

on Iran's spending to support these groups, and for that reason I support the amendment.

Mr. NUNES. Mr. Chairman, I continue to reserve the balance of my time.

Mr. LIPINSKI. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I thank Chairman NUNES and Ranking Member SCHIFF for their support of this amendment, and I thank them for their work on this important bipartisan bill.

Mr. Chairman, I urge my colleagues to support this amendment, and I yield back the balance of my time.

Mr. NUNES. Mr. Chairman, I thank the gentleman for working with our committee to get support from both sides of the aisle for this amendment, I urge its passage, and I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MR. DAVIDSON

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in House Report 115-815.

Mr. DAVIDSON. 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 title V of division B, add the following new section:

**SEC. 2509. INCLUSION OF DISCIPLINARY ACTIONS  
IN ANNUAL REPORT RELATING TO  
SECTION 702.**

Section 707(b)(1)(G)(ii) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881f(b)(1)(G)(ii)) is amended by inserting before the semicolon the following: “, including whether disciplinary actions were taken as a result of such an incident of noncompliance and the extent of such disciplinary actions”.

The Acting CHAIR. Pursuant to House Resolution 989, the gentleman from Ohio (Mr. DAVIDSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. DAVIDSON. Mr. Chairman, today, I offer an amendment that is very straightforward. It simply takes an already existing reporting requirement within the section 702 program and adds an additional layer of congressional oversight. This will ensure that the Judiciary Committee and the Intelligence Committee have insight into how the intelligence community enforces its own internal guidelines for handling sensitive data.

Currently, the attorney general provides these committees with semi-annual reports about incidents of intelligence community noncompliance with the targeting, minimization, and querying procedures within the 702 program. These are important features that ensure the collection and use of data is solely for targeting dangerous terrorists and does not threaten the Fourth Amendment rights of Americans.

However, this report is lacking because it does not describe what, if any, disciplinary actions are taken by agencies in response to noncompliance. My amendment would simply require that this report include information about disciplinary action.

For example, was a violation simply flagged for agency records? Or was someone given additional training, disciplinary suspension, termination, or, perhaps, even prosecution?

My amendment intends to provide Congress with a high-level look at how agencies address the incidents they are already reporting on.

The privacy safeguards contained in the section 702 program are critical for protecting the constitutional rights of everyday Americans, and, indeed, the high functioning capability of this important program for national security.

Congress has the responsibility to make sure agencies are taking steps to mitigate abuse and enforce statutes, guidelines, and court orders relevant to this powerful surveillance tool.

This is a commonsense amendment that I have drafted in coordination with the House Intelligence Committee, and I urge my colleagues to support its adoption.

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

Mr. NUNES. Mr. Chairman, I claim the time in opposition to the amendment, though I am not opposed.

The Acting CHAIR (Mr. LAMBORN). Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

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

Mr. DAVIDSON. Mr. Chairman, I think the thing I would emphasize is that it is important for us to understand: A) we should preserve the 702 program; and B) there are some incremental reforms that could make the program high functioning, and also give the American people peace of mind that their Fourth Amendment rights are protected.

It is also important for the intelligence community to know that the programs they have are working, and it can send an important message that there are disciplinary actions for those who don't follow the guidelines.

This will give Congress insight into how well that system is functioning and what disciplinary actions, if any, are taken.

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

Mr. NUNES. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I thank all of the Members who offered amendments today. This is a critical piece of legislation, and I look forward to working with the Senate to send this bill to the President.

This year's bill is named after Matthew Young Pollard, who passed away earlier this year while carrying out the work of the Senate Intelligence Committee. Matt was a friend to many on

both sides of the aisle of our committee, a dedicated staff member, and a member of the Army National Guard. While his loss is devastating to us, we honor his service to the United States by naming this bill in his memory.

I thank the ranking member for his support on this bill, I urge passage of the amendment, and urge passage of H.R. 6237, the Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018 and 2019.

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

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

The amendment was agreed to.

The Acting CHAIR. The question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BOST) having assumed the chair, Mr. LAMBORN, 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. 6237) to authorize appropriations for fiscal years 2018 and 2019 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, and, pursuant to House Resolution 989, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. NUNES. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

the bill (H.R. 3281) to authorize the Secretary of the Interior to facilitate the transfer to non-Federal ownership of appropriate reclamation projects or facilities, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 985, the bill is considered read.

The text of the bill is as follows:

H.R. 3281

*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 “Reclamation Title Transfer and Non-Federal Infrastructure Incentivization Act”.

#### SEC. 2. DEFINITIONS.

In this Act:

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

(2) ELIGIBLE FACILITY.—The term “eligible facility”—

(A) means a reclamation project or facility, or a portion of such a project or facility (which may include dams and appurtenant works, infrastructure, recreational facilities, buildings, distribution and drainage works, and associated lands or interests in lands or water) that meets the criteria for potential transfer established pursuant to section 4; and

(B) does not include a reclamation facility or separately functioning portion of such facility that generates hydropower marketed by a power marketing administration.

(3) QUALIFYING ENTITY.—The term “qualifying entity” means an agency of a State political subdivision, joint action or powers agency, water users association, Indian Tribe or Tribal utility authority, that—

(A) held or holds a water service contract, repayment contract, operation and maintenance contract, water rights settlement contract or exchange contract providing for water service from the eligible facility to be transferred; and

(B) as determined by the Secretary, has the capacity to continue to manage the conveyed property for the same purposes by which the property has been managed under reclamation law.

(4) CONVEYED PROPERTY.—The term “conveyed property” means an eligible facility that has been transferred out of Federal ownership under this Act.

#### SEC. 3. AUTHORIZATION OF TITLE TRANSFER.

(a) IN GENERAL.—The Secretary may convey to a qualifying entity all right, title, and interest of the United States in and to any eligible facility, subject to subsections (b) and (c), if—

(1) the Secretary notifies Congress in writing of the proposed conveyance, and the reasons for the conveyance, not later than 90 days before the date on which the Secretary makes the conveyance; and

(2) Congress does not pass a joint resolution disapproving the conveyance before such date.

(b) ASSOCIATED WATER RIGHTS AND USES.—Federal interests in associated water rights and uses, if included, shall be conveyed in accordance with applicable State law under this Act by a written agreement between the Secretary and the qualifying entity.

(c) CONSULTATION.—Interests in eligible facilities shall be conveyed under this Act by a written agreement between the Secretary and the qualifying entity, developed in consultation with any existing water and power customers affected by the eligible facility.

(d) RIGHT OF FIRST REFUSAL.—If the entity that operates and maintains an eligible facility at the time that the Secretary attempts to facilitate the conveyance under subsection (c) is a qualifying entity, that entity shall have the right of first refusal to receive the conveyance under this Act.

#### SEC. 4. ELIGIBILITY CRITERIA FOR TITLE TRANSFER UNDER THIS ACT.

Not later than one year after the date of the enactment of this Act, the Secretary shall establish criteria for determining whether facilities are eligible for title transfer under this Act. The criteria shall include the following minimum requirements:

(1) The qualifying entity agrees to accept title to the property proposed for transfer.

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

(3) The qualifying entity intends to use the property for substantially the same purposes the property is being used for at the time the Secretary evaluates the potential transfer.

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

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

(6) The qualifying entity 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.

#### SEC. 5. OTHER CONDITIONS FOR CONVEYANCES.

(a) POWER RATES.—No conveyance under this Act may adversely impact power rates or repayment obligations.

(b) NEPA.—The Secretary shall apply a categorical exclusion process under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) on eligible facilities under this Act.

#### SEC. 6. LIABILITY.

Effective upon the date of conveyance of any eligible facility pursuant to this Act, the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence based on its prior ownership or operation of the conveyed property, except for damages caused by acts of negligence committed by the United States or by its employees, agents, or contractors, prior to conveyance.

#### SEC. 7. BENEFITS.

After a conveyance under this Act—

(1) the conveyed property shall not be considered to be a part of a Federal reclamation project; and

(2) in the event that a transfer of an entire project occurs, the entity to which the property is conveyed shall not be eligible to receive any benefits, including project power, with respect to the conveyed property, 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. 8. COMPLIANCE WITH OTHER LAWS.

After a conveyance under this Act, the entity to which the property is conveyed shall comply with all applicable Federal, State, and local laws and regulations in its operation of the conveyed property.

#### SEC. 9. NOTIFICATION.

The Secretary shall submit, as part of the Secretary's annual budget submission to Congress—

(1) a description of the actions taken to implement this Act; and

(2) a list of conveyances made or initiated by the Secretary or a qualifying entity under this Act.

The SPEAKER pro tempore. The bill shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources.

The gentleman from Colorado (Mr. LAMBORN) and the gentleman from California (Mr. HUFFMAN) each will control 30 minutes.

The Chair recognizes the gentleman from Colorado.

GENERAL LEAVE

Mr. LAMBORN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous materials on H.R. 3281.

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

There was no objection.

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

Today, the House is considering my bipartisan legislation, H.R. 3281, which aims to streamline the process for the transfer of some of the Bureau of Reclamation's projects to local beneficiaries who have or will repay the Federal investment, and already operate and maintain these projects. Transferring these simple projects, or parts of them, will allow water districts and other local beneficiaries to leverage non-Federal financing through ownership equity while, simultaneously, decreasing Federal liability.

During committee consideration of this bill, we heard that the current process is time-consuming, cumbersome, expensive, and uncertain. This has proven to be a disincentive to many water users who are now rightly asking for and deserving change.

However, it wouldn't be fair to heap all the blame on the agency. Congress has done its fair share, slowing down some of these simple title transfers.

Under current practice, every single transfer, regardless of the size or scope, requires congressional authorization. I want to be clear to my colleagues that this legislation does not remove congressional oversight. In fact, this legislation includes a provision offered by Ranking Member HUFFMAN, of the subcommittee, that allows for congressional review of any transfer authorized under this process.

Since my bill was introduced, we have seen the administration and the Senate put similar proposals together to achieve the same goals as this legislation that we are considering here today.

At the end of the day, my bill provides an optional process that could be used to expedite simple title transfers. Any title transfer can still use the existing process, if the participants prefer.

Now, despite what someone might say, this bill does not exempt any action from NEPA, National Environmental Protection Act, or any other environmental mandates.

To be crystal clear, I want to reiterate that this bipartisan legislation requires that eligible projects comply with and satisfy the NEPA process; any remaining Federal obligation be repaid by the recipient; and that Congress be given a 90-day period to review and, if opposed, to pass a resolution of disapproval.

The Bureau of Reclamation currently has the authority to transfer any water project that would be authorized under this legislation. My bill simply allows operators of these water projects throughout the West to receive title to the projects they have paid for and are currently maintaining, without subjecting them to having to get an act of Congress.

Again, this legislation authorizes an optional process for an expedited process for specific types of transfers.

My bill supports local infrastructure and gives local communities the ability to seek private financing, through equity, to improve their vital water infrastructure.

This bipartisan legislation is supported by the Family Farm Alliance, Friant Water Authority of California, and the Kennewick Irrigation District of Washington State.

I want to thank my colleague, Mr. COSTA, for sponsoring this bill with me, and I urge my colleagues to vote “yes” on this legislation.

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

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

Mr. Speaker, the bill we are debating today is an attempt by my Republican colleagues to approve one part of President Trump's so-called infrastructure plan.

H.R. 3281 would enact a proposal from the Trump infrastructure plan that approves the de facto privatization of some of the public's most important water infrastructure, without safeguards to protect the American taxpayer or our natural heritage.

Now, you may remember, Mr. Speaker, that the Trump infrastructure plan that was transmitted to Congress in February focuses much of its attention on giving away the public's infrastructure to private interests.

For example, the Trump plan calls for privatizing Western electricity infrastructure, the Dulles International Airport, the Washington Aqueduct, the George Washington and Baltimore Washington Parkways, and much of the Tennessee Valley Authority.

This Trump yard sale of critical public infrastructure would raise consumer costs and would enrich private interests, all while providing no meaningful funding for much-needed public infrastructure development.

Now, when it comes to the management of our public infrastructure, it is clear that this administration and this Republican Congress would simply rather sell it off than fix it. So today, we have before us the proposal to dole out much of the public water infra-

structure owned by the United States, with virtually no strings attached.

Mr. Speaker, this may be how Mr. Trump liquidates real estate during one of his infamous bankruptcies, but it is no way to manage public infrastructure.

Now, the Bureau of Reclamation owns some of the most important public water infrastructure in America, including hundreds of dams, canals, and other associated infrastructure. Reclamation's infrastructure helps deliver water to tens of millions of people, and it serves numerous stakeholders, including municipal and industrial water users, farmers, Tribes, fishermen, and environmental and recreational interests.

H.R. 3281 irresponsibly gives the Secretary of the Interior new authority to transfer title, which is another term for relinquishing ownership, to a broad range of reclamation water projects.

Now, this bill's proponents have claimed that it only expedites the relinquishment of small and easy projects that the Federal Government should no longer own. I wish that were the case.

Mr. Speaker, if that were actually the case, we would have a bipartisan bill, and I would be standing here in support of it, because I have supported title transfers for select, noncontroversial projects when it made sense for taxpayers and the public. In cases of canals and waterworks that don't affect water operations and diversions, and where there is no significant opposition from Tribes or downstream users, it does make sense, to me, for Congress to give the executive branch some leeway to dispose of these facilities, as long as appropriate safeguards are in place.

Unfortunately, the bill before us allows this administration to unilaterally relinquish ownership of a very broad range of public water projects without appropriate safeguards that should be there to make sure taxpayers and other stakeholders are protected.

In fact, this bill is written so broadly that it would allow the Secretary of the Interior to hand over multipurpose water projects that have no business being owned by one water user.

Now, the fact is, many of Reclamation's water projects need to be operated in a manner that balances difficult, conflicting interests. Giving up ownership and control of that project, handing it over to a single water user will, in some cases, result in significant harm to the many other interests who have a stake in the operation of Federal water projects.

I am also sorry to say that this bill is a bad deal for taxpayers. It allows the Secretary of the Interior to hand over publicly owned infrastructure and other Federal assets to private interests without appropriate taxpayer compensation.

For example, it fails to require that taxpayers be compensated for the loss of publicly owned lands and mineral in-

terests. And whenever the Federal Government gives away Federal assets, we should ensure that taxpayers who paid for these assets are properly compensated. This bill utterly fails on that score.

I must also point out that H.R. 3281 unwisely removes longstanding and necessary congressional oversight for an overly broad range of projects. Under existing law, Congress has responsibility to oversee and approve the transfer of Federal water projects to ensure that transfers are in the public interest.

This bill eliminates Congress' current oversight and approval authority for a host of projects that deserve scrutiny before they are given away—not after, but before they are given away. Congress should think twice before it surrenders power and lets this administration irresponsibly give away the public's infrastructure.

Before closing, I should also note that this bill is rightfully opposed by numerous conservation organizations, including the Sierra Club, Natural Resources Defense Council, Defenders of Wildlife, and many others.

Conservation-minded Americans oppose this bill because transferring ownership of Federal water projects to non-Federal operators will frequently mean less protection for the environment. That is because non-Federal water projects often don't have to be operated with the same environmental protections that apply to water projects operated, owned by Federal agencies.

For example, projects operated by Federal agencies must comply with certain provisions in section 7 of the Endangered Species Act. Those same requirements would no longer apply if a water project was operated by a non-Federal entity.

For all these reasons, Mr. Speaker, I request a “no” vote on this bill, and I reserve the balance of my time.

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

I think I may have heard, and I think it could be a misstatement to say, that this could have been a bipartisan bill. It is a bipartisan bill. Now, it may not be unanimous, but it is a bipartisan bill. And for that, I am glad.

I also thought I heard an emotional criticism of President Donald Trump. This was an idea first proposed by Vice President Al Gore during the Clinton administration in the 1990s, so it is not a new idea, by any means. This is an idea that has been around for a while; Congress just hasn't acted on it. We are using the same old, case-by-case basis of doing transfers, which is cumbersome and works a hardship on the local people and communities out in the West.

Now, for the allegation that this in some way shortchanges the taxpayer, that is simply not true. I don't call it a giveaway when someone gets title to something they have already paid for.

When my colleague goes to the car lot and buys a car and they give him a

car, that is not a giveaway; he has paid for that. He should receive title. He should receive ownership.

Facilities eligible for transfer under this process would be subject to an agreement with the Bureau of Reclamation that would require these projects to be fully paid off, based on the fair market value of any outstanding obligation to the taxpayers. That is in the language of the bill.

The bill specifically requires a qualifying entity to repay any outstanding obligation to the Federal Government and compensate the U.S. for any other income stream derived from the transferred facilities.

Furthermore, Congress routinely authorized title transfers that have already met many of the standards and financial safeguards established by this legislation.

There is nothing new here. All the bill does is gets Congress out of the way, and it removes a layer of bureaucracy.

In reality, any title transfers conducted under the authorities of this act would relieve the American taxpayer of associated liability, so it is a service to the taxpayers when they don't have to have liability for an already paid-off project that the local community takes over and assumes responsibility for.

In short, title transfers are already designed to recoup taxpayer investment, and this bill would further protect the long-term financial interests of the public.

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

Mr. COSTA. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise to support this important legislation.

Mr. Speaker, I remember very clearly when President Clinton asked Vice President Gore to conduct an effort to reorganize government at the Federal level, to make it more efficient, to look for ways in which we could cut down on bureaucratic red tape and to try to find other efficiencies that exist. This was but one of many recommendations that Vice President Gore and his group came up with.

Mr. Speaker, the success of the Bureau of Reclamation to convert portions of the arid West into the largest and most advanced agricultural economy in the world cannot be overstated.

Nowhere is that more evident than in California's San Joaquin Valley, the most productive agriculture region in the world. We grow 60 percent of the Nation's fruits and vegetables, healthy diet, good nutritional food for America's dinner table, besides leading in so many other commodities that we grow.

As a matter of fact, it helps the balance of payments. California's agricultural economy, 44 percent of it, is part of our international trade.

It would not be possible, though, without the complex and well-planned set of dams, canals, and other structures that have operated successfully for generations—generations.

However, over time, the aging infrastructure needs to be repaired. It needs to be updated. Many of the reclamation projects, when they were originally authorized by Congress and the funds were appropriated, were intended to be turned over to local districts to operate once the projects were repaid, and that is an important caveat. Clearly, there was a requirement in the authorization that these projects be repaid, and many of these projects around the country are in various states of being repaid.

□ 1530

After the project's operation and maintenance responsibilities have been fully transferred, the actual ownership would then be transferred as well.

The transfer of title to local operators, I think, has numerous benefits to water users and to the taxpayers. It can reduce paperwork, staff time—both at the Federal and local levels—reduce Federal backlog of infrastructure repair projects, and help improve the environment for public safety because, yes, the environmental laws would still be in place.

I can tell you, in California, our environmental laws are stronger than at the Federal level, so I don't believe that is truly an issue.

And, frankly, we know what the status of our debt in this country is, and we know that so many of our departments and agencies—and in the case of Federal reclamation projects, there is not sufficient funding to do the repair and maintenance that is necessary. It is just very simple: The money is not there, and yet these aging projects are continuing to try to operate as best they can.

A transfer can also provide more flexibility to finance local upgrades and repairs because it provides an asset to be used as collateral.

When we passed the settlement agreement from the Friant water users, as an example, with the NRDC, part of the caveat was that Friant water users would be able to repair the Friant-Kern Canal.

Keeping water facilities in good condition, particularly those that recharge groundwater, is critical not only to the San Joaquin Valley that I represent that grows this abundant and incredible cornucopia of food that is on America's dinner table every night, but today there are large sections of the Friant-Kern Canal that stretch from the Friant Dam all the way down to Bakersfield that have less than 60 percent of their capacity to move water through.

So last year, when we had an abundance of water, almost 200 percent above average, that water could have been used to recharge the groundwater in parts of Tulare and Kern Counties. But because we couldn't move the water through that portion that has subsided, that has cracked, and that is badly in need of repair, we were not able to move the water that the facility initially had capacity to move.

That is one example. There are any other examples.

Importantly, a title transfer does not ultimately change the way facilities are operated; it just doesn't.

Since 1995, the Bureau of Reclamation, working with interested stakeholders, has worked to improve the title transfer process. But I believe it is very important to note that, however, specific congressional authorization—which this legislation attempts to provide some authorization—is still needed to transfer the title of any facility, no matter how small, unless a separate administrative process is established by law to allow the transfer of such ownership. That is what this legislation attempts to do.

This legislation, therefore, creates an administrative process while maintaining the ability of Congress to have the final word, and that is to disapprove of any proposed transfer by passing a resolution of disapproval.

So if the Secretary, in fact, worked such an agreement, moves forward with a transfer of the title, and Congress says, "No, we want to determine these on a case-by-case basis," this legislation will allow that to happen. It gives Congress the final word.

And a NEPA-like process must be a part of that administrative effort to, in fact, successfully transfer the title. So it has got to be repaid; you have to have a NEPA-like process; and—guess what—Congress has the final word.

This legislation would significantly streamline the title transfer process, divest the Federal Government of unnecessary liability, and allow these projects to run, I think, more effectively and with better outcomes when local water districts that are publicly owned, that have their own elected boards, have their own fiduciary responsibility to provide water to the area they serve, to make good, cost-effective decisions on behalf of the water interests that they serve, whether they be farmers or whether they be communities. And it is all of the above.

So this legislation is supported by many organizations, it is bipartisan, and I thank the author of the legislation for helping facilitate legislation that will allow reclamation to improve a title transfer process, which is not a new idea. It goes back to the Clinton administration.

Mr. Speaker, for these reasons, I support this legislation. I urge my colleagues to do the same, and I thank the gentleman for yielding me time.

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

Mr. Speaker, it has been brought up that Vice President Al Gore proposed, in certain instances, that title transfer might make sense. That is correct.

But I have also acknowledged that I, myself, have proposed that, in appropriate circumstances, title transfers can make sense. They can be good for water users, for the taxpayers, and for other users as long as the right safeguards are in place.

What we are really talking about here, though, is a bill that fails to work in that narrowly tailored space that Al Gore and myself and others have been willing to work. This bill does not include those safeguards. This bill would not be limited to small, non-controversial projects. It could apply to very large multiuse projects, and it could apply to those projects in ways that do not include safeguards to protect other stakeholders and other interests. That is why we disagree on this point.

Now, it has also been argued that because water districts have repaid the Federal Government through water rates, somehow, that effectively means they should have an entitlement to transfer of these facilities.

A couple points need to be emphasized here.

First, under reclamation law, water districts generally only pay a fraction of the total cost to construct reclamation water projects. The rest of these costs have been borne by taxpayers because the projects were deemed to have public benefits, such as fish and wildlife enhancement and recreation.

Given the billions spent by taxpayers on reclamation projects, it is appropriate for the public to maintain ownership of projects, especially in cases where title transfer could result in operational changes that jeopardize those public benefits for which the public has borne the cost.

Now, project construction costs that are borne by water districts are further reduced by various taxpayer subsidies that should be part of the equation, including federally subsidized, zero-interest financing, power subsidies, and write-offs of debt owed to taxpayers that are deemed beyond a water district's "ability to pay" under reclamation law.

And then, finally, it is important to note that even water districts who pay for this water over time, they still don't pay for any land that might be appurtenant to these facilities. That land, under this bill, would go along with the title transfer, and so would the mineral rights underneath that land. These would be essentially bonus subsidies, potentially, to these water districts without proper compensation to the U.S. taxpayer.

Mr. Speaker, for all these reasons, we need to insist on the safeguards that I and others, when we worked on this issue, have proposed and that are so lacking, unfortunately, in this bill.

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

Mr. LAMBORN. Mr. Speaker, I would disagree that we have not put in safeguards. We put in a safeguard that my colleague who just spoke offered in committee.

He offered an amendment, and we adopted it in the spirit of fair play and bipartisanship, that Congress be given a 90-day notice if there ever were to be a transfer that we objected to, and we could do a resolution of disapproval,

stopping that transfer. If something was wrong in the transaction, it was too big, multiuse, or whatever, we have a way to stop that. That was the amendment that my colleague offered, and we adopted that. So we have built-in safeguards.

Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. NEWHOUSE), who is an expert on many water issues in the West.

Mr. NEWHOUSE. Mr. Speaker, I thank the gentleman from Colorado for yielding me some time this afternoon.

Mr. Speaker, I rise in strong support of H.R. 3281, the Reclamation Title Transfer and Non-Federal Infrastructure Incentivization Act, which is offered by my friend from Colorado, Chairman LAMBORN.

This legislation brings commonsense streamlining efforts to the Bureau of Reclamation to transfer Federal water projects to local water entities like irrigation districts and local water user associations.

Reclamation, or BOR, is the Nation's largest wholesale water supplier, providing one out of five Western farmers with irrigation water for over 10 million farmland acres that produce 60 percent of the Nation's vegetables and a quarter of its fresh fruit crops.

These projects in water districts are vital to my district in central Washington, where we grow over 300 different crops, including the iconic Washington apple—hopefully, you have enjoyed some of those—or Washington cherries, potatoes, and three-quarters of the Nation's hops production.

Reclamation's assets in Washington include 16 dams, three hydropower stations, four major water projects, and miles and miles of canals, which deliver water to the end users.

There are currently two water districts in central Washington seeking title to sections of Federal water projects—the Kennewick Irrigation District, the KID, and the Greater Wenatchee Irrigation District—both of which, for many years, have managed and maintained these important water delivery systems.

Now, this legislation would provide a streamlined process to transfer reclamation facilities to those local entities, which includes a number of benefits for the water users, but also a number of benefits to the Federal Government.

This streamlined process can reduce regulatory burden at the local and the State and Federal levels by cutting unnecessary paperwork and reducing staff time at all levels of government.

Additionally, through this process, local districts can take full control of these projects, which they already maintain and manage. By authorizing this streamlining process, local districts can leverage private financing through their ownership, which further reduces the Federal Government's spending and backlog of repairing and upgrading these projects.

Mr. Speaker, this legislation provides a win-win solution for the Federal Government and for the water users. These projects have been in place for many years, but Reclamation has been inundated and overwhelmed by some of the needs for a growing population and for water users. Local communities need this support.

Mr. Speaker, I was speaking with some of my colleagues on the other side of the aisle just yesterday about this legislation, and they shared with me that they were worried that this was simply the privatization of Federal water projects and properties within Reclamation, but this is just not the case. This legislation simply allows the Department of the Interior to convey certain projects or facilities to these local entities, like irrigation districts, Indian Tribes, or State and local municipalities. This has nothing to do with selling off water assets to corporations.

Additionally, the entity receiving the assets must use them for the same purposes as intended by Reclamation. The transfer cannot have a significant effect on the environment, and the receiving entity must agree to provide the Federal Government with the equivalent present value of any repayment obligations.

Mr. Speaker, this legislation streamlines water uses for local communities while reducing government waste and burdensome regulations. It is simply a win-win for the American people. I look forward to voting in support of this legislation, and I encourage all of my colleagues to do the same.

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

Mr. Speaker, on my friend's point about privatization, let me just clarify that, in many cases, water districts, certainly many of those in California and many of those that serve agricultural interests in the Central Valley, are comprised and governed by private agribusiness owners and private landowners. They elect the board. They set the agenda.

Further, by the terms of this bill, it allows transfer to joint power entities which, under California law, at least—I would suspect, the laws of other States as well—can include nonpublic agency entities.

So I believe the concern about privatization is certainly valid in this case.

Now, the gentleman from California has mentioned the fact that one of the safeguards in legislation that I have proposed has been included in this bill. I am grateful for that. But the back end protection of the possibility of a joint resolution coming out of Congress within a certain period of time, while not insignificant, is pretty hard to actually achieve in a slow-moving Congress.

Far more important are the other safeguards that were in my legislation on the front end of the process, including safeguards that were intended to ensure that bigger multiuse, more controversial, more public benefit-oriented

projects would not be subject to this type of authority by the executive branch.

□ 1545

Those front-end protections are important, and the most important of them, of course, is that for those type of projects, Congress would retain project-by-project approval authority, and not cede it to the executive branch.

In effect, my bill included a belt and two suspenders. At best, the bill from my friend from Colorado includes one suspender and nothing else. So we disagree on the adequacy of these safeguards.

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

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

Mr. Speaker, in response, I would just point out that the amendment that we adopted in committee giving Congress the ability to, within 90 days, do a resolution of disapproval on any one of these transfers that we have a problem with, was offered by my colleague. It was his language. So it is something that I think he should approve of.

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

Mr. HUFFMAN. Mr. Speaker, may I inquire as to how much time I have remaining?

The SPEAKER pro tempore. The gentleman from California has 19 minutes remaining.

Mr. HUFFMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, it is hard for many people to understand how important water is in the West, what a precious resource it is in the West, and how complicated the issues regarding water are.

In the case of the Bureau of Reclamation, 140,000 Western farmers, one in five who get irrigation water, get it through 8,000 miles of canals through the Bureau of Reclamation. 500 dams run by the Bureau of Reclamation ensure flood control for tens of thousands of Westerners—millions, actually—and it also provides water for residential, municipal, and industrial use, serving 31 million people.

This is not something to be lightly tampered with with the privatization agenda of this administration. Now remember, we were going to have on the State of the Union day a \$1.5 trillion infrastructure plan. Where is it? It doesn't exist. In fact, they haven't put forward one penny. In fact, they have proposed to cut funding for infrastructure in the President's budget.

But they want to come up with little things so that they can say, oh, look, we are promoting infrastructure here. We are going to sell off Federal assets to who knows who—private entities, foreign entities, anybody who wants them.

Remember Enron and energy deregulation? The next big thing was going to

be water. That is what they were going to get into. They were going to control and manipulate water supplies to drive up the prices.

Well, this bill offers the prospect of someone like an Enron to get hold of public assets today—Bureau of Reclamation, a Federal asset—and its water resources. And then what happens? Well, that is an awfully big question mark. What would happen after a private entity takes over what was formerly being run in the public interest with allocation among competing users?

We might just have a new competition. If anybody remembers that movie—I can't remember the name right now about Los Angeles and Owens Valley and all of the shenanigans they did—"Chinatown." That is it. We could have a 21st century version of "Chinatown" involving private interests, or municipal interests, or foreign interests getting control of our water.

The gentleman from Colorado says, oh, no. Congress can act after this administration has arbitrarily entered into an agreement to sell off public assets, water assets, the Bureau of Reclamation, Congress can act to stop it. Anybody heard of the United States Senate?

Tell me, what are you going to get them to do in 90 days? Could you wake them from their nap? I don't think so. I mean, yeah, maybe in the House—particularly if the Democrats were in charge—we could stop some really bad privatization proposals by the Trump administration of these precious water resources in the Western United States. We could do it within 90 days. Heck, we can do it in quick time. Not the Senate. It is subject to a filibuster, so any one person could block Congress from acting.

So that is not a safeguard. That is about the flimsiest, phoniest, and most transparent of non-safeguard safeguard I have ever seen.

So why would we trust this administration with the most precious asset that many of us have in the Western United States—particularly this year, it has been so dry—which is our water resources, and then when the winters come, our flood-control resources? Why would we want private entities to control those things? You want us to shut the floodgates and stop your house from—well, that is going to cost you if you want us to retain that water up here, because that wasn't in our plan. So if you want some flood control, that will cost you X.

Oh, your fields have gone dry and you want us to do some release from the full reservoir that we control? It is our water. Well, that is going to cost you. It is going to cost you a lot, because it isn't going to rain for another 2 months, if you want to save your crops. This is a colossally bad idea and it should die here today.

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

Mr. Speaker, I, first of all, disagree with the characterization of the safeguard that Mr. HUFFMAN put into the bill as being flimsy and phony. I think what Mr. HUFFMAN proposed was legitimate.

This legislation also includes other multiple provisions to ensure that stakeholders are consulted and protected throughout the title transfer process. The bill requires that operations in use must remain consistent after transfer of title. An entity seeking title transfer must sign a written agreement with the Secretary in full consultation with any existing water or power customer affected by the transfer.

Transfers must be consistent with the Secretary's responsibility to protect land and water resources held in trust for a federally recognized Tribe, and no conveyance under the act may adversely impact power rates or repayment obligations.

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

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

Mr. Speaker, I want to thank my friend from Colorado.

So let's talk about this Huffman safeguard that has been discussed most recently. It is a perfectly good piece of a safeguard framework, if it is accompanied by all of the other pieces that went with it and that are designed to go with it. And that included all of the front-end protections that were part of the legislation I had proposed, but which my Republican colleagues did not include in their bill, to make sure that only the right kind of projects—not the controversial ones—were subject to this new grant of authority to the executive branch. That is what this is all about.

Simply tacking on one safeguard, which, frankly, was the flimsiest of them all to begin with, doesn't come anywhere close to addressing the problem. As I have said, instead of a belt and suspenders, it is a single suspender—a perfectly good suspender, but try walking around with one suspender all day long and you will find it not very adequate.

This bill recklessly authorizes the de facto privatization of public infrastructure. It fails to protect interests of numerous stakeholders, including American taxpayers, Tribes, fishing groups, environmental and recreational interests, and, finally, it comes from the bankrupt Trump infrastructure plan that reflects this administration's failed privatization philosophy.

The public deserves a real infrastructure plan, not a shell game that simply gives away and privatizes existing public infrastructure.

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

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

Mr. Speaker, I would like to point out that my bill was introduced way before any Trump infrastructure plan bill was introduced.



And, secondly, the idea in this bill comes from the Clinton administration from 20–25 years ago. It was part of Al Gore's reinventing government initiative. So it has a bipartisan history that goes back decades. Emotional diatribes against the President, I think, are not germane to what this bill is really all about.

I would like to conclude, Mr. Speaker, by pointing out that this also has strong environmental protections. In no way is any environmental law eroded, and it does not allow those who wish to pursue title transfer to do so unless they adhere to Federal environmental statutes. Section 5 of the bill simply states that the Secretary develop a categorical exclusion process consistent with NEPA.

This section is in no way a NEPA waiver, nor is it a congressionally mandated categorical exclusion. This provision simply requires the Secretary to develop a checklist so that the agency can quickly identify any possible conflicts with the Endangered Species Act or any other environmental factors that need to be addressed in the NEPA process.

Section 8 of the bill specifically states that after conveyance into this act, the receiving entity must still comply with all applicable Federal, State, and local laws and regulations.

Finally, I think it is worth noting two additional criteria set forth in this legislation. The transfer must not have an unmitigated, significant effect on the environment, and the receiving entity must operate the property consistent with current operations under the Bureau of Reclamation.

So any thought that there is an evasion of environmental protections is simply false. At this point, I would urge my colleagues to support this commonsense legislation. There are plenty of good safeguards that are put into place on a bipartisan level. This is a bipartisan piece of legislation with decades of support from both parties. I would urge my colleagues to adopt H.R. 3281, and I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 985, the previous question is ordered on the bill.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

#### MOTION TO RECOMMIT

Mr. HUFFMAN. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. HUFFMAN. I am in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Huffman moves to recommit the bill H.R. 3281 to the Committee on Natural Re-

sources with instructions to report the same back to the House forthwith with the following amendment:

At the end of the bill, add the following:

#### SEC. 10. PROHIBITION AGAINST CONFLICT OF INTEREST.

The Secretary may not relinquish ownership of an eligible facility to a qualifying entity if the entity employed the Secretary or Deputy Secretary of the Interior as a federally registered lobbyist within the past 3 years.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California is recognized for 5 minutes in support of his motion.

Mr. HUFFMAN. Mr. Speaker, this is the part where I give the usual stipulation that this is the final amendment to the bill which will not kill the bill or send it back to committee. If adopted, the bill will immediately proceed to final passage, as amended.

This amendment is simple. The underlying bill allows the Department of the Interior to dole out publicly owned infrastructure and other public assets to water districts.

My amendment simply says, the Department of the Interior can't give away public assets to a water district if that district has employed the Secretary or the Deputy Secretary of the Interior as a lobbyist in the previous 3 years.

Put another way, the Secretary and Deputy Secretary can't give away public infrastructure to those who recently signed their lobbying paychecks. It should go without saying that this basic ethics requirement is needed, particularly in this administration, where conflicts of interest and corruption run so rampant.

The Department of the Interior has been mired in scandals. The Interior Secretary's actions have triggered at least 10 government investigations. It was also recently revealed that the Secretary and/or his family, are currently in a business partnership to develop a former industrial site with the chairman of the energy company, Halliburton. Halliburton, of course, has a lot of business pending before the Department of the Interior. This is an outrageous conflict of interest, and demonstrates how hollow the President's pledge to drain the swamp has been.

Further, Mr. Speaker, Interior Deputy Secretary Bernhardt, the number two official at the agency, was most recently employed as a Federal lobbyist and had a long list of clients with business before the Department, including clients who stand to gain with the passage of this bill by taking ownership of public infrastructure. We must not allow such blatant conflicts to stand.

□ 1600

It is time for Congress to exercise some oversight over this administration and install some basic rules of accountability and ethics.

If my Republican colleagues are serious about exercising their oversight responsibilities, they will support my

amendment. It simply makes sure that the public's assets cannot be given away to big business and narrow special interests if those same interests employed agency leadership in the past 3 years.

Mr. Speaker, I urge an "aye" vote, and I yield back the balance of my time.

Mr. LAMBORN. Mr. Speaker, I claim the time in opposition to the motion.

The SPEAKER pro tempore. The gentleman from Colorado is recognized for 5 minutes.

Mr. LAMBORN. This motion, Mr. Speaker, is just a procedural gimmick to delay passage of this important bipartisan legislation.

If the amendment made by this motion was of critical importance to the minority, they could have offered this as an amendment when the Natural Resources Committee marked up the bill or filed this amendment with the Rules Committee. They did not in either case.

This bill is a commonsense, bipartisan bill that supports local infrastructure and gives local communities the ability to seek private financing through equity to improve local, vital water infrastructure.

Mr. Speaker, I urge rejection of the motion to recommit, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. HUFFMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 1 minute p.m.), the House stood in recess.

□ 1645

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BYRNE) at 4 o'clock and 45 minutes p.m.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.