. We want to encourage people to drink more water. It is not just about bottled water. It is about jobs and about the people who bottle that water.

I will work together with the gentlewoman from Minnesota, and we will not deny people water in our national parks. I support this amendment.

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

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

The amendment was agreed to.

AMENDMENT OFFERED BY MS. JACKSON LEE

Ms. JACKSON LEE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of bill, before the short title, add the following new section:

SEC. ____. None of the funds made available by this Act for the ''DEPARTMENT OF INTERIOR—NATIONAL PARK SERVICE—NATIONAL RECREATION AND PRESERVATION'' may be used in contravention of section 320101 of title 54, United States Code.

The Acting CHAIR. Pursuant to House Resolution 333, the gentlewoman from Texas and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE. Mr. Chairman, I rise with my appreciation to the managers of this bill and their staffs; but I also want to thank them for the very civil discussion that occurred earlier by two of my colleagues who offered amendments regarding the exhibition of Civil War artifacts, or the rebel flag, and I thank them for their courtesy in those amendments of those individuals.

I also make a statement on the floor that I look forward to the opportunity given to us by the leadership of this House to have a full discussion on various entities that did not unify but divide, and I think a civil debate on this is warranted in this House as we watched the very moving and very honest debate that took place in South Carolina.

My amendment, however, is one that, I hope, is embracing and is a show of unity about what America stands for,

and that is the National Heritage Area-Corridor designation. I just want to show this map, and I am certainly quite pleased that a number of these National Heritage Areas do exist. There are 49 of them—none in the State of Texas, none but possibly one in Minnesota, maybe one between Arizona and California, but very few in the West, including in the State of Idaho, and I can name a number of other States.

My amendment is to highlight the value of these national trails. This is particularly important because this tells the story of America. 16 U.S. Code 461 provides that: ''It is declared that it is a national policy to preserve for public use historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States.'' Again, I want to emphasize that—the inspiration.

Texas has, starting in Galveston, history referring to the Emancipation Proclamation. We commemorate something called Juneteenth, and out of Juneteenth was the time when Captain Granger came to the shores of Galveston, in Texas, and announced that the slaves had been freed. However, there are a number of other historic sites following the trail from Galveston through Houston to include Emancipation Park, MacGregor Park, and then sites going up through Austin.

We really understand that this idea of historic trails can create an economic impact. For example, in 2012, a nationally respected consulting firm completed a comprehensive economic impact of six national historic sites in the northeast region that also included an extrapolation of the economic benefit of all 49 NHAs. It was $12.9 billion.

The study quantified the economic impact of the individual NHAs and based it upon a case study approach and found that the economic impact of three National Historic Areas in Arizona, Massachusetts, and Pennsylvania showed: in Massachusetts, $153.8 million in economic impact, 1,832 jobs, and generates $14.3 million in tax revenue; in Pennsylvania, $21.2 million in economic impact, 314 jobs, and generates $1.5 million in tax revenue; in the Yuma Crossing National Heritage Area in Arizona, $22.7 million in economic impact, supports 277 jobs, and generates $1.3 million in tax revenue.

This is, Mr. Chairman, an important and very vital part of America's history, and as we approach the anniversary of this legislation that was created in 1966, I think it is important to reinforce the ability for these particular sites. We need to increase the ability for feasibility studies; we need the support of legislative action and designation; and we need to be able to introduce people to the importance of these sites.

Let me make very quick mention of the emancipation part. In 1872, in Houston, four former slaves raised $800. That would be part of it, but I would just simply say that this is a very important part of America's history.

I ask my colleagues to support the creation of a national heritage site across America by supporting the Jackson Lee amendment so that we can expand the 49 sites to other States that do not have one single site, and Texas is one of them.

Mr. Chair, Thank you for this opportunity to speak in support of the Jackson Lee amendment and to commend Chairman CALVERT and Ranking Member MCCOLLUM for their leadership in shepherding this bill to floor.

Among other agencies, this legislation funds the U.S. Forest Service, the National Park System, and the Smithsonian Institution.

Most Americans do not know that this bill also funds a very special program, the National Recreation and Preservation.

Mr. Chair, the Jackson Lee Amendment is simple but it sends a very important message from the Congress of the United States.

The Jackson Lee Amendment provides:

SEC. ____. None of the funds made available by this Act for the "DEPARTMENT 0F THE INTERIOR—NATIONAL PARK SERVICE—NATIONAL RECREATION AND PRESERVATION" may be used in contravention of section 461 of title 16, United States Code.

And 16 U.S. Code 461 provides that:

It is declared that it is a national policy to preserve for public use historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States.

This is important, especially as it relates to National Heritage Areas (NHAs).

NHAs both preserve our national heritage and provide economic benefits to communities and regions through their commitments to heritage conservation and economic development.

Through public-private partnerships, NHA entities support historic preservation, natural resource conservation, recreation, heritage tourism, and educational projects.

Leveraging funds and long-term support for projects, NHA partnerships generate increased economic impact for regions in which they are located.

In 2012, a nationally respected consulting firm (Tripp Umbach) completed a comprehensive economic impact study of six NHA sites in the Northeast Region that also included an extrapolation of the economic benefit of all 49 NHA sites on the national economy.

The annual economic impact was estimated to be 12.9 billion.

The economic activity supports approximately 148,000 jobs and generates $1.2 billion annually in Federal revenues from sources such as employee compensation, proprietor income, indirect business tax, households, and corporation.

The study quantified the economic impacts of individual NHAs based upon a case study approach and found that the economic impact of the three National Historic Areas in Arizona, Massachusetts, and Pennsylvania showed:

1. Essex National Heritage Area (MA) generates $153.8 million in econonic impact, supports 1,832 jobs, and generates $14.3 million in tax revenue.

2. Oil Region National Heritage Area (PA) generates $21.2 million in economic impact, supports 314 jobs, and generates $1.5 million tax revenue; and

3. Yuma Crossing National Heritage Area (AZ) $22.7 million in economic impact, supports 277 jobs, and generates $1.3 million in tax revenue.

Mr. Chair, as I said there are 49 NHA across the nation but, surprisingly, none in my state of Texas.

We hope to rectify this in the not too distant future.

Texas is the largest and second most populous state in the nation and has a unique story in American history with its diverse geographic landscape, natural resources, and population.

From Galveston's port, East Texas' farms and forestry, and the Buffalo Soldiers, Texas has a rich multi-cultured heritage and history.

To honor Texas' heritage, I will be working with my colleagues to establish a National Heritage Area Corridor designation that stretches across historically significant and landmark sites from Galveston to Houston and East Texas into Central Texas.

This cultural corridor would focus on historic, cultural and natural sites, as well as roadways, businesses, residential and farm districts that unite Texas' rich heritage from the first settlers to modern times.

Mr. Chair, as we approach the anniversary of the passage of the 1966 National Historic Preservation Act, we want to preserve and unite the legacy stories of some of our state's most revered sites.

Currently underway in Houston is the revitalization of the historic Emancipation Park, a pivotal site in the state's social and cultural development and African American legacy.

The future Emancipation Park, if brought to fruition and designated as a part of a National Heritage Corridor, represents a unique opportunity to tell a comprehensive story about the great State of Texas.

To conclude, National Heritage Areas (NHAs) are both a good investment and national treasure providing economic benefits to communities and regions through their commitment to heritage conservation and economic development.

For all these reasons, Mr. Chair, I urge adoption of the Jackson Lee Amendment.

I thank Chairman CALVERT and Ranking Member MCCOLLUM for their work in putting together this legislation.

THE CREATION OF A NATIONAL HERITAGE CORRIDOR FOR EMANCIPATION PARK AND SURROUNDING HISTORIC SITES IN TEXAS:

I.) Why a National Heritage Corridor:

1. Opportunity to share the unique story of Emancipation Park

In 1872, four former slaves raised $800.00 to purchase 10 acres of land as a gathering place to celebrate their new found freedom. This land has played a prominent role in America's rich cultural heritage, from slavery, to the false hopes of Emancipation, a safe haven under Jim Crow, a site for mobilization and activism during the Civil Rights movement and will now serve as a local, national and international destination for many years to come for all people for the discussion of modern day race relations and for the celebration and exploration of African American history and culture.

2. Link Related Historical Sites to create the Heritage Corridor

From the Slave Ships landing in Galveston, to slaves traveling into Ft. Bend and Harris County, up the Brazos into Washington County and from East Texas into Central Texas.

3. Provides Opportunities for Access to Federal Funding for the Region

4. Serves as a Catalyst for Economic Development

5. Encourages Tourism in the Region

Emancipation Park can serve as the Welcoming Center and the Conservancy can provide the oversight for the NHC

6. Raises the Profile of the Project for the Capital Campaign

Ms. JACKSON LEE. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. WEBER OF TEXAS

Mr. WEBER of Texas. 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 the bill (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 in contravention of Section 321(a) of the Clean Air Act (42 U.S.C. 7621(a)).

The Acting CHAIR. Pursuant to House Resolution 333, the gentleman from Texas and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. WEBER of Texas. Mr. Chairman, I rise to offer a commonsense amendment to the Interior and EPA Appropriations bill which, I hope, all Members can and will support.

First, I would like to commend Chairman CALVERT for his work on this legislation and for including critical provisions to prevent the EPA from moving forward on crippling new regulations on our economy.

Mr. Chairman, since 2009, our job creators have faced an onslaught of regulations from the EPA even as Congress has consistently reduced the Agency's budget year after year. The EPA has proposed a regulation to lower the national ozone standard, which is largely based on shaky scientific data and could cost our economy billions of dollars a year. The EPA has also proposed new regulations on new and existing power plants that could substantially increase energy prices for hard-working families and small businesses.

The Agency has cited its authority to regulate under the Clean Air Act as the basis for many of these decisions. However, when it comes to evaluating how its regulations impact American jobs, the Agency has failed to follow the law. Section 321(a) of the Clean Air Act clearly states: ''The Administrator shall conduct continuing evaluations of potential loss or shifts of employment.''

Last year, the EPA was sued because of its failure to comply with this provision. Additionally, we heard testimony last month before the Science, Space, and Technology Committee that further reinforced the EPA's failure to evaluate employment impacts as Congress has directed under section 321(a).

It is unacceptable for the EPA Administrators to cherry-pick the law based on their own ideological agenda. That is why I have introduced this amendment, which would ensure that the EPA abides by the law and conducts ongoing evaluations of just how their actions impact jobs in America. I urge the adoption of this amendment.

I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MURPHY OF FLORIDA

Mr. MURPHY of Florida. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

LIMITATION ON USE OF FUNDS TO CARRY OUT SEISMIC AIRGUN TESTING OR SURVEYS OFF COAST OF FLORIDA

SEC. ____. None of the funds made available by this Act may be used to carry out seismic airgun testing or seismic airgun surveys in the Eastern Gulf of Mexico Outer Continental Shelf Planning Area, the Straits of Florida Outer Continental Shelf Planning Area, or the South Atlantic Outer Continental Shelf Planning Area located within the exclusive economic zone (as defined in section 107 of title 46, United States Code) bordering the State of Florida.

Mr. MURPHY of Florida (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read.

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

There was no objection.

The Acting CHAIR. Pursuant to House Resolution 333, the gentleman from Florida and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MURPHY of Florida. Mr. Chairman, I rise to offer the Murphy, Castor, Jolly, Posey, Clawson, Graham, DeSantis, Ros-Lehtinen, Grayson, Buchanan, Hastings, Wilson amendment to block the use of seismic airgun testing off of Florida's coast.

As you can see from the list of cosponsors, offshore drilling is not a partisan issue in our State but an economic issue. Florida is a unique place that depends on healthy beaches, clean waters, and a safeguarded environment. The seismic testing that the administration has proposed puts all of these things at risk.

First, seismic airgun testing can be harmful to undersea mammals like endangered whale species and dolphins, disrupting their ability to communicate and navigate. It can also have negative effects on sea turtles, such as the loggerhead sea turtle, that have key nesting grounds along the Treasure Coast and Palm Beaches in the district that I am so proud to represent. This testing practice can also disrupt fish migratory patterns that could have significant impacts on fishermen in Florida.

□ 2245

Second, seismic airgun testing is the first step in the wrong direction to opening our pristine shores to offshore drilling and to the threat of devastating oil spills. Florida has more coastline than any other continental State in the United States, and our economy depends on healthy beaches.

I was proud when former Governor Jeb Bush and Florida's congressional delegation actually came together and fought to block drilling off Florida's coast, and now I am proud to join my many Florida colleagues to block this administration from putting special interests over the economic and environmental needs of our State.

Whatever your party, Floridians protect their environmental treasures at all costs. As residents on the Gulf Coast are too well aware—and as I have seen firsthand myself—oil spills can devastate our environment and our economy up and down the coast. Twenty cities throughout Florida have passed resolutions proactively banning seismic testing because they know it is a rotten deal for our State.

I urge my colleagues to support this amendment.

I reserve the balance of my time.

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

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

Mr. CALVERT. Mr. Chairman, this administration has already developed the most restrictive policies for the use of seismic airguns for offshore exploration to date. We do not need to place a moratorium on the use.

Further, the Eastern Gulf of Mexico Planning Area is more than 125 miles off the Florida coast, and the South Atlantic Planning Area also affects Georgia and South Carolina. So the amendment affects many other States other than his own. Also, the Department of the Interior has already classified the Straits of Florida as a low resource potential or low support for potential new listing. As such, I urge my colleagues to vote ''no.''

I reserve the balance of my time.

Mr. MURPHY of Florida. Mr. Chairman, I certainly do appreciate the chairman's hard work on this bill, and many Members of Congress who are supporting this in a bipartisan manner. In Florida, it is pretty clear to see, based on the cosponsors of this bill, that this isn't a partisan issue.

I would like to remind the chairman that regardless of how far offshore this is, what really matters is the infrastructure onshore. You could talk about these sites, it doesn't matter how far offshore. The fact is, you are going to have to have infrastructure there onshore that really starts to impede with our economy, whether that is the beaches, whether that is the

tourism, whether that is the fishing industry. So there is a lot more to it. But I do respect the chairman's hard work on this bill.

I yield back the balance of my time.

Mr. CALVERT. Mr. Chair, I urge opposition to the amendment.

I yield back the balance of my time.

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

The amendment was rejected.

AMENDMENT OFFERED BY MRS. NOEM

Mrs. NOEM. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

LIMITATION ON USE OF FUNDS TO CLOSE OR MOVE FISHERIES ARCHIVES

SEC. 441. None of the funds made available by this Act may be used to close or move the D.C. Booth Historic National Fish Hatchery and Archives.

The Acting CHAIR. Pursuant to House Resolution 333, the gentlewoman from South Dakota and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from South Dakota.

Mrs. NOEM. Mr. Chairman, today I rise to offer an amendment to prevent the Fish and Wildlife Service from closing fish hatcheries across the United States. I want to thank the chairman and his staff for all their dedication and for preventing the closure of these hatcheries in the underlying bill. My amendment only clarifies their language to ensure that it prevents closure of hatcheries and archives, which operate a little bit differently within the hatchery system.

For example, the D.C. Booth Historic National Fish Hatchery and Archives has been a cornerstone of the community in Spearfish, South Dakota, with over 150,000 visitors annually. It was originally established in 1896 to introduce and maintain trout in the Black Hills of South Dakota, but it is much more than a fish hatchery. It is home to an 1800's era museum, a 1910 railroad car, priceless artifacts, and educational opportunities for children. Moving these items would cost taxpayers, which doesn't make any sense, given the tens of thousands of volunteer hours and private funds that are leveraged to run this hatchery.

I want to thank the chairman for working with me to preserve these hatcheries and archives that are certainly of cultural significance. I urge my colleagues to support this amendment to prevent their closure.

I yield to the chairman.

Mr. CALVERT. I thank the gentlewoman for yielding to me.

Mr. Chairman, I rise in support of the gentlewoman's amendment. This amendment is consistent with policy agreed to last year in the conference on a bipartisan basis. Fishing is a national pastime, to which the national fish hatchery plays an important role.

Therefore, I support the gentlewoman's amendment, and I urge an ''aye'' vote.

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

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from South Dakota (Mrs. NOEM).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ROUZER

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to implement, administer, or enforce the rule entitled ''Standards of Performance for New Residential Wood Heaters, New Residential Hydronic Heaters and Forced-Air Furnaces'' published by the Environmental Protection Agency in the Federal Register on March 16, 2015 (80 Fed. Reg. 13671 et seq.).

The Acting CHAIR. Pursuant to House Resolution 333, the gentleman from North Carolina and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. ROUZER. Mr. Chairman, in early March 2015, the Environmental Protection Agency published the final rule establishing excessive new standards for wood heaters. This onerous rule is a classic example of bureaucratic overreach that has become all too common at the EPA. Manufacturers in my district, as well as consumers, are very concerned about the negative impacts of these new standards.

According to press reports, 10 percent of U.S. households still choose to burn wood to keep energy costs as low as possible. The number of households that rely on wood as their primary heating source rose by nearly one-third from the year 2005 to 2012.

This new rule is of particular concern for rural residents all across this country. Because of this new rule, the cost of manufacturing wood heaters would increase substantially, making them unaffordable for many.

It is no secret that costs from additional regulations are always passed down to the consumers. Several States, in fact, have expressed their concern on this matter. Wisconsin, Missouri, Michigan, Virginia, and my home State of North Carolina have all introduced or passed legislation that prohibits their respective environmental agencies from enforcing this burdensome, unnecessary regulation.

In defense of all the fine Americans who want to purchase wood heaters, my amendment to the Department of the Interior, Environment, and Related Agencies Appropriations Act prohibits any funds from being used to implement, administer, or enforce these new, unnecessary, and costly standards. Simply put, the Federal Government has no business telling private citizens how they should heat their homes or their businesses. After all, this is America. If an individual or family wants to heat their home or business using a wood stove or furnace, they should be able to do so without paying through the nose.

Mr. Chairman, I would like to thank Congressmen WALTER JONES, MARKWAYNE MULLIN, ROD BLUM, MARK MEADOWS, MIKE BISHOP, SEAN DUFFY, and THOMAS MASSIE for their support on this amendment.

I yield 1½ minutes to the gentleman from Kentucky (Mr. MASSIE), my colleague and friend.

Mr. MASSIE. Mr. Chairman, I thank the gentleman from North Carolina for his leadership on this issue and for yielding the time to me.

First, the administration went after coal. Now it is coming after wood heat. In March, the EPA finalized a new rule to regulate the type of wood burning stoves and boilers that you can buy, forcing millions of middle class Americans to pay more to heat their homes.

That is why I am cosponsoring this legislation, to stop the administration from enforcing new prohibitions on a renewable, abundant, and, dare I say, carbon-neutral method of heating our homes that has been with us for centuries. If it passes, our amendment to the EPA funding bill will prohibit the Federal Government from using taxpayer money to enforce crippling regulations on wood burning heating appliances.

As the price of electricity skyrockets due to the President's promise to bankrupt the coal industry, wood heat is a viable alternative for millions of Americans. Unfortunately, it seems like this administration would rather see people turn to the government for public assistance with their heating bills than to allow them an affordable means of self-sufficiency.

Mr. Chairman, this is a State issue. The Federal Government should not be regulating wood burning appliances. I urge my colleagues to support this amendment.

Mr. ROUZER. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CALVERT), the chairman of the subcommittee.

Mr. CALVERT. Mr. Chairman, I just rise in support of the amendment. I know the State of North Carolina opposed the rule and passed the legislation a few months ago to block these EPA regulations. I suspect it is not the only State that may have these concerns. Let's let the market drive manufacturers toward producing lower emission wood heaters.

I support the gentleman's amendment and urge an ''aye'' vote. I hope that everybody who supports this amendment would also vote for the bill for final passage.

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

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

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

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

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

AMENDMENT OFFERED BY MR. HUDSON

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

LIMITATION ON USE OF FUNDS TO REMOVE OIL AND GAS LEASE SALE 260 FROM LEASING PROGRAM

SEC. ____. None of the funds made available by this Act may be used to remove oil and gas lease sale 260 from the Draft Proposed Outer Continental Shelf (OCS) Oil and Gas Leasing Program for 2017-2022.

The Acting CHAIR. Pursuant to House Resolution 333, the gentleman from North Carolina and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. HUDSON. Mr. Chairman, I rise tonight to offer an amendment that prohibits the administration from blocking the proposed Atlantic lease sale from the Department of the Interior's draft proposed plan for offshore oil and gas development.

As cochairman of the Atlantic Offshore Energy Caucus, I have been fighting to advance an all-of-the-above energy strategy that gets North Carolina into the energy business.

□ 2300

I was pleased when the administration recently heeded calls from Members of Congress—as well as our fine Governor, Pat McCrory, and other State leaders—when they announced a proposal to open up the Atlantic to offshore natural gas and oil exploration.

I welcome the proposal as one of the many steps that must be taken to unlock our natural resources, create jobs, and boost our economy.

The problem is we now face bureaucratic hoops and an uphill rulemaking process that could take the Atlantic lease sale completely off the table. In fact, Secretary Sally Jewell testified recently that she could not guarantee the Atlantic lease would stay in the plan once it is finalized.

For years, there has been bipartisan support for an offshore lease sale off the Atlantic Coast. One was even scheduled off the coast of Virginia, but later blocked by this administration.

North Carolina has incredible potential for energy jobs, and I won't let this opportunity slip through our fingers.

Mr. Chairman, my amendment is critical to provide certainty to North Carolina and unleash jobs and lower energy prices. Our economy is sputtering along, and too many folks back home are struggling to find jobs. Opening up the Atlantic to oil has the potential to support more than 55,000 jobs in our State and contribute nearly $3 billion in new revenue.

For that reason, I urge my colleagues to support this amendment.

I yield to the gentleman from California (Mr. CALVERT), the chairman.

Mr. CALVERT. I am not going to oppose the amendment. I certainly appreciate what the gentleman is trying to accomplish and generally agree that this administration has placed way too many restrictions on drilling, both onshore and offshore.

These restrictions have delayed the permitting process and slowed economic growth in your State and many other States around the Union. Various groups have used that to their advantage.

I agree that more certainty is needed in the leasing and permitting process. What I am afraid of is this might lead to a precedent for preempting the Department of the Interior's decisionmaking under any President, and may lead to other amendments and kind of opening Pandora's box, and Members doing specific amendments that are off their particular States.

Saying that, as we move this process forward, I am not going to oppose the amendment, but I just have some concerns we can talk about as we move this process along.

We both want the same outcome. I just want to make sure that we make sure this works in an orderly fashion.

Mr. HUDSON. I thank the chairman for his comments, and I appreciate his leadership on this issue.

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

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

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

Ms. PINGREE. This amendment would mandate that the Bureau of Ocean Energy Management include the South and mid-Atlantic area of the Outer Continental Shelf, otherwise known as sale 260 in the 2017–2022 lease sale schedule.

The amendment would undermine the Bureau's fundamental mission to manage the development of offshore resources in an environmentally and economically responsible manner.

The Atlantic Outer Continental Shelf is a frontier area, and the decision to include sale 260 in the 2017–2022 5-year leasing schedule should be informed by sound science, using the best available data.

The Bureau is required by law to consider the environmental impacts of leasing decisions, and this includes a comprehensive programmatic environmental impact statement, which has not yet been completed for the Atlantic Outer Continental Shelf.

In fact, the most current geological and geophysical data on the oil and gas resources in this area was collected in the 1970s and 1980s. That is really ancient by today's scientific standards.

Without the collection and analysis of new information, input from State Governors and other Federal agencies, and consideration of critical economic analyses, the decision to include sale 260 in the 2017–2022 program is premature and runs counter to the thoughtful and deliberative process established by Congress through the Outer Continental Shelf Lands Act.

This amendment would violate multiple environmental statutes, including NEPA, the Marine Mammal Protection Act, the Endangered Species Act, and the Coastal Zone Management Act.

The amendment undermines environmental protection required by law. Therefore, I oppose the amendment.

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

Mr. HUDSON. Mr. Chairman, I appreciate my colleague's comments on the subject.

The reason we need this step is to guarantee that the folks in North Carolina get a shot at these jobs. We are talking about 55,000 jobs and potentially as much as $3 billion in economic development in our State.

Frankly, it has been frustrating how hard it has been to get this process moved forward. If you look at the proposed lease sale, the sale is allowed in the fourth year of the 5-year period. Only one sale is even allowed. An artificial buffer of 50 miles was inserted into the sale.

We are getting one sale late in the 5-year period, with a 50-mile buffer, when the old seismic shows that most of that oil and gas is around 25 miles out.

The ''yes'' that we got from the administration and the fact this process is even moving forward is good news for North Carolina and the other States on the Atlantic Coast; but it is certainly not, in my opinion, an appropriate response to the potential we have got there.

I agree with the gentlewoman when she said the seismic is old; the seismic was done in the late seventies, but this administration has called for new seismic mapping. I am looking forward to that because, again, we want to use good science.

We have given one opportunity pretty far out in the fourth year of a 5-year period, and I am afraid we are going to lose that because, if you look at the history under this administration, there was a lease sale proposed in Virginia and that was taken away.

I think, to guarantee that we get at least some shot at unlocking this potential off the coast of getting the American sources of energy into the pipeline, getting North Carolinians to work in these energy jobs, I think it is important we have this amendment. I would urge my colleagues to support this.

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

Ms. PINGREE. Mr. Chair, I certainly appreciate the gentleman from North Carolina and his concerns about jobs for his home State, but as a Member of

Congress who also represents the coastal State of Maine, I know the deep concerns that people have about the potential dangers of offshore oil drilling and the possible dangers to the fisheries, marine mammals, and a whole variety of other things. The reason we have this process is it is critically important to our State.

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

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

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

Ms. PINGREE. 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 North Carolina will be postponed.

AMENDMENT OFFERED BY MR. HUDSON

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (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 issue, implement, administer, or enforce any regulation of particulate matter emissions from residential barbecues.

The Acting CHAIR. Pursuant to House Resolution 333, the gentleman from North Carolina and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. HUDSON. Mr. Chairman, I rise tonight to offer an amendment that would prohibit the EPA from regulating particulate matter emissions from residential barbecues.

As you may recall, last August, the EPA issued a grant to ''perform research and develop preventative technology that will reduce fine particulate emissions from residential barbecues.''

The EPA gets a lot of things wrong, especially with this preposterous study. For one thing, ''barbecue'' is a term us southerners use to talk about the best pork in North Carolina or a community pig picking.

What they are proposing is reducing emissions from residential propane grills, which means they want to stop you and me from grilling outside on our own property. By the way, propane is one of the most clean and efficient sources of energy out there.

Regulations that waste our time, money, and resources are bad as it is, but they are trying to go as far as restricting our personal freedom.

Mr. Chairman, this grant was met with staunch opposition from conservatives and other outdoor enthusiasts like myself. If this isn't part of EPA's larger goal of regulating grill emissions, then it begs the question why they are wasting our hard-earned tax dollars on this mind-boggling study in the first place.

We have seen overreaches by the EPA time and time again, from their flawed waters of the USA regulation to their disastrous clean power plan that is cap-and-trade by fiat to their new ground level ozone regulations that would have a catastrophic impact on manufacturing in this country; but now, they are studying limiting emissions from residential grills. Enough is enough.

Mr. Chairman, it is summer, and it is grilling season. I urge my colleagues to support this amendment.

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

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

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

Ms. PINGREE. Mr. Chairman, I appreciate the concerns of the Member from North Carolina, and I will give him credit. They have better barbecue than my home State. We have got you beat on lobsters, but that is how it goes.

I want to say I think this argument is somewhat cynical and a little too suspicious of our government; perhaps Republicans have gotten too far down this road.

My understanding is this summer, a conservative media outlet ran a sensationalized story about EPA's regulatory overreach. The story claimed that EPA has its eyes on pollution from backyard barbecues. The problem with the story and this amendment is that it is based on a false premise and a mischaracterization of important work.

EPA operates a successful and innovative grant program that encourages students around the Nation to design solutions for a sustainable future. It is called People, Prosperity, and the Planet Student Design Competition for Sustainability. Its purpose is to foster innovation, not to create regulations.

The EPA awarded one of these design grants to a group of University of California students working to design a system to make barbecues burn cleaner and be better for the environment. The students received $15,000 from the EPA for the idea. In addition, the university has said the idea has potential for global application.

Mr. Chair, in many developing nations, women hunch over traditional cook stoves for hours a day, breathing in toxic smoke. Exposure to this household air pollution is responsible for low birth weights, childhood pneumonia, and more than 4 million premature deaths each year.

The availability of cleaner cooking technologies could literally be lifesaving for many of these women and children. Instead of attacking the EPA for these innovative grants, we should be applauding them.

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

Mr. HUDSON. Mr. Chairman, I thank the gentlewoman for her kind comments about North Carolina barbecue. I do admit the lobster rolls in Maine are pretty good. Maybe we can work out some kind of exchange.

The gentlewoman is right. I am guilty as charged. I am cynical and suspicious of the Federal Government, particularly the EPA, when you look at the some of the things they are spending our tax dollars on and some of the rules they are proposing.

Let's get serious. We are talking about a $15 million grant to study the emissions of a propane grill in your backyard.

Now, we all are concerned about toxic smoke in homes and living conditions of individuals—the example that was mentioned—but we are talking about a propane gas grill in your backyard. The EPA has no business regulating that. They have spent $15 million of our tax money to form a study, which is the first step in a rulemaking process.

I think this Chamber needs to say loud and clear to the EPA: focus on the job that the gentlewoman described, focus on the real issues and the mission of the EPA, and keep your hands off our grills in our backyards.

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

Ms. PINGREE. Mr. Chair, I am happy to have an exchange—North Carolina barbecue, Maine lobster. It is probably a pretty fair exchange.

I just want to clarify. It is $15,000, not $15 million that the EPA spent working on this innovation.

I understand your concerns, and I appreciate the points that you brought up.

Mr. Chairman, I continue to oppose 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 North Carolina (Mr. HUDSON).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FITZPATRICK

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

FOREST LEGACY PROGRAM

SEC. ____. For ''Department of Agriculture—Forest Service—State and Private Forestry'' for the Forest Legacy program, as authorized by section 1217 of Title XII of the Food, Agriculture, Conservation and Trade Act of 1990 (16 U.S.C. 2103c), there is hereby appropriated, and the amount otherwise provided for ''Department of the Interior—Bureau of Land Management—Management of Lands and Resources'' is reduced by, $5,985,000.

The Acting CHAIR. Pursuant to House Resolution 333, the gentleman from Pennsylvania and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

□ 2315

Mr. FITZPATRICK. Mr. Chairman, I intend to offer and then withdraw this amendment which will make it easier for land preservation efforts, including under the Federal Forest Legacy Program.

During my time as a local official in Pennsylvania as a Bucks County commissioner, I was proud to lead local efforts to preserve the beauty of the countryside and the Bucks County landscape, while advancing smarter development initiatives to reclaim brownfields through commonsense conservation efforts.

Along with a task force for that purpose, our community was able to expend approximately $100 million for the preservation of farmland, parkland, and critical natural areas, close to about 15,000 acres in our one county preserved.

Now, as a strong advocate for land preservation in Congress, I continue to be a supporter of vital conservation programs, including the United States Forest Service's Forest Legacy Program.

My amendment today would reallocate $5.9 million from the Bureau of Land Management, Management of Lands and Resources, to the Forest Legacy Program for the purpose of fully funding two additional preservation projects.

The Forest Legacy Program is a Federal program that supports and encourages State and private efforts to protect environmentally sensitive forestlands. The program helps the States develop and carry out their forest conservation plans, while encouraging and supporting acquisition of conservation easements without removing the property from private ownership.

Most conservation easements restrict development, require sustainable forestry practices, and protect other values.

The additional funding my amendment provides will allow for the protection of 4,000 acres of Pennsylvania forests in the Northeast Connection.

Mr. Chairman, the Northeast Connection is a collaboration between the Pennsylvania Department of Conservation and Natural Resources and three groups of over 150 families to conserve more than 4,000 contiguous forest acres which serve as a natural bridge between the 84,000-acre Delaware State Forest, which is managed by the Commonwealth of Pennsylvania, and the 77,000-acre Delaware Water Gap National Recreation Area, managed by the National Park Service.

I believe this project is a crucial objective to preserving Pennsylvania's and our Nation's natural resources and beauty.

Again, I want to thank the chairman for his hard work on the underlying bill. I look forward to working with the chairman on robust funding for this program.

Mr. CALVERT. Will the gentleman yield?

Mr. FITZPATRICK. I yield to the gentleman from California.

Mr. CALVERT. I certainly appreciate the gentleman yielding me time, and I appreciate the gentleman's willingness to work with us.

We support the Forest Legacy Program, and I pledge to you we will continue to work with you and other supporters of the program as we move this process along.

Mr. FITZPATRICK. I thank the chairman for his desire to provide additional resources, if possible, to the Forest Legacy Program. It is a great program for our Nation, well utilized by States and local communities and private landowners. I look forward to working with the chairman.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

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

There was no objection.

AMENDMENT OFFERED BY MR. THOMPSON OF PENNSYLVANIA

Mr. THOMPSON of Pennsylvania. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

LIMITATION ON USE OF FUNDS TO TREAT NORTHERN LONG-EARED BAT AS ENDANGERED SPECIES

SEC. ____. None of the funds made available by this Act may be used by the United States Fish and Wildlife Service or any other agency of the Department of the Interior to treat the northern long-eared bat as an endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

The Acting CHAIR. Pursuant to House Resolution 333, the gentleman from Pennsylvania and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. THOMPSON of Pennsylvania. Mr. Chairman, the U.S. Fish and Wildlife Service has released a final 4(d) rule listing the northern long-eared bat as ''threatened'' under the Endangered Species Act.

While certain colonies of the species of bat have seen dramatic population losses in recent years, Fish and Wildlife has repeatedly asserted that the underlying fundamental cause is a fungal disease known as the white-nose syndrome.

White-nose syndrome does not directly kill or harm these bats. Rather, it wakes them out of hibernation, resulting in the bats burning through stored fat and leaving their hibernacula in search of food when none is often found or available.

I am pleased that the underlying legislation contains funding for white-nose syndrome research. Bats play a critical role in the ecosystem, and more needs to be done in order to restore colonies devastated by white-nose.

However, as we allow for necessary habitat conservation, we must also ensure that activities occurring in the bats' range are not unreasonably or unnecessarily impacted as a result of the Endangered Species Act listing.

Specifically, such a listing could have great impacts on forest management, forest products, agriculture, energy production, mining, and commercial development. Because this species of bat is found in 38 States and Washington, D.C., a listing under the Endangered Species Act would have significant impacts through this enormous geographical range.

My amendment is simple. It merely prohibits the Department of the Interior, for a period of 1 year, from considering any new rules beyond the final 4(d) rule or any action to treat the northern long-eared bat as endangered, which is the most restrictive form of ESA listing.

The intention is to ensure reasonable land use within the bats' range while Fish and Wildlife continues to research and work with the States on finding treatments for white-nose syndrome.

I urge my colleagues to vote ''yes'' on this amendment, and I reserve the balance of my time.

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

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

Ms. MCCOLLUM. Mr. Chairman, this amendment would prohibit the Fish and Wildlife Service from treating the northern long-eared bat as endangered under the Endangered Species Act.

Fish and Wildlife Service listed the northern long-eared bat as threatened—threatened—with an interim rule in April of this year. Since the bat was listed as threatened and not endangered, this amendment would have no effect on the Service's implementation of the rule.

Even though the amendment has no practical effect, I strongly oppose its intent, which runs counter to the fundamental principle that science should govern our determinations under our environmental laws.

Bats are critically important to the ecosystem, and a study published in Science magazine found the value of pest control services provided by insect-eating bats in the United States ranges from the low of $3.7 billion to the high of $53 billion a year.

Additionally, researchers warn that notable economic losses to North American agriculture could occur in the next 4 to 5 years as a result of emerging threats to bat populations. Bats play an important role in our economy when it comes to eliminating pests.

The primary factor threatening the northern long-eared bat is a functional

disease called white-nose syndrome, as has been mentioned. However, because this disease has reduced populations of the bat, human activities that might not have been significant in the past are now having a greater effect.

It is appropriate that Fish and Wildlife Service is taking steps to protect the species, but we should be supporting the Fish and Wildlife Service in its efforts. We should be supporting them, not blocking the agency from doing its job.

So I rise in opposition to this amendment, and I reserve the balance of my time.

Mr. THOMPSON of Pennsylvania. Mr. Chairman, I thank the gentlewoman for her perspectives. Certainly, a number of those points I agree with—the value of the bats—as chairman of the Conservation and Forestry Subcommittee. In agriculture, bats serve a very important purpose.

I also agree with her premise, although I think her interpretation of what the science is is somewhat misguided. The science is extremely important, and the science has shown, in fact, the agency responsible for oversight on the Endangered Species Act has publicly acknowledged, that any job-crushing restrictions on industries related to habitat under an endangered listing with these bats will not help the northern long-eared bats. The threat really is going to an endangered listing which would do that.

I would agree that the Fish and Wildlife Service needs resources and, quite frankly, they are getting those. Just last week they released $1 million toward studying the white-nose syndrome. Within this underlying bill, I believe there is an amount of $10 million to study the white-nose syndrome. It is a fungus. It is not habitat, and it is not the industries that work within those habitats.

And so, quite frankly, we need to give the Fish and Wildlife Service what they need, and that is the support that they have already, that they released last week through many grants throughout many States, and the underlying $10 million in this underlying bill.

I would just ask for support of my amendment, and I yield back the balance of my time.

Ms. MCCOLLUM. Mr. Chairman, I read from the amendment:

> None of the funds made available by this Act may be used by Fish and Wildlife or any other service or agency in the Department of the Interior to treat the northern long-eared bat as an endangered species.

Well, first off, I reiterate again, it is listed as threatened, not as endangered. And this amendment doesn't even address the role the Forest Service would still have. So this is a poorly constructed amendment.

We need to be very, very careful and very thoughtful when we write these amendments and make sure that we not only give Fish and Wildlife the tools that they need, that when something is threatened and not endangered, whether it is the Forest Service, Interior, or whether it is U.S. Fish and Wildlife, we need to let them do their job based on the science.

Mr. Chairman, I do not support 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 Pennsylvania (Mr. THOMPSON).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. LAMBORN

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

> At the end of the bill, before the short title, insert the following:
>
> SEC. ____. None of the funds made available by this Act shall be used to implement or enforce the threatened species listing of the Preble's meadow jumping mouse under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

The Acting CHAIR. Pursuant to House Resolution 333, the gentleman from Colorado and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. LAMBORN. Mr. Chairman, I yield myself as much time as I may consume.

The Preble's meadow jumping mouse is a tiny rodent with a body approximately 3 inches long, with a 4- to 6-inch tail and large hind feet adapted for jumping. This largely nocturnal mouse lives primarily in streamside ecosystems along the foothills of southeastern Wyoming south to Colorado Springs in my district, along the front range of Colorado. To evade predators, the mouse can jump like a miniature kangaroo, up to 18 inches high, using its 6-inch-long whiplike tail as a rudder to switch directions in midair.

But the little acrobat's most famous feat was its leap onto the Endangered Species list in May 1998, a move that has hindered development in moist meadows and streamside areas from Colorado Springs, Colorado, to Laramie, Wyoming.

Among many projects that have been affected: the Jeffco Parkway southeast of Rocky Flats, an expansion of Chatfield Reservoir, and housing developments in El Paso County along tributaries of Monument Creek. Builders, landowners, and local governments in affected areas have incurred hundreds of millions of dollars in added costs because of the mouse. Protecting the mouse has even been placed ahead of protecting human life, and let me explain why that is the case.

On September 11, 2013, Colorado experienced a major flood event which damaged or destroyed thousands of homes, important infrastructure, and public works projects. And while Colorado has come a long way in rebuilding, there remains a lot of work to be done.

As a result of the Preble's mouse's listing as an endangered species, many restoration projects were delayed as Colorado sought a waiver. In fact, FEMA was so concerned that they sent out a notice that stated, ''legally required review may cause some delay in projects undertaken in the Preble's mouse habitat.''

□ 2330

It goes on to warn that ''local officials who proceed with projects without adhering to environmental laws risk fines and could lose Federal funding for their projects.'' While a waiver was eventually granted, the fact remains that the scientific evidence does not justify these delays or the millions of taxpayer dollars that go toward protecting a rodent that is actually part of a larger group that roams throughout half of the North American continent.

Several recent scientific studies have concluded that the Preble's mouse does not warrant protection because it isn't a subspecies at all and is actually part of the Bear Lodge jumping mouse population. Even the scientist that originally classified this mouse as a subspecies has since recanted his work.

Moreover, the Preble's mouse has a low conservation priority score, meaning the hundreds of millions of dollars already spent on protection efforts could have been better spent on other, more fragile species or other uses to accomplish good.

The threats that development and transportation allegedly pose to the mouse have been greatly overstated. Ample regulations already in place minimize the impact of development on this species.

My amendment would correct the injustice that has been caused by an inaccurate listing of the Preble's meadow jumping mouse and refocus the U.S. Fish and Wildlife Service's efforts on species that have been thoroughly scientifically vetted and that actually should come under the Endangered Species Act.

Mr. Chairman, I encourage my colleagues to support this amendment, and I reserve the balance of my time.

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

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

Ms. MCCOLLUM. Mr. Chairman, this amendment would prohibit Fish and Wildlife Service from treating the Preble's meadow jumping mouse as threatened or endangered under the Endangered Species Act and would restrict, again, the Fish and Wildlife Service from offering any of the critical protections to preserve the species.

This amendment is in addition to a growing list of anti-Endangered Species Act provisions, and it makes one wonder if—for the number of people here who are opposing the work that Fish and Wildlife is doing under the Endangered Species Act—if the intent isn't just to do away with the entire act.

Last year, Fish and Wildlife reviewed two petitions to delist the Preble's meadow jumping mouse and determined that protections under the Endangered Species were still necessary.

Voting for this amendment might undo a lot of work that was done that is well on its way to having this mouse removed from the endangered species list because this amendment ignores the determination and short-circuits the statutory process informed by science.

I would certainly think that a rider on this bill is not the place to have a robust debate about how close we are maybe with Fish and Wildlife being able to delist this mouse and, by putting this language in the bill, that it undoes a lot of potentially good work.

It throws out, with this amendment, the carefully science-based work, as I said, that the Fish and Wildlife Service has worked towards and chips away at the very foundation of the Endangered Species Act, which makes me wonder, as I said earlier, if the intent of many of the amendments being offered is not only to chip away but to do away with the Endangered Species Act.

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

Mr. LAMBORN. Mr. Chairman, all I will say in response is that this is a subspecies—actually, it is not even a species or subspecies. It should have never been listed in the first place.

The science shows that it is actually part of the Bear Lodge jumping mouse population. For that reason, it shouldn't even be on the list in the first place.

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

Ms. MCCOLLUM. Mr. Chairman, to the gentleman's remarks, this is not the place—as a rider on the environmental appropriations bill—to be having these thoughtful discussions. If that is what needs to take place, this is not the bill to be doing it on. I mean, we have an authorizing committee. They can hear things on it; and you can have a robust, full, transparent discussion and bring all the scientists in.

Let me close with this: I would be really remiss if I did not remind my colleagues that the Endangered Species Act, in fact, did rescue the bald eagle. The bald eagle's recovery is an American success story because we were united in the belief that this was the symbol of our Nation and was worth protecting for the continuing benefit of future generations.

It feels like we have lost sight of being able to do that today, especially with the lack of transparency and full debate that takes place with all these riders being offered on an authorization bill.

Congress needs to give serious consideration of what kind of conservation legacy we are leaving for our children, and our children will want us to do a better job than just to put riders onto an appropriations bill. I urge my colleagues to oppose this amendment.

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

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. LAMBORN

Mr. LAMBORN. Mr. Chairman, I have one other amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill, before the short title, insert the following:

SEC. ____. None of the funds made available by this Act may be used to implement or enforce the threatened species or endangered species listing of any plant or wildlife that has not undergone a review as required by section 4(c)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(2) et seq.).

The Acting CHAIR. Pursuant to House Resolution 333, the gentleman from Colorado and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

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

Mr. Chairman, my amendment is straightforward. It simply ensures that the U.S. Fish and Wildlife Service has to follow section 4(c)(2) of the Endangered Species Act by conducting a review of all threatened and endangered plants and wildlife at least once every 5 years. It prohibits any funds in the bill from being used to implement or enforce the listing of any plant or wildlife that has not undergone the review as required by law.

Under the Endangered Species Act, the purpose of a 5-year review is to ensure that threatened and endangered species have the appropriate level of protection. The reviews assess each threatened and endangered species to determine whether its status has changed since the time of its listing or its last status review and whether it should be removed from the list, delisted; reclassified from endangered to threatened, downlisted; reclassified from threatened to endangered, uplisted; or maintain its current classification. You can find all this on the Web site of the U.S. Fish and Wildlife Service.

Because the Endangered Species Act grants extensive protection to a species, including harsh penalties for landowners and other citizens, it makes sense to verify if a plant or animal should be on the list in the first place.

Despite this commonsense requirement, the U.S. Fish and Wildlife Service has acknowledged that it has neglected its responsibility to conduct the required reviews for hundreds of listed species.

For example, in Florida alone, it was found that 77 species out of a total of 124 protected species in that State were overdue for a 5-year review. In other words, the government had not followed the law for a staggering 62 percent of species in that State.

In California, the U.S. Fish and Wildlife Service acknowledged that it had failed to follow the law for roughly two-thirds of the State's species listed under the Endangered Species Act and was forced by the courts to conduct the required reviews of 194 species.

By enforcing the 5-year review, which is in current law, my amendment will ensure that the U.S. Fish and Wildlife Service is using the best available scientific information in implementing its responsibilities under the Endangered Species Act, including incorporating new information through public comment and assessing ongoing conservation efforts. These are things we should all be in agreement with.

I encourage my colleagues to join me in ensuring that the U.S. Fish and Wildlife Service follows the Endangered Species Act, that we do not provide money in this bill that would violate current law.

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

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

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

Ms. MCCOLLUM. Mr. Chairman, this amendment, again, would prohibit the Fish and Wildlife Service from implementing or enforcing the Endangered Species Act listing for any species that has not undergone a review. This amendment joins a growing list of anti-Endangered Species Act provisions.

The amendment would block the listing of any species that does not receive status review by Fish and Wildlife Service every 5 years. Fish and Wildlife Service is required to do a 5-year review every 5 years after a species is listed. However, with over 1,500 domestic listed species, that would amount to over 300 status reviews every year.

Why hasn't Fish and Wildlife done it? Well, it is because we—Congress—do not provide Fish and Wildlife Service with enough resources to complete such a large task.

Follow the law? They would love to. In fact, this bill that we are considering right now includes a 50 percent—a 50 percent—cut in the listing program. Now, how can they follow the law when Congress doesn't put any tools in the toolbox allowing them to do their job?

I really have to wonder if this House is prepared to appropriate the millions of dollars that would be needed to meet the requirement of this amendment.

Fish and Wildlife Service already follows a transparent, science-based listing process. This amendment only seeks to undermine the Endangered Species Act because there is not enough money in here that Congress provides Fish and Wildlife to do the job in the fashion that Congress has asked it to do.

In order to list a species under the Endangered Species Act, the Fish and Wildlife Service follows a strict legal process known as a rulemaking procedure. The first step in assessing the

status of the species is the Fish and Wildlife Service publishes a notice of reviews that identify the species that is believed to meet the definition of threatened or endangered. The species are candidates.

Now, these notices of review then, the Fish and Wildlife Service goes out and seeks biological information to complete the status of the reviews for the candidate species; then the Fish and Wildlife Service publishes those notices in the Federal Register so the process is transparent to the public.

As you can see, the Fish and Wildlife Service follows an open, transparent policy that adequately reviews the species prior to listing. This amendment would exploit a 5-year review backlog that has been caused in part by this Congress' unwillingness to provide adequate funding in order to attack the endangered species list. Let's be transparent about that.

The Endangered Species Act exists to offer necessary protections to ensure species survival. Quite frankly, the majority of our constituents support that. Let's make sure that science and species management practices continue to dictate species listings, not Congress; and let's figure out a way to come together, as the gentleman said, to give Fish and Wildlife the tools that they need in order that they can follow the laws that Congress has requested them to follow and not do a smoke and mirror show about how Fish and Wildlife is refusing to follow the law.

They can only do what they are able to do with the dollars that Congress appropriates to them.

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

Mr. LAMBORN. Mr. Chairman, I am glad that my colleague from Minnesota acknowledged that it is required under the law for Fish and Wildlife Service to do these 5-year reviews. I thank her for admitting that.

Their budget is approximately $1.4 billion, and they are able to prioritize within that $1.4 billion where they spend their resources. It is not Congress' fault. They just haven't made it a priority. They should make it a priority to follow the law. They can do these few hundred reviews every year out of $1.4 billion, I am sure.

I would ask my colleagues to support this amendment. Let's require this agency to follow the laws that are on the books.

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

Ms. MCCOLLUM. Mr. Chairman, I want to be really clear. This bill now includes a 50 percent cut to the listing program. The listing program is money that Congress puts in it to do the reviews. Congress cut it by 50 percent.

They can't just transfer money around. We have handcuffed and tied up the Fish and Wildlife Service by the amount of funding that Congress gives them to do their job.

They don't wake up in the morning and say: We don't want to follow the law.

They wake up in the morning, and they see how much Congress has appropriated them.

Mr. LAMBORN. Will the gentlewoman yield?

Ms. MCCOLLUM. I yield to the gentleman from Colorado.

Mr. LAMBORN. I just want to point out that what you are talking about would be in the future. I am talking about the current status of them not following the law by doing the reviews.

Ms. MCCOLLUM. Reclaiming my time, they do not have the funding.

□ 2345

Congress has not given them the funding in the listing program to do their job. Congress needs to be held accountable for the 300 listings not being able to be done every year because Congress has failed to give them the money to do the laws that Congress passed.

With that, 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. LAMBORN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GOODLATTE

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (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 333, the gentleman from Virginia and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

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

Mr. Chairman, my amendment simply prohibits the EPA from using the Chesapeake Bay total maximum daily load and the Watershed Implementation Plans to take over States' water quality strategies, protecting the 10th Amendment rights of States across the Nation from the heavy hand of the EPA. This amendment makes it clear that Congress intended for the Clean Water Act to be State led, not subject to the whims of politicians and bureaucrats in Washington, D.C.

Over the last several years, the EPA has implemented a total maximum daily load plan for the Chesapeake Bay watershed which strictly limits the amount of nutrients that can enter the Chesapeake Bay. While a laudable goal and one I support in principle, 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 their water quality programs. In some cases, the EPA will even rewrite the States' water quality plans if they disagree with the States' decisions.

Mr. Chairman, I want to make it perfectly clear that this amendment would not stop the EPA from working with the States to restore the Chesapeake Bay, nor would it in any way undermine the cleanup efforts already underway. I repeat, our amendment does not stop the TMDL or watershed implementation plans from moving forward, and it does not prevent the EPA from working cooperatively with the States to help restore the Chesapeake Bay.

This amendment is very carefully crafted to address the 10th Amendment federalism issues that the EPA is encroaching upon and does not address the States' laudable goals of continuing to improve the health of the Chesapeake Bay.

The States should be able to use any resources the EPA may have available to help develop and implement a strategy to restore the Bay. This amendment only stops the ability of the EPA to step in and take over a State's plan—again, ensuring states' rights remain intact and not usurped by the EPA.

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 micromanage 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 help prevent another Federal power grab by the administration.

Mr. Chairman, I am pleased to yield to the gentleman from California (Mr. CALVERT).

Mr. CALVERT. I thank the gentleman for yielding.

Mr. Chairman, I certainly agree with the amendment, and I urge adoption of the gentleman's amendment.

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman, and I reserve the balance of my time.

Ms. EDWARDS. Mr. Chairman, I seek time in opposition to the amendment.

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

Ms. EDWARDS. Mr. Chairman, here we go again, yet another fix in search of a problem.

Mr. Chairman, I rise in opposition to Mr. GOODLATTE's amendment. It would deliberately undermine the crucial work that is already being done to rehabilitate the Chesapeake Bay. It would also undermine the historic Federal-State partnership that has done so much already to improve the quality of the Bay and its surroundings.

Mr. Chairman, the Chesapeake Bay is a national treasure. It is the Nation's

largest estuary. It benefits all Americans, and especially those living in the six States that comprise the Bay watershed: Maryland, Virginia, West Virginia, Delaware, Pennsylvania, New York, and the District of Columbia.

The States in the Chesapeake Bay watershed, including the gentleman's own home State of Virginia, have been working together for over 40 years to clean up the Bay. And guess what, Mr. Chairman? It is working.

The Chesapeake Bay Program's most recent interim report shows that tremendous progress has been made. States are meeting the pollution reduction goals in their plans. In fact, some are exceeding them. Studies show that so-called ''dead zones'' are shrinking, and key populations such as oysters are starting to rebound.

Under the Chesapeake Clean Water Blueprint, States develop and implement their own pollution reduction plans. The EPA set up an initial framework, but the details of how each State chooses to reach the targets, in fact, are State-driven and State-implemented. My own home State of Maryland has created a plan to reduce its nitrogen levels by 46 percent, phosphorus by 48 percent, and sediment by 28 percent below the benchmark 1985 levels.

Of course, each of the Bay watershed States depends on the other States to implement these plans simultaneously and in good faith. After all, Mr. Chairman, watersheds don't stop at the State borders, and the kind of go-it-alone approach that seems to be advocated by the majority has never worked for environmental issues, and it will not work to preserve and to save the Chesapeake Bay.

Failure, for example, by one State to do its part threatens the work and hundreds of millions of dollars that all the other States have invested in their plans. I don't want to see Maryland's work jeopardized because another State in the watershed doesn't meet its responsibilities. And only the EPA can stand as the arbiter to make sure that that is true.

So, Mr. Chairman, as a safety measure against that kind of bad faith by one of the partners, the EPA has backstop actions that it can take to ensure that the other States' investments are preserved. These backstop actions are not new authorities, but they are existing authorities that the EPA can use to make the needed pollution reductions. That has been part of the partnership for 40 years.

In fact, just yesterday, the U.S. Third Circuit Court of Appeals in Philadelphia unanimously affirmed the EPA's authority to place restrictions on wastewater treatment and runoff by farms and construction. The EPA places limits on the amount of nitrogen, phosphorus, and sediment that are allowed in the watershed and, thus, into the Bay. This is known as the total maximum daily load, or TMDL, of chemical runoff that the Bay's watershed can handle while still meeting water quality standards.

The court in its decision strongly affirmed that ''the States and EPA could, working together, best allocate the benefits and burdens of lowering pollution.'' It is, in fact, an acknowledgment that this is a partnership that requires the full participation of the Environmental Protection Agency.

Mr. Chairman, the goal of the partnership is not just an environmental one. According to a peer-reviewed report by the Chesapeake Bay Foundation, the economic impact of full implementation of the Clean Water Blueprint is more than $22 billion annually. Yet this amendment by one of Virginia's own Members actually threatens that partnership by barring the EPA from using funds to take any backstop actions. It would allow one State to break its agreement and cease implementing the plan.

With that, Mr. Chairman, I would urge a ''no'' vote on this amendment.

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

Mr. GOODLATTE. Mr. Chairman, may I ask how much time is remaining on each side.

The Acting CHAIR. The gentleman from Virginia has 2½ minutes remaining, and the gentlewoman from Maryland's time has expired.

Mr. GOODLATTE. Mr. Chairman, at this time, I yield 1 minute to the gentleman from Pennsylvania (Mr. THOMPSON), the chairman of the pertinent subcommittee in the Agriculture Committee.

Mr. THOMPSON of Pennsylvania. Mr. Chairman, I rise in support of Mr. GOODLATTE's amendment.

Since 2009, I have been hearing directly from my constituents—many of who are small farmers—about the significant challenges and costs of the Chesapeake Bay total maximum daily load mandate. These significant concerns also extend to the State and local governments because of the billions of dollars in direct costs and new regulatory burdens that TMDL imposes. No doubt the Chesapeake Bay is a national treasure, but it is quickly becoming the national treasury with all these costs and taxes upon our States and local municipalities.

The Agriculture Committee's Conservation and Forestry Subcommittee, which I have the honor of chairing, has also heard directly from the stakeholders over the past few Congresses.

While each and every one of these witnesses wholeheartedly supports the restoration of the Chesapeake Bay, there remains great concern over the lack of consistent models, the heavy-handed approach of TMDL, and the lack of needed flexibility while implementing the WIPs. This amendment is needed in order to allow for that flexibility at the State and local levels.

Pennsylvania has been very innovative in our efforts to do our part with the Bay restoration, and that innovation will continue into the future.

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

Mr. GOODLATTE. Mr. Chairman, I am pleased to yield the gentleman an additional 30 seconds.

Mr. THOMPSON of Pennsylvania. I thank the chairman.

However, rather than acting punitively, EPA must work collaboratively with the States.

Mr. Chairman, I strongly support this amendment, and I urge my colleagues to vote ''yes.''

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

Mr. Chairman, I want to thank the gentleman from Pennsylvania. He is quite right. This is very costly for the States. The State of Virginia has estimated a cost of over $16 billion to comply with the backstop requirements of the EPA. That is just one of the six States.

Secondly, the EPA has been asked repeatedly, including in hearings conducted by the gentleman from Pennsylvania in his subcommittee and at my request and the request of others, to do a cost-benefit analysis to show us that the multi-tens of billions of dollars that these six States will collectively spend will be reflected in improvements to the quality of the Chesapeake Bay. They have never provided that cost-benefit analysis.

Finally, Mr. Chairman, I would say to the gentlewoman from Maryland, she also is quite right that tremendous progress has been made in improving the health of the Chesapeake Bay, but almost all of it prior to the President taking his pen and signing the executive order that contains this backstop language that we need to stop and return the power to the State and local governments.

Sedimentation, phosphorus, and nitrogen are all down more than 40 percent—sedimentation more than 50 percent going into the Bay. The Bay is improving in its health because of the work done by the States. They should have the authority to do this without having the EPA hold a gun to their head.

Mr. Chairman, that is why this amendment should be passed, and I urge my colleagues to support it.

Mr. VAN HOLLEN. Mr. Chair, I thank Ms. MCCOLLUM for her work on this bill and to BOBBY SCOTT and DON BEYER for joining me in this effort. I rise in opposition to this amendment.

Just yesterday, the 3rd Circuit Court of Appeals upheld EPA authority to set Chesapeake Bay pollution limits, which have led to the best cleanup progress in over 25 years. For the Bay, as with so many other waters across the country, the Clean Water Act backstop is critical to ensure that states are meeting their commitments.

In Maryland, we have cities working to manage stormwater and farmers implementing best management practices to stop runoff. But for all our efforts, we will never have a clean and healthy Bay if pollution runs downstream from Pennsylvania, New York, or West Virginia.

With our enormous watershed, encompassing 64,000 square miles, six States, and

D.C., everyone must do their fair share. And to do that is through the Clean Water Act's Federal backstop. I strongly oppose this amendment and urge my colleagues to do the same.

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.

Ms. EDWARDS. 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 gentlewoman from Maryland will be postponed.

AMENDMENT OFFERED BY MRS. BLACK

Mrs. BLACK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (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 finalize, implement, administer, or enforce section 1037.601(a)(1) of title 40, Code of Federal Regulations, as proposed to be revised under the proposed rule entitled ''Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles - Phase 2'' signed by the Administrator of the Environmental Protection Agency on June 19, 2015 (Docket No. EPA–HQ–OAR–2014-0827), or any rule of the same substance, with respect to glider kits and glider vehicles (as defined in section 1037.801 of title 40, Code of Federal Regulations, as proposed to be revised under such proposed rule).

The Acting CHAIR. Pursuant to House Resolution 333, the gentlewoman from Tennessee and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Tennessee.

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Mrs. BLACK. Mr. Chairman, I rise today to offer an amendment to protect Tennessee workers and small manufacturing businesses from the EPA's latest overreach.

Last month, the EPA released its Phase 2 fuel-efficiency and emissions standards for new medium-and heavy-duty trucks.

While many in the trucking industry are not opposed to this rule as a whole, one section in the proposal wrongly applies these new standards to what is known as glider kits.

I recently toured a business in my district that manufactures these kits. For those who don't know, a glider kit is a group of truck parts that can include a brand-new frame, cab, or axles, but does not include an engine or transmission.

Since a glider kit is less expensive than buying a new truck and can extend the working life of a truck, businesses and drivers with damaged or older vehicles may choose to purchase one of these kits instead of buying a completely new vehicle.

Unfortunately, the EPA is proposing to apply the new Phase 2 standards to glider kits, even though the gliders are not really new vehicles.

Mr. Chairman, this directly impacts my district where we have glider kits being manufactured and purchased by companies in places like Byrdstown, Sparta, and Jamestown, communities that are already struggling with an above average unemployment and would see job opportunities put further out of reach if this misguided rule goes into effect.

It is also unclear whether the EPA even has the authority to regulate replacement parts like gliders in the first place.

Once more, while the EPA's stated goal with Phase 2 is to reduce greenhouse gas emissions, the Agency has not studied the emissions impact of remanufactured engines and gliders compared to new vehicles.

Mr. Chairman, if the EPA is going to promulgate rules that raise costs and hurt jobs in districts like mine, the least they could do is to have a few facts prepared to back them up.

Under this ill-advised rule, businesses and drivers that wish to use glider kits would be effectively forced to buy a completely new vehicle instead. Reducing glider sales would also end up limiting consumer choice in the marketplace.

That is why my amendment protects businesses, jobs, and consumers by prohibiting the EPA from moving forward with this Phase 2 standard on glider kits.

To be clear, this amendment would not—would not—bar the EPA from implementing the whole Phase 2 rule for new medium- and heavy-duty trucks. It would simply clarify that glider kits and glider vehicles are not new trucks as the EPA wrongly claims.

I urge my colleagues to support this commonsense amendment to help support American manufacturing and stop the EPA from attempting to shut down the glider industry.

Mr. CALVERT. Will the gentlewoman yield?

Mrs. BLACK. I yield to the gentleman from California.

Mr. CALVERT. Mr. Chairman, I thank the gentlewoman for yielding.

It is my understanding that the proposed rule is supported broadly by many in the trucking manufacturing industry, so for that reason, I support her amendment.

However, as with any rule, there are some specifics that we need to iron out. I would like to work with my colleague and with EPA to see if we can't resolve those specifics between now and the final rule.

In the meantime, I support including language in the Interior bill, and I urge Members to vote ''yes'' on this amendment.

Mrs. BLACK. 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, I am hopeful that the discussion that the subcommittee chair and the author of the amendment might prove something better than what this amendment is currently in front of us, but what I have to work on is what is currently in front of me.

Just over 2 weeks ago, the Environmental Protection Agency and the National Highway Safety Traffic Administration issued proposed fuel efficiency standards for medium- and heavy-duty trucks required by the Energy Independence and Security Act.

This amendment would prohibit the EPA from finalizing, implementing, and administering or enforcing this proposed rule or any future rules—so this is where I am concerned about the way this amendment is moving forward—with respect to glider vehicles.

These new standards were designed to improve fuel efficiency, cut carbon pollution, and reduce the impacts of climate change. To be specific, these standards are expected to lower CO_2 emissions by roughly 1 billion metric tons, cut fuel costs by $170 million, and reduce oil consumption up to 1.8 billion barrels over the lifetime if a vehicle is sold under this program.

Heavy trucks account for 5 percent of the vehicles on the road; yet they create 20 percent of the greenhouse gas emissions created by all transportation sectors.

We know from my colleagues that this amendment does not actually suspend all aspects of the new rule. As it was pointed out, it simply carves out an exemption for one particular industry, an industry that produces what has been called, today, glider vehicles.

As has been pointed out, glider vehicles are heavy-duty vehicles that replace older remanufactured engines on new truck chassis. These engines date back to 2001 or older, and they have emissions that are 20 to 40 times higher than today's clean diesel engines.

In essence, this amendment would allow an entire segment of the truck manufacturing industry to simply avoid compliance with the new criteria pollutant standards that are in the rule. These are engines that will continue to emit greenhouse gases, slow down our progress, and reduce the impacts of climate change.

In short, this amendment creates a loophole that you could drive a truck through by allowing dirty engines to continue to pollute our environment.

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

Mrs. BLACK. Mr. Chairman, I want to once again reiterate that this is a very narrow amendment. It does not apply to new trucks, as the EPA rule indicates.

I also want to reiterate one more time that they have not studied the emissions impact of these remanufactured engines and the gliders compared to new vehicles, so we would like to have that information as well.

I also want to add that the military also uses glider kits, and this rule would not apply to them. Once again, we are putting into place something where we say this is what the government can do, but this is what the private sector can do.

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

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Tennessee (Mrs. BLACK).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MICA

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. 441. None of the funds made available by this Act may be used to implement Alternative A, Alternative C, or Alternative D, described in the Final General Management Plan and Environmental Impact Statement for Castillo de San Marcos National Monument in St. Augustine, Florida, for the educational center authorized by Public Law 108–480 nor shall funds be expended for a new General Management Plan other than the General Management Plan approved by record of decision published in the Federal Register September 10, 2007.

The Acting CHAIR. Pursuant to House Resolution 333, the gentleman from Florida and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MICA. Mr. Chairman, every year, nearly 1.5 million visitors come to the Castillo de San Marcos and Fort Matanzas National Monuments in America's oldest city, St. Augustine, Florida.

Way back some 11 years ago, in December of 2004, I passed legislation authorizing a visitors center for Castillo de San Marcos, which was signed into law. The Castillo fortress is the largest intact Spanish fortress in the continental United States, with construction that was completed in 1695.

After the authorization was signed into law, significant, thorough, costly, and time-consuming studies and reports were completed after many reviews, hearings, and public forums.

Then in 2007, 3 years later, the National Park Service came up with a final general management plan. This plan developed four alternatives. One was to do nothing; that was A. Two others, C and D, were to possibly build on land that will no longer be available that was going to be made available by the State and the city. That leaves one alternative. Now, this is a very simple, clarifying amendment.

Alternative B is the one that we would like funds spent on. Here, we are saying no funds shall be spent to do nothing; no funds will be spent or wasted to go towards a project that isn't going to happen.

This is a simple, clarifying, limiting amendment. It would specifically limit funds from being expended on any alternative, except for B, which is in the plan, been in the plan. It doesn't say that we have to do another plan; why spend more taxpayer moneys to do another plan? That is all it says.

It is a simple thing to get us moving to proceed with the final design without further cost and further delaying the process. A visitors center at Castillo is long overdue, and it is overdue on St. Augustine's 450th founding anniversary, so I urge its passage.

Mr. CALVERT. Will the gentleman yield?

Mr. MICA. I yield to the gentleman from California.

Mr. CALVERT. Mr. Chairman, I certainly appreciate the gentleman from Florida raising this issue. I always learn new facts when we have these debates. I didn't know that St. Augustine was the Nation's oldest city. I always thought it was Santa Fe, New Mexico.

Mr. MICA. Some people are under the misconception of Williamsburg.

Mr. CALVERT. I know; but I have learned something today.

I certainly commend the gentleman's longstanding interest in this. I know you have been working on this for a number of years. The Castillo de San Marcos National Monument in St. Augustine needs a new visitors center.

I certainly look forward to working with you as we move this issue forward, and we certainly have no objection to this amendment.

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

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BURGESS

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title) insert the following new section:

SEC. ____. None of the funds made available by this Act may be used by the Administrator of the Environmental Protection Agency to hire or pay the salary of any officer or employee of the Environmental Protection Agency under subsection (f) or (g) of section 207 of the Public Health Service Act (42 U.S.C. 209) who is not already receiving pay under either such subsection on the date of enactment of this Act.

The Acting CHAIR. Pursuant to House Resolution 333, the gentleman from Texas and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. BURGESS. Mr. Chairman, I thank the subcommittee chairman for his indulgence at this late hour.

Mr. Chairman, this is an issue that has been under investigation by the Subcommittee on Oversight and Investigations on the Energy and Commerce Committee for over the last 6 years.

In 2006, without consultation from the Energy and Commerce Committee, there was included a provision in the annual Interior, EPA appropriations bill that allowed the Environmental Protection Agency to begin using a special pay program that was explicitly and exclusively authorized for use by the Public Health Service administration under the Department of Health and Human Services.

This special pay mechanism allows a government employee to leave the normal GS pay scale and receive nearly uncapped compensation, upwards of $200,000 to $300,000 per year.

This special provision was intended to be used only in unique circumstances where, perhaps, leaders of the healthcare industry would not be able to work for the Federal Government because of pay considerations if they did not have access to these higher salaries.

This justification cannot be used for anyone at the Environmental Protection Agency. Indeed, some of the employees that the Environmental Protection Agency pays under title 42, the part of the U.S. Code that allows for this special pay, were previous government workers and were merely moved to this special pay scale because they wanted additional money.

□ 0015

The EPA claims that, because the Environmental Protection Agency is a health organization, it may use this statute to pay special hires, and this, in fact, has endured for several years. Originally, the Environmental Protection Agency was granted only a handful of slots to fill with title 42 hires. That number is now over 50. The cost to taxpayers for these 50 employees is in the tens of millions of dollars.

This amendment would prevent the Environmental Protection Agency from hiring any new employees under title 42 or from transferring current employees from the GS pay scale to title 42. It would not affect current employees being paid by this provision. It would give the Energy and Commerce Committee, the authorizing committee, the time it needs to address whether the Environmental Protection Agency truly deserves this special pay consideration. The General Accountability Office looked into the abuse of title 42 several years ago and found numerous problems with the implementation of the program. Why we would allow this problematic pay structure to be advanced by the EPA is, in fact, mysterious.

In multiple hearings in the Energy and Commerce Committee, both Administrator Lisa Jackson and current Administrator Gina McCarthy refused to give specifics regarding this program. A Freedom of Information Act request sent to my office by the EPA union, the American Federation of Government Employees, showed that title 42 hires at the EPA are actually sowing the seeds of discontent amongst workers, with the union asking the Congress to stop this unfair hiring technique.

Both former Energy and Commerce Committee Chairman BARTON and I have introduced legislation further clarifying that the Public Health Services Act, written for the Department of Health and Human Services, does not permit the Environmental Protection Agency to use its language to hire employees under a special pay structure. This amendment prevents further abuses of the program, and I urge its adoption.

I reserve the balance of my time.

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

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

Ms. MCCOLLUM. Mr. Chairman, the EPA is one of several government agencies that uses a special authority to hire Federal employees with specific scientific research credentials. In fact, when the Republicans were the majority party in 2006, they started this program. The EPA didn't start this program on its own. Congress started it in 2006 under a Republican majority. The National Institutes of Health uses title 42 money and authority to attract top-tier scientists in their fields to do important research.

We have been listening to many hours this evening of many of my Republican colleagues criticizing the EPA's scientific conclusions. So now it amazes me that the gentleman wants to reduce the Agency's ability to hire the top scientists. Further, the National Academy of Sciences has favorably reported to the committee that the EPA is effectively utilizing its title 42 authority. If a scientist retires or moves on, the Agency would no longer be able to attract a suitable replacement if this amendment were to pass.

For those who think the EPA doesn't have adequate scientific basis for its regulations, they should be with me, and they should clearly vote against this amendment. We should be doing more to ensure that our environmental policies are being set by the best and the brightest. This amendment would ensure that the EPA can't recruit new scientists using its limited title 42 authority, which was given to them, to the EPA, in 2006 by a Republican Congress.

I yield back the balance of my time.

Mr. BURGESS. Mr. Chairman, I urge support of the amendment. It is clear that this program does need the scrutiny of the authorizing committee. We are prepared to do that if this amendment passes.

I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WESTMORELAND

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to pay legal fees pursuant to a settlement in any case, in which the Federal Government is a party, that arises under—

(1) the Clean Air Act (42 U.S.C. 7401 et seq.);

(2) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); or

(3) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

The Acting CHAIR. Pursuant to House Resolution 333, the gentleman from Georgia and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. WESTMORELAND. Mr. Chairman, the United States is facing a crisis of executive overreach, and nowhere else is this more true than with the Environmental Protection Agency. The EPA's escalation of sue and settle cases to change the law through Federal court rulings threatens our economy and the ability to create jobs, not to mention bypassing the normal rulemaking process. By operating hand in hand with radical environmental groups that are willing participants in these types of actions, the EPA's use of sue and settle not only endangers the economy but also our constitutional separation of powers.

Here is how it works:

An organization sues the EPA or an agency such as the U.S. Fish and Wildlife, demanding that the agency apply the law in a new, unintended, and expanded way that increases the agency's jurisdiction. The agency, rather than defending the law, enters into a consent decree with the party who filed the original lawsuit. A judge then signs the consent decree without significant review since the two disputing parties are in agreement. Suddenly, the agency has new, expansive powers to wield against job creators in the form of a legally binding settlement that creates rules and priorities outside of the normal rulemaking process. Between 2009 and 2012, the EPA chose not to defend itself in over 60 of these lawsuits from special interest advocacy groups. Those 60 lawsuits resulted in settlement agreements and in the EPA's publishing more than 100 new regulations.

Also included in these legally binding settlements are requirements that U.S. taxpayers must pay for the attorneys of the organization that initiated the action. According to a 2011 GAO report, between 1995 and 2010, three large environmental activist groups, like the Sierra Club, received almost $6 million in attorneys' fees alone. An example of sue and settle occurred with a start-up, shutdown, and malfunction rule. This was in response to a sue and settle agreement the EPA made with the Sierra Club in 2011.

As noted by Louisiana Senator DAVID VITTER in a letter to EPA Administrator Gina McCarthy in 2013:

Instead of defending the EPA's own regulations and the SSM provisions in the EPA-approved air programs of 39 States, the EPA simply agreed to include an obligation to respond to the petition in the settlement of an entirely separate lawsuit.

Sue and settle is made possible because, under the Clean Air Act, the Clean Water Act, and the Endangered Species Act, potential litigants are given broad standing to go to court because Congress has defined causes of action under these laws. Under my amendment, no funds can be used to pay legal fees under any settlement regarding any case arising under the three acts I mentioned—period, case closed, end of story. Litigants can still sue, but they will no longer be financially rewarded by the American taxpayer for their efforts.

I am hopeful that my colleagues on both sides of the aisle will support this amendment to reduce the secretive transfer of U.S. taxpayer dollars to other organizations. By restricting Federal agencies from having the ability to pay attorneys' fees, we will not only reduce Federal spending but also reduce the incentive for these self-interest groups to continue suing the Federal Government and taking American taxpayer dollars that could be used to reduce our Federal deficit.

It is inexcusable to require taxpayers to pay the legal bills of environmental groups to collude with the EPA in order to expand the Agency's abilities. This is one way Congress can fight the expansion of executive powers by this administration and its most out-of-control agency. With this amendment, Congress can ensure taxpayers are protected from funding the legal efforts of environmental advocacy organizations and from arming the EPA with draconian enforcement powers.

I reserve the balance of my time.

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

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

Ms. MCCOLLUM. Mr. Chairman, the Equal Access to Justice Act is the law of the land. Within limits, it does allow for the Federal payment of legal fees to individuals and small businesses and nonprofits that are the prevailing parties in actions against Federal agencies unless the agency is able to show that the action was substantially justified or a special circumstance existed to make the award unjust. This law helps to deter government misconduct, and it encourages all parties, not just those with resources, to hire legal counsel to assert their rights.

I know that my colleagues, including my colleagues on the other side of the aisle, will agree with me that the ability to challenge Federal actions is the most important tool for ensuring government accountability. The Clean Air Act, the Federal Water Pollution Control Act, and the Endangered Species Act are also the law of the land, and these laws have contributed greatly to the protection and improvement of public health in this country. A study by a nonpartisan environmental law institute found that the Equal Access to

Justice Act has been cost-effective and only applies to meritorious litigation, and existing legal safeguards and the independent discretion of Federal judges will continue to ensure its prudent application. There are safeguards in place so that this can't be misused.

Moreover, the claim that large environmental groups are getting rich on attorneys' fees is not supported by available evidence. The 2011 GAO study, which was just referenced and was at the request of the House Republicans, brought cases against the EPA. They found that most of those suits were brought by trade associations and private companies and that attorneys' fees were only awarded about 8 percent of the time; and among the environmental plaintiffs, the majority of those cases were brought by local groups rather than by national groups.

It is completely unfair to target these important environmental safeguards for removal from the protection of the Equal Access to Justice Act. More importantly, this amendment would have serious consequences for public health. In order for our Nation's environmental safeguards to work properly and ensure the protection of public health, citizens, including those with limited means, must have the ability to challenge Federal actions. This amendment is clearly designed to make it more difficult for regular citizens to ensure the accountability of the Federal Government. I urge my colleagues to defeat this amendment.

I reserve the balance of my time.

Mr. WESTMORELAND. Mr. Chairman, this does not prevent anybody from suing. This stops the EPA from this sue and settle—what I would call ''scam''—where it allows the groups or companies or whatever to come in and sue and allow them—I mentioned there were 60 different cases—the ability to make 100 new rulings that did not go through the normal rulemaking procedure but were done by court rulings.

I think it is appropriate that we not allow taxpayer dollars to be spent on these attorneys' fees that are being used to do this—to promote the Environmental Protection Agency. Rather than going through the regular rulemaking process, it is doing it by a court ruling.

I reserve the balance of my time.

Ms. MCCOLLUM. Mr. Chairman, the Equal Access to Justice Act is the law of the land. It allows for the Federal payment of legal fees, within limits, to individuals and small businesses and nonprofits which are the prevailing parties in actions against the Federal Government.

Again, we should be mindful of the 2011 GAO study that said, in cases brought against the EPA, it found that most suits were brought by trade associations and private companies and that attorneys' fees were only awarded in about 8 percent of the cases.

Citizens need to be able to hold their government accountable. They need to be able to petition their government, and that means a citizen with limited means. If that citizen wins and if the judge decides that it is just to award the costs, then that is the law of the land, which I support. Private citizens, regular citizens—citizens without means—can ensure that there is full accountability of the Federal Government to them. I urge my colleagues to defeat this amendment.

I yield back the balance of my time.

□ 0030

Mr. WESTMORELAND. As I would like to repeat, Mr. Chairman, this does not keep anybody from suing. The intent of this amendment is to keep the EPA from creating rules by judicial bodies rather than a normal rulemaking procedure.

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

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

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

Ms. MCCOLLUM. 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 Georgia will be postponed.

AMENDMENT OFFERED BY MR. ROKITA

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

The Acting CHAIR (Mr. GRAVES of Louisiana). The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following new section:

ENFORCEMENT OF THE ENDANGERED SPECIES ACT REGARDING CERTAIN MUSSELS

SEC. ____. None of the funds made available by this Act may be used by the United States Fish and Wildlife Service to enforce the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) with respect to the Clubshell, Fanshell, Rabbitsfoot, Rayed Bean, Sheepnose, or Snuffbox mussels.

The CHAIR. Pursuant to House Resolution 333, the gentleman from Indiana and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. ROKITA. Mr. Chairman, I want to thank Chairman CALVERT for managing the time tonight and for getting us to this point.

By my calculation, it has been 5 years since we have been able to have these kind of debates on the floor of the House, and here we are, at 12:30 at night.

Speaking for myself, I have listened to the entire debate here tonight on the floor, starting with votes after 6:30. Mr. Chairman, I was struck by the amount of amendments having to do with the Endangered Species Act, number one; and, number two, having to deal with the lists, whether threatened or endangered lists of Endangered Species Act.

Clearly—and I would agree with the gentlewoman on the other side of the aisle on this—reform and major reform of the Endangered Species Act is needed. That will take some time. That discussion has been ongoing.

It is nothing that hasn't already started in this Congress or in previous Congresses. I look forward to being a part of that solution in a very constructive way.

What about the near term? We have people, human constituents who are really suffering; and that is what my amendment, Mr. Chairman, is about tonight. Summer is a big time for any industry that depends on tourism to survive. I offer this amendment out of concern for two lake communities in my district.

Just last year, during the height of the summer's busy tourist season, the United States Fish and Wildlife Service required that the Northern Indiana Public Service Company, locally known as NIPSCO, release more water into the Tippecanoe River from Lake Freeman to protect a bed of endangered freshwater mussels that live further down the Tippecanoe River, all under the guise of the Endangered Species Act.

As a result, in a matter of days, water levels on Lake Freeman dropped dramatically. I have visited with local residents near Lake Freeman multiple times and have seen the lake in person. Growing up during the summers, I spent my time on the sister lake, Lake Shafer.

Many who live and work near the lake discovered, to their surprise, their boats were stuck, businesses were in jeopardy, and home values were going down; but more than that, stumps were rising out of the water, and personal health and safety were also in jeopardy as a result.

Now, I immediately contacted Fish and Wildlife, and I want to applaud them for their responsiveness and NIPSCO for working together. We created a technical assistance letter, otherwise known as a TAL. It is my estimation that that is going to have some effect. Again, I appreciate the reasonableness of all involved.

The current plan there is a temporary fix, and really, we ought to be able to do more. Now, currently, Fish and Wildlife receives funding to enforce the Endangered Species Act, which protects six species of mussels that live in the river, as the Clerk mentioned as he read the amendment.

The Endangered Species Act gives the highest priority to protected and listed species, and there is little anyone can do in terms of exceptions or exemptions or even any kind of balancing test to make sure that there is not a solution that could be a win-win. It is a very draconian law—strict compliance, no balancing test, no room for discretion or creative solution. That is where this reform is needed.

The statute, like I said, provides no balancing test for weighing the economic harms, and the Supreme Court

of this land has refused to allow us or even lower courts to construct their own test, us as citizens. Compliance with this law, as currently written, requires diverting water from Lake Freeman to the Tippecanoe River to balance water levels, despite consideration of the economic impact and human safety.

In essence, my amendment limits the funding mechanism Fish and Wildlife would be able to use to enforce the Endangered Species Act with respect to these six types of mussels and eliminates the financial repercussions for failing to enforce the law.

Speaking firsthand with residents, lowering these water levels in Lake Freeman negatively affects the community and small businesses that rely on the tourists who enjoy the lake and the steady water level. Lower water levels also pose dangerous swimming conditions to both boaters and swimmers as formerly underwater tree stumps breach the water. This is unnecessary and a preventable hazard to those who use the lake and, again, in a win-win way.

It is all because of this draconian law that, although well intended, is badly in need of reform so that its practical effect can be overhauled and any of its misguided applications halted.

Hoosiers, like myself, are just as concerned for the environment as they are for their incomes and family recreation. It is not about antienvironmentalism, but they believe, like I said, there is a win-win solution here, if only the law would allow such a solution to exist. In the meantime, we ought to defund Fish and Wildlife's ability to enforce this law as it is written.

While I value nature and seek to protect endangered animals, the reward of protecting the mussel does not outweigh the economic damage done to this community or the personal safety or health of my human constituents.

The CHAIR. The time of the gentleman has expired.

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

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

Ms. MCCOLLUM. Mr. Chairman, this amendment would, once again, prevent Fish and Wildlife Service from enforcing the Endangered Species Act with respect to six different species of mussel and would restrict the Fish and Wildlife Service from offering any of the critical protections to preserve these species.

This amendment is harmful and, in my opinion, misguided. Once a species is listed under the Endangered Species Act, it is a role of Fish and Wildlife Service—is primarily permissive, helping parties comply with the act as they carry out their activities, the TAL that the gentleman referred to.

Under this amendment, all the Endangered Species Act prohibitions would still apply, but developers and landowners would have no avenue to comply with them. There could be no TAL. The Fish and Wildlife Service would be barred from issuing permits or exemptions.

This means landowners and industry and other parties who might need to take any of these six species of mussels would be vulnerable to a citizens suit. Additionally, this amendment would halt Fish and Wildlife Service enforcement of the Endangered Species Act, which has no effect on other Federal agencies that are funded outside of this bill.

The Endangered Species Act mandates that all Federal departments and agencies conserve listed species and use their authorities in furthering the purpose of this act.

Section 7 of the Endangered Species Act stipulates that any Federal agency that carries out, permits, licenses, funds, or otherwise authorizes activities that may affect all listed species must consult with the Fish and Wildlife Service to ensure that its actions are not likely to jeopardize the continued existence of any listed species.

This amendment would stop—stop—section 7 consultation requirements for Federal agencies; rather, it would prohibit Fish and Wildlife from completing these consultations. That means a bridge or a highway project permitted or funded through the Federal Highway Administration or power projects permitted by the Department of Energy would be vulnerable to delays and stoppages and other potential lawsuits.

This amendment, in my opinion, is an all-out assault on the Endangered Species Act. In one fell swoop, it would block protections for six different species that are currently listed as threatened or endangered; but, regardless of one's position on the Endangered Species Act, it is just a bad amendment.

The gentleman's amendment will create uncertainty for developers, landowners, leaving them vulnerable to lawsuits. I don't think that was the gentleman's original intention, but that is the effect it will have because it will block section 7 consultations, gumming up permitting processing across the Federal Government, delaying projects, and adversely impacting the economy.

The amendment is bad for the environment. It is bad for the economy. It is bad for business. It is bad for the highways and energy projects. It is just bad for this bill. I urge my colleagues to reject this amendment.

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

The Acting CHAIR (Mr. LOUDERMILK). The question is on the amendment offered by the gentleman from Indiana (Mr. ROKITA).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. LAMALFA

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

LIMITATION ON USE OF FUNDS FOR ATTORNEY FEES

SEC. ____. None of the funds made available by this Act may be used to pay attorney fees in a civil suit under section 11(g) of the Endangered Species Act of 1973 (16 U.S.C. 1540(g)) pursuant to a court order that states such fees were calculated at an hourly rate in excess of $125 per hour.

The Acting CHAIR. Pursuant to House Resolution 333, the gentleman from California and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. LAMALFA. Mr. Chairman, I am pleased to express my support for the good work Chairman CALVERT and the subcommittee have done on this bill.

This amendment, which I offered with my colleagues Representatives BILL HUIZENGA and BILL FLORES, aligns attorney fee award limits for Endangered Species Act lawsuits with award limits for other lawsuits against the Federal Government established by the Equal Access to Justice Act.

The Equal Access to Justice Act generally limits the hourly rate for awards of fees to prevailing attorneys to a reasonable $125 per hour. However, no such fee cap exists under the Endangered Species Act. As a result, ESA litigants are being awarded sums, in many cases, in excess of $600 per hour.

The Equal Access to Justice Act was not intended as an extraordinary access to taxpayer dollars for environmental attorneys. Indeed, we heard one of my colleagues a minute ago talk about sue and settle.

According to the GAO, the Department of the Interior paid out over $27 million in attorney fees between 2001 and 2010; $21 million of those payments were for Endangered Species Act lawsuits. Many of them settled with no court order, finding the litigants to have prevailed on the merits of the case—no finding.

Mr. Chairman, it is time we close this loophole that enables excessive payouts to groups that have made a business of suing the Federal Government. There is simply no reason that one sort of lawsuit, a type commonly undertaken by entities solely engaged in continuous litigation against the government, should be paid more than any other.

Representative HUIZENGA sponsored a measure addressing this issue last session, which was passed by the Committee on Natural Resources. I urge your support, which would be very much appreciated, including by people like my daughter whose birthday it is tonight, so they would have a chance to be in business and not have these extraordinarily high fees.

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

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

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

Ms. MCCOLLUM. Mr. Chairman, the gentleman's amendment would prohibit funds in the act from being used to pay attorney fees in excess of $125 per hour for the Endangered Species Act civil suits.

Now, perhaps the gentleman is not aware that the Equal Access to Justice Act caps attorney fees at $125 per hour unless the court—the court—determines that an increase in the cost of living or special factors, such as the limited availability of qualified attorneys for the proceedings involved, justifies the higher fee.

□ 0045

So it would be the court that would determine that. But the fee is capped at $125 an hour. This is unnecessary and it is a redundant amendment. Attorney fees for the Endangered Species Act cases, as I said, are already capped at $125 per hour, unless special criteria are stipulated by the Equal Access Justice Court.

This amendment would effectively change that implementation of the Equal Access Justice Act for one specific policy area: the Endangered Species Act.

Again, higher attorney fees are only permitted in cases where specific criteria under the Endangered Species Act are met. At best, this amendment is redundant; at worst, it is a backdoor attempt to undermine the Endangered Species Act protections and make access to justice a lot less equal.

In closing, Mr. Chair, we don't need any extraneous, redundant provisions to a bill that is already overburdened with harmful legislative riders. So I urge my colleagues to oppose this amendment, and I yield back the balance of my time.

Mr. LAMALFA. I appreciate the comments by my colleague from Minnesota here, but it has been very unequal already, with many, many cases being paid out at $600, $700 per hour. So this amendment seeks to actually put that cap on there. There will still be the ability for a court, in extraordinary circumstances, to make the decision of whether it should be higher.

But I am glad I am not in the position, like my colleague from Minnesota, of defending $600 or $700 an hour for attorney fees for more frivolous environmental lawsuits that make it difficult to farm, ranch, mine, and do timber operations which are desperately needed, especially with the conditions we have in California, with our forests as well as the drought situation and trying to get work done to address that.

So when the people watch what goes on here, they need to be cognizant that there are those in the government that would rather pay to $600 to $700 per hour for more frivolous environmental lawsuits while they suffer from drought or burning forests.

With that, I think that this amendment is very much in order because we see that these limits aren't being followed at all under the $125 limit.

I yield back the balance of my time.

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

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

Ms. MCCOLLUM. 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 OFFERED BY MR. GRAVES OF LOUISIANA

Mr. GRAVES of Louisiana. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill, insert after the last section (preceding the short title), the following:

SEC.____. None of the funds provided in this Act may be used in contravention of 33 U.S.C. 1319 with respect to a permit issued or required to be issued to the U.S. Army Corps of Engineers pursuant to 33 U.S.C. 1344 for discharges of dredged or fill material impacting wetlands.

The Acting CHAIR. Pursuant to House Resolution 333, the gentleman from Louisiana and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. GRAVES of Louisiana. Mr. Chairman, Americans are tired of two standards: a standard whereby private citizens are treated one way and a standard whereby the Federal Government treats themselves in an entirely different way.

Nothing is more apparent in this situation than where the U.S. Army Corps of Engineers grants themselves one way of complying with wetlands regulations, yet they impose an entirely different standard upon our private citizens.

The U.S. Army Corps of Engineers and the EPA go out and purport to be defenders of wetlands; good stewards of our wetlands. Yet the greatest cause of wetlands loss in the United States is actually caused by historic current and future actions of the U.S. Army Corps of Engineers.

In our home State of Louisiana, we have lost over 1,900 square miles of our coast, and the majority of that land loss has been caused by the management or the mismanagement by the U.S. Army Corps of Engineers of our coastal resources and the river resources, particularly the Mississippi River.

Mr. Chairman, what this amendment does is it simply requires that the U.S. Army Corps of Engineers comply with the same standards as anything else. If there are permits required, they have to get them. If there are mitigation requirements, they have to get them. They can no longer mismanage our coastal resources.

This isn't a parochial. This is an issue whereby the Nation truly benefits from this. This is the area where fishery production occurs, energy production occurs. We literally power this Nation's economy and we feed American families.

So this wetlands loss that we are experiencing actually increases the vulnerability of our coastal communities in south Louisiana and increases the demands upon FEMA and other agencies in response to disasters.

I reserve the balance of my time.

Mr. CALVERT. Will the gentleman yield?

Mr. GRAVES of Louisiana. I yield to the gentleman from California.

Mr. CALVERT. I urge adoption of the gentleman's amendment.

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

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. PERRY

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

Sec. ____. None of the funds made available by this Act may be used on an unmanned aircraft system or to operate any such system owned by the Department of the Interior for the performance of surveying, mapping, or collecting remote sensing data.

Mr. PERRY (during the reading). Mr. Chair, I ask unanimous consent to dispense with the reading.

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

There was no objection.

The Acting CHAIR. Pursuant to House Resolution 333, the gentleman from Pennsylvania and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. PERRY. I yield myself such time as I may consume.

I thank the chairman of the committee for allowing me to offer this amendment. It prevents the Department of the Interior from competing with our local job creators in the use of UAS—unmanned aerial systems—for land surveying, mapping, imaging, and remote sensing data activities.

There is concern that agencies like the USGS and the Bureau of Land Management are acquiring the UAS and utilizing them on projects that can be accomplished by the private sector. We have no problem with them using them. We have no problem with them using them for forest fires and those types of things, for emergency situations, but where local businesses can do this work, we think that it is unfair

for the government to take that work away.

Having the Department compete with local employers results in a loss of business for private geospatial firms under contract to other Federal mapping agencies. The government is actually getting a leg up on the private market by obtaining Certificates of Authorization, or COAs, and performing services with UAS that are otherwise commercial in nature.

Current law and regulation permits private citizens and firms to operate UAS for a hobby. However, there is no effective enforcement to prevent government abuse of such authority for commercial purposes.

The fact that government agencies can operate a UAS while the private sector cannot as freely or timely gain airspace access has created and uneven playing field. Allowing the Department of the Interior to compete with the free market use of UAS is not only poor stewardship of taxpayer money and inefficient use of resources, but results in the government duplicating and directly competing with private enterprise.

This is a $73 million marketplace, Mr. Chairman. It drives more than $1 trillion in economic activity. More than 500,000 American jobs are related to the collection, storage, and dissemination of imagery and geospatial data. Another 5.3 million citizens utilize such data. As much as 90 percent of the government information has a geospatial information component. Up to 80 percent of the information managed by business is connected to a specific location. The geospatial marketplace is identified by the Department of Labor as one of just 14 high gross sectors in the United States workforce.

With that, I urge support of this amendment, and I reserve the balance of my time.

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

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

Ms. MCCOLLUM. The Department of the Interior and the U.S. Geological Survey have been using unmanned aircraft to complement conventional satellite-based remote sensing. Using remote sensing via unmanned aircraft did make sense. It allows for the rapid collection of data and allows for the Department to get a closer look at natural disasters as they develop.

The Department and the USGS are using unmanned aircraft to monitor the spread of wildfires, monitor riverbank erosion, detect and locate coal steam fires, conduct waterfall surveys, and inspect abandoned mines.

It is clearly evident to everyone that this technology offers a real public safety benefit. So it makes no sense to hamstring the Department when the technology can save lives and the survey can monitor dangerous natural events.

Now, the way that the amendment is written—and I am all for the private sector being able to do things, and that is in your new amendment, that the private sector is not affected by this amendment—if the private sector currently isn't operating in this space looking at abandoned mines or looking at wildfires and we need to do something right away, your amendment would prohibit the Federal Government from using equipment it would have and be able to launch up and look at something in real time.

I don't think that was the total intention of your amendment. But because even though you worked in the redraft to make sure that you protected contractors—and I am glad you did that—I don't know where that leaves us in times of emergency when there isn't a contractor available, because you haven't allowed prohibition.

For that reason, Mr. Chair, I oppose the amendment, and I reserve the balance of my time.

Mr. PERRY. I appreciate the gentlewoman's comments.

First of all, I did state that fire observation would not be included. Indeed, it is not written in the amendment. It is very specific. So for emergency purposes, if need be, the Department of the Interior still can use, whether it uses its own or DHS' or one of the other myriad agencies that have the vehicles, it still has the ability to do that.

But I would also remind the gentlewoman that there are plenty of ambulance services and other emergency services for contract hire out there in our communities that perform emergency services every hour of the day, every day of the year. That fact notwithstanding, the private industry does provide all the other things that the agency is currently embarking on on its own and leaving the private sector out.

A friend just called me today and asked me, because I am a helicopter pilot in the Army, if we could put his air-conditioning unit on a roof. I said, ''Absolutely not.'' The Army doesn't do what the civilian world does for good reason. We want the civilians out there doing those things. We don't want to compete as the Federal Government.

But in this case, the Department of the Interior is competing directly, and will continue to do if allowed to do so, unless prohibited. They can write contracts, and they can have somebody on call. If there is an emergency situation, they can have a contractor on call to do that, and they should.

I reserve the balance of my time.

Ms. MCCOLLUM. I thank the gentleman.

I think that this is a great discussion we are having, but I don't think the discussion necessarily belongs on the appropriations bill. It belongs in the policy committee so that all the questions that I have and the concerns that you have can be addressed and thoughtfully written into a piece of legislation.

There are just some places in rural parts of the United States—and I come from a State that is both urban, suburban, and very rural, up on the north shore—where private contractors just don't go or the ability of getting a hold of one isn't there, and sometimes you have to have some Federal redundancy in the system to get out there and do that.

You also have used a couple of terms and descriptions that I don't have any statutory language in front of me. So where I think the gentleman might have a very good idea, bills that we are working on in the appropriations process, when we start getting into writing technical policy or trying to figure out the new wave of what new legislation should look like—and you have a great proponent; I hear him all the time in the Defense subcommittee—the chairman of the subcommittee says the Federal Government shouldn't be doing what the private sector can do. We should not be doing this legislation for the reasons I mentioned, that we just don't have all the facts in front of it, and it is not the role of the Interior Appropriations bill to do policy.

So I am going to continue to object to the amendment at this time, but I look forward to, in a policy situation, working with the gentleman.

I yield back the balance of my time.

Mr. PERRY. Again, I appreciate the gentlewoman's reservations and opposition for the reasons so stated. I respect them, but I feel this is the correct place to limit in the appropriations, to make sure that the private sector can compete effectively and is allowed to do so and doesn't have to compete against the Federal Government with all the provisions it has at its hand to undermine their ability to be effective and competitive.

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

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

The amendment was agreed to.

□ 0100

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. PERRY) having assumed the chair, Mr. LOUDERMILK, 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. 2822) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2016, and for other purposes, had come to no resolution thereon.

HOUSE BILLS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills of the following titles: