

The SPEAKER pro tempore (Mr. POE of Texas). The question is on the motion offered by the gentleman from California (Mr. McCLINTOCK) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 2606.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. McCLINTOCK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

### POINT OF ORDER

Mr. MASSIE. Mr. Speaker, point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. MASSIE. Mr. Speaker, when a quorum is not present and that is noted by a Member, under the rules, the yeas and nays are automatic. Is that correct?

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, when proceedings resume on this question, a demand for the yeas and nays will be in order.

Mr. MASSIE. All right. Thank you, Mr. Speaker.

### CONVEYING CERTAIN FACILITIES, EASEMENTS, AND RIGHTS-OF-WAY TO KENNEWICK IRRIGATION DISTRICT

Mr. McCLINTOCK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6652) to direct the Secretary of the Interior to convey certain facilities, easements, and rights-of-way to the Kennewick Irrigation District, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6652

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

#### SECTION 1. DEFINITIONS.

In this Act:

(1) **AGREEMENT.**—The term “Agreement” means the agreement required under section 2(a).

(2) **DISTRICT.**—The term “District” means the Kennewick Irrigation District, located in Benton County, Washington, which operates and maintains a portion of the Kennewick Division of the Yakima Project constructed by the United States to enable the Kennewick Irrigation District to carry out authorized purposes pursuant to the Act of June 12, 1948 (62 Stat. 382).

(3) **DISTRICT’S HEAD GATE.**—The term “District’s head gate” means the point of diversion for the Kennewick Irrigation District, identified as the KID Main Canal Headworks at the following location: KID Main Canal Headworks, 200 feet east and 1100 feet north, more or less,

from the southwest corner of section 16, being within the northwest  $\frac{1}{4}$  of the southwest  $\frac{1}{4}$  of the southwest  $\frac{1}{4}$  of section 16, T. 9 N., 26 E.W.M.

(4) **DIVISION.**—The term “Division” means the Kennewick Division, including the Transferred Works.

(5) **TRANSFERRED WORKS.**—The term “Transferred Works” means the canals, laterals, and appurtenant works and lands, which begin at the District’s head gate and extends approximately 40 miles east to the Columbia River built to serve the place of use of the 20,201 acres of currently irrigated lands entitled to delivery of water within the Kennewick Irrigation District.

(6) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

#### SEC. 2. AGREEMENT, CONVEYANCE, REPORT.

(a) **AGREEMENT.**—Not later than 2 years after the date of the enactment of this Act, the Secretary, acting through the Bureau of Reclamation, shall enter into an agreement with the District to determine the legal, institutional, and financial terms related to the conveyance of the Transferred Works. The Agreement shall be completed after the requirements in section 5(a) are satisfied. This Agreement shall be in accordance with and subject to Memorandum of Agreement No: R18MAI3703 between the District and the Bureau of Reclamation.

(b) **CONVEYANCE.**—Subject to valid leases, permits, rights-of-way, easements, and other existing rights and in accordance the terms and conditions set forth in the Agreement and this Act, the Secretary shall convey to the District all right, title, and interest of the United States in and to the Transferred Works.

(c) **REPORT.**—If the conveyance authorized by subsection (b) is not completed within 2 years after the date of the enactment of this Act, the Secretary shall submit to Congress a report that—

- (1) describes the status of the conveyance;
- (2) describes any obstacles to completing the conveyance; and
- (3) specifies an anticipated date for completion of the conveyance.

#### SEC. 3. LIABILITY.

(a) **DAMAGES.**—Except as otherwise provided by law and for damages caused by acts of negligence committed by the United States or by its employees or agents, effective upon the date of the conveyance authorized by section 2, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the Transferred Works.

(b) **TORTS CLAIMS.**—Nothing in this section increases the liability of the United States beyond that provided in chapter 171 of title 28, United States Code (popularly known as the “Federal Tort Claims Act”).

#### SEC. 4. BENEFITS.

(a) **STATUS OF LAND.**—After conveyance of the Transferred Works under this Act, the Transferred Works shall not be considered to be a part of a Federal reclamation project.

(b) **BENEFITS IF ENTIRE DIVISION CONVEYED.**—If the entire Division is conveyed out of Federal ownership, the District shall not be eligible to receive any benefits, including project power, with respect to the conveyed Division, except benefits that would be available to a similarly situated entity with respect to property that is not part of a Federal reclamation project.

#### SEC. 5. COMPLIANCE WITH OTHER LAWS.

(a) **COMPLIANCE WITH ENVIRONMENTAL AND HISTORIC PRESERVATION LAWS.**—Before making the conveyance authorized by this Act, the Secretary shall complete all actions required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), subtitle III of title 54, United States Code, and all other applicable laws.

(b) **COMPLIANCE BY THE DISTRICT.**—After conveyance of the Transferred Works under this

Act, the District shall comply with all applicable Federal, State, and local laws and regulations in its operation of the Transferred Works.

(c) **APPLICABLE AUTHORITY.**—All provisions of Federal reclamation law (the Act of June 17, 1902 (43 U.S.C. 371 et seq.), and Acts supplemental to and amendatory of that Act) shall continue to be applicable to project water provided to the District.

#### SEC. 6. PAYMENT.

(a) **ADMINISTRATIVE COSTS.**—Except as provided in subsection (b), administrative costs for conveyance of the Transferred Works under this Act shall be paid in equal shares by the Secretary and the District.

(b) **REAL ESTATE TRANSFER COST.**—Costs of all boundary surveys, title searches, cadastral surveys, appraisals, and other real estate transactions required for the conveyance of the Transferred Works shall be paid by the District.

(c) **COSTS OF COMPLIANCE WITH OTHER LAWS.**—Costs associated with any review required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), subtitle III of title 54, United States Code, and all other applicable laws for conveyance of the Transferred Works shall be paid in equal shares by the Secretary and the District.

#### SEC. 7. MISCELLANEOUS.

(a) **APPLICABILITY OF OTHER LAW.**—Section 1212 of Public Law 103-434 shall apply to and be incorporated into this Act.

(b) **STATUTORY CONSTRUCTION.**—Nothing in this Act shall or shall be construed for any purpose—

(1) to transfer, affect, reduce, modify, or impair the water rights of any person;

(2) to affect, reduce, modify, or impair the United States’ authority to regulate and manage water in the Yakima Basin, including water diverted into the Chandler Power Canal and Prosser Dam through and including the Kennewick Irrigation District’s head gate;

(3) to change how water is diverted at Prosser Dam and delivered to the Kennewick Irrigation District through the Chandler pumps through the District’s head gate; and

(4) to affect reduce, modify, or impair the United States’ control, management, and ownership of the “Reserved works” as defined in the United States Bureau of Reclamation and Kennewick Irrigation District Amendmentary Repayment Contract (1953) (Contract No. 14-06-W-56) as amended, at pp. 2-3, which Reserved works include but are not limited to Prosser Dam, the Chandler Power Canal and hydroelectric and pumping plant, all Yakima Project facilities, and the siphon under the Yakima River to the District’s head gate.

#### SEC. 8. LIMITATIONS.

After completing the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Secretary of the Interior shall convey title, if the Secretary affirms in writing to the House Committee on Natural Resources and the Senate Committee on Energy and Natural Resources that the following criteria have been met:

(1) The Kennewick Irrigation District agrees to accept title to the property proposed for transfer.

(2) The proposed title transfer will not have an unmitigated negative effect on the environment.

(3) The transfer is consistent with the Secretary’s responsibility to protect land and water resources held in trust for federally recognized Indian Tribes.

(4) The transfer is consistent with the Secretary’s responsibility to ensure compliance with international treaties and interstate compacts.

(5) The Kennewick Irrigation District agrees to provide, as consideration for the assets to be conveyed, compensation to the United States worth the equivalent of the present value of any repayment obligation to the United States or

other income stream the United States derives from the assets to be transferred at the time of the transfer.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. McCLINTOCK) and the gentleman from Arizona (Mr. GRIJALVA) each will control 20 minutes.

The Chair recognizes the gentleman from California.

#### GENERAL LEAVE

Mr. McCLINTOCK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 6652, authored by my colleague from Washington (Mr. NEWHOUSE), authorizes the Secretary of the Interior to transfer the ownership of certain water infrastructure resources from the Bureau of Reclamation to the Kennewick Irrigation District, which already operates and maintains the facilities.

Now, to be clear, this is not a giveaway of taxpayer-owned property. The district has a long-term contract with Reclamation to repay the capital costs of construction, with the payment to be completed by the time of the transfer.

This legislation is about supporting local water infrastructure. The transfer will allow the district to more efficiently manage water supplies, while giving the local community the ability to seek private financing, through equity, to improve vital water infrastructure.

This is also a win for the American taxpayer. Title transfers like this reduce regulatory paperwork and staff time for both parties, reduce the Federal backlog for repairs and upgrades to improve the environment and public safety, and reduce Federal liability.

Mr. Speaker, I urge adoption of the measure, and I reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, H.R. 6652, as stated, authorizes the conveyance of certain water facilities owned by the Bureau of Reclamation to the Kennewick Irrigation District in Washington.

Before transferring the water facilities and associated lands, the legislation wisely requires an assessment be completed under the National Environmental Policy Act.

The bill also requires the Department of the Interior affirm that the transfer won't have a negative effect on the environment or harm Tribal trust resources before the transfer can take place.

Mr. Speaker, these are important safeguards. I applaud Congressman NEWHOUSE for agreeing to them.

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

Mr. McCLINTOCK. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. NEWHOUSE), the author of this measure and a leader on the Natural Resources Committee.

□ 1715

Mr. NEWHOUSE. Mr. Speaker, I thank the good gentleman from California for yielding.

Mr. Speaker, I rise today to speak in support of my legislation, H.R. 6652, to transfer Bureau of Reclamation works to the Kennewick Irrigation District.

As many of my colleagues know far too well, communities across the Western United States too often are faced with the detrimental impacts of droughts and water shortages. Water providers across central Washington and across the West face numerous challenges to supply water, including growing demand, aging infrastructure, and changing precipitation patterns.

By transferring the Bureau of Reclamation works to a local entity, like the Kennewick Irrigation District, water suppliers can better manage critical water resources and empower water managers to be as responsive, efficient, and innovative as possible in serving their community.

In addition to transferring the works, the legislation before us will provide for reduced Federal liabilities and, with the Kennewick Irrigation District prepaying for the works, there is an additional cost-savings benefit to the Federal Government.

I thank the chairman of the Natural Resources Committee in the House, Chairman BISHOP, for moving this legislation forward, which truly is a win-win for local water providers, the Federal Government, and taxpayers. Mr. Speaker, I also thank Mr. Bill Ball, the staff director of the Subcommittee on Water, Power, and Oceans, for his tremendous work at the committee; and a personal shout-out to one of my office staff members, Travis Martinez, for his work.

Mr. Speaker, I encourage my colleagues to support this legislation on final passage, and I look forward to the Senate moving swiftly to get this legislation to the President's desk.

Mr. McCLINTOCK. Mr. Speaker, I urge adoption of the measure, 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. McCLINTOCK) that the House suspend the rules and pass the bill, H.R. 6652, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. McCLINTOCK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

#### MODERNIZING RECREATIONAL FISHERIES MANAGEMENT ACT OF 2018

Mr. GRAVES of Louisiana. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1520) to expand recreational fishing opportunities through enhanced marine fishery conservation and management, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1520

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

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the “Modernizing Recreational Fisheries Management Act of 2018”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents; references.  
Sec. 2. Findings.  
Sec. 3. Definitions.

#### TITLE I—CONSERVATION AND MANAGEMENT

Sec. 101. Process for allocation review for South Atlantic and Gulf of Mexico mixed-use fisheries.  
Sec. 102. Fishery management measures.  
Sec. 103. Study of limited access privilege programs for mixed-use fisheries.

#### TITLE II—RECREATION FISHERY INFORMATION, RESEARCH, AND DEVELOPMENT

Sec. 201. Cooperative data collection.  
Sec. 202. Recreational data collection.

#### TITLE III—RULE OF CONSTRUCTION

Sec. 301. Rule of construction.

(c) REFERENCES TO THE MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT.—Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

#### SEC. 2. FINDINGS.

Section 2(a) (16 U.S.C. 1801(a)) is amended by adding at the end the following:

“(13) While both provide significant cultural and economic benefits to the Nation, recreational fishing and commercial fishing are different activities. Therefore, science-based conservation and management approaches should be adapted to the characteristics of each sector.”.

#### SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) COUNCIL.—The term “Council” means any Regional Fishery Management Council