

Mr. Speaker, I introduced the bill we are considering today, the Presidential and Federal Records Act Amendments, to give the American people access to records Presidents create while they are in office.

I appreciate, first of all, the kind words of the chairman, and I appreciate the support this bill has received from him, Chairman ISSA, as well as the Homeland Security and Governmental Affairs Committee Chairman TOM CARPER.

The House passed this legislation in January by a vote of 420–0. This bill also passed the Senate with no opposition. There are not many bills that make it through both House and Senate without even a hint of opposition, but this is one of them.

When the Senate passed the House bill, it made technical changes that require us to pass the bill again. I hope my colleagues will join me in supporting this bill again, so that we can send it to the President for his signature.

The bill will amend the Presidential Records Act by adding procedures to ensure that the records of Presidents and their senior advisers are released to the public in a timely manner.

Under current law, Presidents can restrict access to their records for up to 12 years after they leave office. After that time, Presidents may continue to restrict access to their records by asserting that they are protected by executive privilege.

Under this bill, the records of current and former Presidents will continue to be protected for 12 years after they leave office. After that period, however, the bill would create a presumption of disclosure, and Presidents would have up to 90 days to object or those records would be automatically released.

In other words, when records are requested more than 12 years after a President leaves office, this bill would place the burden on the President to review those records and either assert executive privilege or allow them to be publicly disclosed.

This legislation would not impact the ability of Presidents to review their records before they are released. The legislation also would not impact the ability of Presidents to protect records because of national security concerns.

The bill has also been amended to address an issue raised by the White House. In the original version of this bill, Presidents would have had 40 days to review records. Based on bipartisan, bicameral negotiations, the current version of the bill now extends that review period to 90 days.

The Presidential and Federal Records Act Amendments would also require that any assertion of a privilege by a former President be affirmed by the incumbent President or through a court order for the record to be withheld from the public. This will provide an important check to ensure that Presidents cannot keep their records secret without accountability.

The bill also includes language based on an amendment that Chairman DARRELL ISSA proposed during the committee markup of the bill to address the use of personal email by Federal employees, and that amendment makes the bill even better.

This bill would continue to allow employees to use their personal email account for official business when necessary, but it would require employees to copy their official email account or forward their email to their official account.

The Presidential and Federal Records Act Amendments updates the Federal Records Act to modernize the definition of what constitutes a record and to allow agencies to use digital reproductions when they are required to indefinitely maintain copies of documents.

Finally, this bill is an important step forward in protecting our historical record. I urge my colleagues to support H.R. 1233 and send it on to the President's desk.

Again, I want to thank the chairman of the committee for your cooperation working with me over a good bit of time to bring this to the floor. I really appreciate it.

I urge all of our Members to vote in favor of this bill. I think it is a good bill. It has been made better because we had the input of both sides of the aisle and not only both sides of the aisle, but also the Senate.

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

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

In closing, I just want to hit two points that I think are noteworthy.

Historically, agencies kept their records for 30 years, the presumption they would keep them for 30 years before turning them over to the National Archives.

With the ranking member's assistance, this piece of legislation also eliminates that presumption. We, as a committee, felt very strongly that the sooner an agency turns over its records to the Archivist, the sooner they are broadly available and the better off it is.

In an electronic era, where it is a push of one button to transfer data, this piece of legislation not only eliminates that presumption, but highly encourages data be transferred, rather than mountains of paper or what is called a PDF, a print to file, if you will.

This is a significant improvement and something that minority and majority were able to work on together, along with the Archivist who was personally involved in this.

Lastly, I owe a debt of gratitude to the ranking member. In this bill, the amendment he mentioned is included, but the ranking member also signed on to a letter asking that H.R. 5170 be taken up by the Senate, a more explicit attempt to change the recordkeeping outside of official use within the government.

This has been an area in which multiple different Cabinet positions under multiple Presidents have found themselves with some very embarrassing failure to store and maintain the data.

At the end of the day, I am confident that our committee, under the ranking member and under the chairman that will likely replace me, will continue this effort, make sure that the American people know that if a covered individual is required to keep a record of his or her transactions and emails, that it will, in fact, be in the record and available, not just for Congress, but eventually for the American people to see. We believe that this is an important part of government transparency.

Again, I want to thank the ranking member who personally signed on and will continue, on behalf of the committee, to make sure that the American people get the full benefit of all records that are, in fact, created under any administration.

Mr. Speaker, with that, I urge support for this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ISSA) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 1233.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

NATIONAL ESTUARY PROGRAMS REAUTHORIZATION

Mr. LoBIONDO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5266) to reauthorize the National Estuary Programs, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5266

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COMPETITIVE AWARDS.

Section 320(g) of the Federal Water Pollution Control Act (33 U.S.C. 1330(g)) is amended by adding at the end the following:

“(4) COMPETITIVE AWARDS.—

“(A) IN GENERAL.—Of the amount made available under subsection (i)(2)(B), the Administrator shall make competitive awards under this paragraph.

“(B) APPLICATION FOR AWARDS.—The Administrator shall solicit applications for awards under this paragraph from State, interstate, and regional water pollution control agencies and entities, State coastal zone management agencies, interstate agencies, other public or non-profit private agencies, institutions, organizations, and individuals.

“(C) SELECTION OF RECIPIENTS.—In selecting award recipients under this paragraph, the Administrator shall select recipients that are best able to address urgent and challenging issues that threaten the ecological and economic well-being of coastal areas. Such issues shall include—

“(i) extensive seagrass habitat losses resulting in significant impacts on fisheries and water quality;

“(ii) recurring harmful algae blooms, unusual marine mammal mortalities;

“(iii) invasive exotic species which can threaten wastewater systems and cause other damage;

“(iv) jellyfish proliferation limiting community access to water during peak tourism seasons;

“(v) flooding which may be related to sea level rise or wetland degradation or loss; or

“(vi) low dissolved oxygen conditions in estuarine waters and related nutrient management.”

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330) is amended by striking subsection (i) and inserting the following:

“(i) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to the Administrator \$27,000,000, for each of fiscal years 2014 through 2018 for—

“(A) expenses relating to the administration of grants or awards by the Administrator under this section, including the award and oversight of grants and awards, except that such expenses shall not exceed 5 percent of the amount appropriated under this subsection; and

“(B) making grants and awards under subsection (g).

“(2) ALLOCATIONS.—

“(A) CONSERVATION AND MANAGEMENT PLAN.—The Administrator shall provide not less than 80 percent of the amounts made available for this section for each fiscal year referred to in paragraph (1) for the development, implementation, and monitoring of each conservation and management plan eligible for grant assistance under subsection (g)(2).

“(B) COMPETITIVE AWARDS.—The Administrator shall provide not less than 15 percent of the amounts made available for this section in each fiscal year to make competitive awards described in subsection (g)(4).”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. LOBIONDO) and the gentleman from New York (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. LOBIONDO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on H.R. 5266.

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

There was no objection.

Mr. LOBIONDO. Mr. Speaker, I yield myself such time as I may consume.

First, I want to thank Mr. SHUSTER, Mr. GIBBS, Mr. BISHOP, and Mr. LARSEN for helping me bring H.R. 5266, the National Estuary Programs Reauthorization, to the floor.

I also want to thank my colleagues, Mr. POSEY and Mr. MURPHY of Florida, in helping me get this legislation drafted and ushered through the committee in a bipartisan way.

This version of the National Estuary Programs Reauthorization is fiscally responsible by reducing the authorization levels by \$8 million, while ultimately increasing the amount of money each estuary program will receive. This reauthorization will detail

just how the EPA is to spend the authorized and appropriated money.

Unlike many programs under the Clean Water Act, the National Estuary Program is a nonregulatory program; instead, it is designed to support the collaborative voluntary efforts of Federal, State, and local stakeholders to restore degraded estuaries.

Unfortunately, National Estuary Programs have been losing money due to the EPA administrative costs. By setting limits of 5 percent for administrative costs for the EPA, we can guarantee 80 percent of the funding goes to the end user and the NEP and not bureaucratic salaries and red tape.

In this year's reauthorization, we have also set aside 15 percent of the funding for a competitive award program. This program will seek applications meant to deal with urgent and challenging issues that threaten the ecological and economic well-being of coastal areas.

By structuring how the money is spent and lowering authorization levels, this legislation strikes the right balance of fiscal and environmental responsibilities. I urge all Members to support H.R. 5266.

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

Mr. BISHOP of New York. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 5266 to reauthorize appropriations for the National Estuary Program.

First, Mr. Speaker, I would like to recognize my committee colleagues, the gentleman from New Jersey (Mr. LOBIONDO) and the gentleman from Washington (Mr. LARSEN), for introducing this legislation.

Our Nation's coasts and oceans provide a wealth of resources for the entire country, and among these areas, nowhere is more valuable than estuaries. Estuaries are bodies of water that receive both water from rivers and saltwater from the sea. This mix makes a unique environment that is extremely productive in terms of its ecosystem values.

Government studies have found that estuaries provide habitat for 75 percent of the U.S. commercial and 80 to 90 percent of the recreational fishing catches.

Perhaps the central problem in the protection and restoration of estuaries is that they ultimately lie downstream. Everything that enters the smallest stream, tributary, or headwater in a watershed eventually runs into a single outlet, impacting in some way all the biological elements of that ecosystem and all of the commerce that revolves around the estuary.

The First Congressional District of New York, which I have had the honor to represent, abuts two priority estuaries with the Environmental Protection Agency's National Estuary Program, the Peconic Bay and the Long Island Sound.

These unique waters are precious to the residents of Long Island, and their

continued health and vitality provide multiple benefits to the residents of Long Island and to the economic and environmental health of the region.

I am pleased that this legislation demonstrates the willingness of this Congress to move legislation that protects our water-related environment. The Federal seed money that comes from the EPA's National Estuary Program, when combined with other State and local resources, helps to implement locally-driven solutions to local water quality challenges.

In my view, if there are limits in the success of these programs, they are closely related to the availability of adequate restoration funds.

In the 111th Congress, I was the lead sponsor of another bill, H.R. 4715, the Clean Estuaries Act of 2010, that would have also authorized the National Estuary Program, however, at higher levels than contained in the current bill.

That legislation passed the House on a bipartisan basis and by an overwhelming margin; however, the Senate failed to ever act on that bill.

While H.R. 5266 does represent a significant reduction in the authorization of appropriations for this important program, I commend the bipartisan sponsors of this legislation for ensuring that the new authorization shows some room to increase the funding of these locally-driven restoration efforts, rather than simply cutting those efforts.

Too often these days, we seem driven to cut Federal spending for programs that provide real benefit to our Nation without an awareness of the consequences of these actions.

□ 1630

I can only hope that in the years to come this Chamber will recognize that there are places where the Federal Government can help and should be making increased investments, such as to repair our crumbling infrastructure or to protect our fragile natural environment.

These are only some of the ongoing challenges that face this Nation, and we need a Congress that is serious about taking on the hard questions and about making the right investments, not only for our lives and livelihoods, but for those generations of Americans to come.

Mr. Speaker, again, I support the passage of H.R. 5266, and I urge my colleagues to also support this bill.

I reserve the balance of my time.

Mr. LOBIONDO. Mr. Speaker, I am now pleased to yield 3 minutes to the gentleman from Florida (Mr. POSEY).

Mr. POSEY. I thank the gentleman for yielding.

I, again, want to thank Congressman LOBIONDO for his work on this National Estuary Program and this legislation to reauthorize this important program for another 5 years.

Thank you also for working with me on provisions for my bill, which I introduced with Representative MURPHY of Florida—H.R. 5117, the Estuary Urgent

Needs Priority Program. Our provision establishes a competitive awards program for estuaries to help prioritize funding to estuaries facing urgent needs. It does so without spending any additional money. We simply reprioritize and require all money appropriated from Congress for estuaries to actually be spent on estuaries.

Mr. Speaker, the National Estuary Program encourages communities to work toward having healthy estuaries by providing annual base grants for projects to improve and to monitor the quality of their water and the species that live in them. Healthy estuaries provide a diverse home for flora and fauna. Estuaries also provide for countless hours of recreational enjoyment and billions of dollars in economic impact.

My congressional district is home to one of the most diverse estuaries in the country, if not in the world—the Indian River Lagoon. Our lagoon's natural beauty has always been central to our community as a key to improving our quality of life, as a recreational area for fishing and boating with friends and family, and as a significant contributor to our local economy. I raised my family along this 156-mile lagoon, and I know firsthand how important this legislation is to making our local estuary program a success.

We have all seen the adverse consequences of sea grass loss and harmful algae blooms. The opportunity to compete for additional funding, which this bill provides, would be a valuable tool in combating the types of issues we have seen in our estuary. The bill before us redirects money away from the EPA's Washington bureaucracy and toward actual projects and initiatives across the Nation's estuaries.

I encourage my colleagues to support this legislation so that we can continue the great work that the NEP provides as it facilitates estuary protection and restoration initiatives.

Mr. BISHOP of New York. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. LARSEN), my friend.

Mr. LARSEN of Washington. Mr. Speaker, I rise in support of H.R. 5266, the reauthorizing of the National Estuary Program.

I want to thank Mr. GIBBS and Mr. BISHOP on the subcommittee and, of course, my colleague whom I share the Aviation Subcommittee with, Mr. LoBIONDO, for their leadership on getting this bill to the floor.

Mr. Speaker, estuaries are a critical habitat for salmon, birds, and many other species in the Pacific Northwest, where we know that protecting our natural resources is good for our environment and good for our economy.

My district borders on Puget Sound, which is our country's second largest estuary and is a key driver of our economy in Washington State. Trade, fishing, tourism, and outdoor recreation in our region create and sustain thousands of jobs, and all of these activities

are dependent on a healthy Puget Sound. I have long supported estuary restoration in the Puget Sound region, including projects like the Qwuloolt Estuary Restoration Project, which will be the largest tidal marsh restoration project ever completed in Washington State.

Estuary restoration can also be a key component for absorbing carbon emissions and increasing resiliency to the effects of climate change. A recent study of the Snohomish Estuary, in my district, found that currently planned and in-construction restoration projects will result in at least 2.55 million tons of CO₂ sequestered from the atmosphere over the next 100 years. That is the equivalent of a year's worth of emissions from a half a million automobiles. This bill is important. It is important for all of us.

I want to thank my colleague again, Mr. LoBIONDO, for his hard work on this legislation. I look forward to continuing our productive bipartisan relationship on this and on many other issues. I urge my colleagues to support H.R. 5266.

Mr. LoBIONDO. Mr. Speaker, I continue to reserve the balance of my time, but I do not have any more speakers.

Mr. BISHOP of New York. Mr. Speaker, I thought I had one more speaker, but he is not here, so I yield back the balance of my time.

Mr. LoBIONDO. Mr. Speaker, again, I thank my colleagues Mr. BISHOP, Mr. LARSEN, Mr. SHUSTER, and Mr. GIBBS. I urge all of my colleagues to join me in supporting this important legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. LoBIONDO) that the House suspend the rules and pass the bill, H.R. 5266, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CLIFFORD P. HANSEN FEDERAL COURTHOUSE CONVEYANCE ACT

Mr. MEADOWS. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1934) to direct the Administrator of General Services to convey the Clifford P. Hansen Federal Courthouse to Teton County, Wyoming.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1934

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Clifford P. Hansen Federal Courthouse Conveyance Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of General Services.

(2) COUNTY.—The term "County" means Teton County, Wyoming.

(3) COURTHOUSE.—The term "Courthouse" means—

(A) the parcel of land located at 145 East Simpson Street, Jackson, Wyoming; and

(B) the building located on the land described in subparagraph (A), which is known as the "Clifford P. Hansen Federal Courthouse".

SEC. 3. CONVEYANCE OF FEDERAL COURTHOUSE TO TETON COUNTY, WYOMING.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Administrator shall offer to convey to the County all right, title, and interest of the United States in and to the Courthouse.

(b) CONSIDERATION.—In exchange for the conveyance of the Courthouse to the County under this Act, the Administrator shall require the County to pay to the Administrator—

(1) nominal consideration for the parcel of land described in section 2(3)(A); and

(2) subject to subsection (c), consideration in an amount equal to the fair market value of the building described in section 2(3)(B), as determined based on an appraisal of the building that is acceptable to the Administrator.

(c) CREDITS.—In lieu of all or a portion of the amount of consideration for the building described in section 2(3)(B), the Administrator may accept as consideration for the conveyance of the building under subsection (b)(2) any credits or waivers against lease payments, amounts expended by the County under facility maintenance agreements, or other charges for the continued occupancy or use by the Federal Government of the building.

(d) RESTRICTIONS ON USE.—The deed for the conveyance of the Courthouse to the County under this Act shall include a covenant that provides that the Courthouse will be used for public use purposes.

(e) COSTS OF CONVEYANCE.—The County shall be responsible for paying—

(1) the costs of an appraisal conducted under subsection (b)(2); and

(2) any other costs relating to the conveyance of the Courthouse under this Act.

(f) PROCEEDS.

(1) DEPOSIT.—Any net proceeds received by the Administrator as a result of the conveyance under this Act, as applicable, shall be paid into the Federal Buildings Fund established under section 592 of title 40, United States Code.

(2) EXPENDITURE.—Amounts paid into the Federal Buildings Fund under paragraph (1) shall be available to the Administrator, in amounts specified in appropriations Acts, for expenditure for any lawful purpose consistent with existing authorities granted to the Administrator.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may establish such additional terms and conditions with respect to the conveyance under this Act as the Administrator considers to be appropriate to protect the interests of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. MEADOWS) and the gentleman from Indiana (Mr. CARSON) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

Mr. MEADOWS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on S. 1934.