

bankrupt Federal Flood Insurance Program. Some have flooded more than 30 times.

This is insanity, that we would keep rebuilding in these flood-prone areas, rebuilding, rebuilding, rebuilding, and piling up debt and raising the insurance premiums for everybody else on the program who presents way less risk.

So we decided that a way to go would be to provide a significant incentive to these people, and the incentive would be that they would have an agreed-upon contract with FEMA to purchase their property at preflood market value, and they would also get a discount on their Federal flood insurance. So they get the discount on the insurance and have entered into an agreement to sell the property to FEMA at the full market price. FEMA would remove the structures, and it would be turned into open space that would continue to flood repeatedly, but we wouldn't have to pay anything to rebuild it.

We proposed that. The House Republicans said, oh, they thought it would be too expensive. We don't know if it would be too expensive. It is 2 percent and 24 percent of the costs. I don't think it is going to be more expensive. I think it is going to save a heck of a lot of money.

So this bill would have the GAO, the Government Accountability Office, study this proposal and set up a pilot program to see if, indeed, it would facilitate cost savings and avoid the repeated rebuilding of flood-prone structures and have willing takers on the other side.

The other real incentive is that, if someone has finally tired of it the fifth time their house was flooded and they want out, that process now takes 2 to 5 years and involves a whole lot of negotiations over value, preflood value, and all that sort of thing. Here you get an agreed-upon preflood value; you get a discount on your flood insurance; and you just walk away. FEMA will take care of the rest, the removal of the rubble and turning that into open space.

So I think this would be one thing we need to do to help the Federal Flood Insurance Program, which is critical. Thirty-four thousand people in my State have it. I have had Federal insurance; I don't have it anymore. But this is a critical program for many, many people who are only very, very occasionally going to be flooded, but they can't get a mortgage unless they have flood insurance.

Mr. Speaker, I recommend this bill strongly to my colleagues.

Mr. BARLETTA. Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. SANFORD).

Mr. SANFORD. Mr. Speaker, I thank the gentleman for his work on this bill. I thank the gentlewoman from Nevada for her work on this bill. It is a bipartisan bill because it makes common sense. So whether it is DEFAZIO or BLUMENAUER or DUFFY—go down the list of

different people who have worked on it—they have worked on something that makes eminent commonsense, and I want to thank them for their efforts.

The saying is: If it ain't broke, don't fix it.

But the corollary to that is: If it is broken, fix it.

What we have just heard are any number of different conversations about the degree to which the buyout program is not just a little bit broken but a whole lot broken.

First off, just at an individual level, it captures people in a hamster wheel that they can never get out of. If you look at the average buyout time, it is about 5 years. In that 5-year time period, people are stuck there waiting and waiting and waiting as their house, in many cases, refloods.

I have been to Shadowmoss in the West Ashley section of Charleston. I remember going in there after a flood. Those people who had a second story had carried stuff up to the second story. Those who didn't were just dealing with the flooding as it occurred on the first floor. But they had been repeatedly flooded.

So at an individual level, this makes sense for the remedy that it offers an individual, so they are not stuck in a house that is repeatedly flooding, as they are trapped in dealing with that.

It makes sense based on what Mother Nature is telling us.

My colleague from Nevada mentioned this notion of climate change. I don't know exactly what is going on, but I know that in Charleston, South Carolina, if you compare the 1950s with the present day, there is 10 times more flooding in what they call king tides, and it has become regular. Something is going on out there that says this buyout program needs to be adjusted, and it needs to be adjusted now.

The final point I would make is that this makes, as has been registered thus far, a whole lot of sense for the taxpayer, because if you look at the numbers, again, 30,000 homes in America have been flooded five or more times with substantial consequence to the taxpayer. We are talking about \$5.5 billion being spent by the taxpayer in rebuilding and repairing. Destroy and repair is the term my colleague from Nevada used. The destroy-and-repair, destroy-and-repair cycle is destructive for the taxpayer.

It is for that reason that everybody from the State floodplain managers to the National Association of Realtors to the Nature Conservancy has supported this measure. I cannot endorse it enough, and I thank the gentleman for his work on it.

Ms. TITUS. Mr. Speaker, I, once again, urge passage of this legislation and all the bills that we have brought before you today from this subcommittee.

I want to thank our chairman, Mr. BARLETTA, for working with us across the aisle on these bipartisan bills.

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

□ 1800

Mr. BARLETTA. Mr. Speaker, I urge my colleagues to vote "yes" on H.R. 5846, as amended, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BARLETTA) that the House suspend the rules and pass the bill, H.R. 5846, 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.

#### REINSTATING AND EXTENDING DEADLINE FOR CONSTRUCTION OF HYDROELECTRIC PROJECT INVOLVING GIBSON DAM

Mr. UPTON. Mr. Speaker, I move to suspend the rules and pass the bill (S. 490) to reinstate and extend the deadline for commencement of construction of a hydroelectric project involving the Gibson Dam.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 490

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

#### SECTION 1. REINSTATEMENT AND EXTENSION OF TIME FOR FEDERAL ENERGY REGULATORY COMMISSION PROJECT INVOLVING GIBSON DAM.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 12478-003, the Federal Energy Regulatory Commission (referred to in this section as the "Commission") may, at the request of the licensee for the project, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of, and the procedures of the Commission under, that section, extend the time period during which the licensee is required to commence construction of the project for not more than 3 consecutive 2-year periods from the date of the expiration of the extension originally issued by the Commission.

(b) REINSTATEMENT OF EXPIRED LICENSE.—

(1) IN GENERAL.—If the period required for the commencement of construction of the project described in subsection (a) has expired prior to the date of enactment of this Act, the Commission may reinstate the license effective as of that date of expiration.

(2) EXTENSION.—If the Commission reinstates the license under paragraph (1), the first extension authorized under subsection (a) shall take effect on the date of that expiration.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. UPTON) and the gentleman from Texas (Mr. GENE GREEN) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material in the RECORD on the bill.

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

There was no objection.

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

Mr. Speaker, this bill, S. 490, authorizes the Federal Energy Regulatory Commission, FERC, upon request, to extend by 6 years the time period during which construction must commence on a hydroelectric project involving the Gibson Dam, which is located on the Sun River in Montana. Additionally, FERC may reinstate the construction license if it is expired.

This bill passed the Senate by unanimous consent back on June 28, and I would urge my colleagues to join me in supporting this legislation so that we can send it to the President's desk.

I would also note that when the Senate passed this bill, they also passed five other House bills extending construction licenses for hydro projects in North Carolina, New York, Virginia, and West Virginia. These now have become law. So this is the last one.

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

Mr. GENE GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 490. This bipartisan legislation, sponsored by Senators STEVE DAINES, JON TESTER, and JIM RISCHE, would reinstate and extend the deadline for the construction of a hydroelectric project on the Gibson Dam in Augusta, Montana. Congressman GIANFORTE of Montana introduced companion legislation last year.

The Federal Energy Regulatory Commission licensed the project in 2014, but the developer was unable to commence construction before the statutory deadlines passed.

S. 490 is substantially similar to legislation that, during the previous Congress, was reported unanimously by the Energy and Commerce Committee and passed the House with 410 votes. I know of no objections to the bill on this side of the aisle, and I ask my colleagues to join me in voting in support of S. 490.

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

Mr. UPTON. Mr. Speaker, I yield 2 minutes to the gentleman from Montana (Mr. GIANFORTE). I would note that he was the sponsor of the House companion bill. This is a Senate bill that we are taking up, but, obviously, he has great interest in it.

I would note that we passed it with strong bipartisan support through the Energy Subcommittee of the Energy and Commerce Committee.

Mr. GIANFORTE. Mr. Speaker, the Bureau of Reclamation built the original Gibson Dam on the Sun River between 1926 and 1929. The dam has served to capture spring snowmelt for irrigation and to prevent flooding in the region. This bill would extend the FERC license to build a 15-megawatt turbine at the base of the existing Gibson Dam.

The ability to produce clean energy off Gibson Dam will benefit the county and the State by creating a new source of revenue. Furthermore, the construction of the powerhouse will bring jobs to Montana. Finally, the turbine will be built in such a way that helps the environment and enhances fish and wildlife opportunities. By granting an extension of this permit, we are giving a community in Montana a chance to create jobs and a benefit to the environment.

Mr. Speaker, I urge passage of the bill.

Mr. UPTON. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I would like to correct the record. We were going to take this up and pass it like that, but the Senate acted first, which is why we are taking up the Senate bill. It does have bipartisan support.

Mr. Speaker, I urge my colleagues to vote for it, and I yield back the balance of my time.

Mr. GENE GREEN of Texas. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and pass the bill, S. 490.

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

A motion to reconsider was laid on the table.

#### OVER-THE-COUNTER MONOGRAPH SAFETY, INNOVATION, AND REFORM ACT OF 2018

Mr. LATTA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5333) to amend the Federal Food, Drug, and Cosmetic Act to clarify the regulatory framework with respect to certain nonprescription drugs that are marketed without an approved new drug application, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5333

*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 "Over-the-Counter Monograph Safety, Innovation, and Reform Act of 2018".*

#### TITLE I—OTC DRUG REVIEW

#### SEC. 101. REGULATION OF CERTAIN NON-PRESCRIPTION DRUGS THAT ARE MARKETED WITHOUT AN APPROVED NEW DRUG APPLICATION.

(a) *IN GENERAL.*—Chapter V of the Federal Food, Drug, and Cosmetic Act is amended by inserting after section 505F of such Act (21 U.S.C. 355g) the following:

#### "SEC. 505G. REGULATION OF CERTAIN NON-PRESCRIPTION DRUGS THAT ARE MARKETED WITHOUT AN APPROVED NEW DRUG APPLICATION.

"(a) *NONPRESCRIPTION DRUGS MARKETED WITHOUT AN APPROVED APPLICATION.*—Non-

prescription drugs marketed without an approved new drug application under section 505, as of the date of the enactment of the Over-the-Counter Monograph Safety, Innovation, and Reform Act of 2018, shall be treated in accordance with this subsection.

"(1) *DRUGS SUBJECT TO A FINAL MONOGRAPH; CATEGORY 1 DRUGS SUBJECT TO A TENTATIVE FINAL MONOGRAPH.*—A drug is deemed to be generally recognized as safe and effective within the meaning of section 201(p)(1), not a new drug under section 201(p), and not subject to section 503(b)(1), if—

"(A) the drug is—

"(i) in conformity with the requirements for nonprescription use of a final monograph issued under part 330 of title 21, Code of Federal Regulations (except as provided in paragraph (2)), the general requirements for nonprescription drugs, and requirements under subsections (b), (c), and (k); and

"(ii) except as permitted by an order issued under subsection (b) or, in the case of a minor change in the drug, in conformity with an order issued under subsection (c), in a dosage form that, immediately prior to the date of the enactment of this section, has been used to a material extent and for a material time within the meaning of section 201(p)(2); or

"(B) the drug is—

"(i) classified in category I for safety and effectiveness under a tentative final monograph that is the most recently applicable proposal or determination issued under part 330 of title 21, Code of Federal Regulations;

"(ii) in conformity with the proposed requirements for nonprescription use of such tentative final monograph, any applicable subsequent determination by the Secretary, the general requirements for nonprescription drugs, and requirements under subsections (b), (c), and (k); and

"(iii) except as permitted by an order issued under subsection (b) or, in the case of a minor change in the drug, in conformity with an order issued under subsection (c), in a dosage form that, immediately prior to the date of the enactment of this section, has been used to a material extent and for a material time within the meaning of section 201(p)(2).

"(2) *TREATMENT OF SUNSCREEN DRUGS.*—With respect to sunscreen drugs subject to this section, the applicable requirements shall be the requirements specified in part 352 of title 21, Code of Federal Regulations, as published on May 21, 1999, beginning on page 27687 of volume 64 of the Federal Register, except that the applicable requirements governing effectiveness and labeling shall be those specified in section 201.327 of title 21, Code of Federal Regulations, subject to the requirements of subsections (b), (c), and (k).

"(3) *CATEGORY III DRUGS SUBJECT TO A TENTATIVE FINAL MONOGRAPH; CATEGORY I DRUGS SUBJECT TO PROPOSED MONOGRAPH OR ADVANCE NOTICE OF PROPOSED RULEMAKING.*—A drug that is not described in paragraphs (1), (2), or (4) is not required to be the subject of an application approved under section 505, and is not subject to section 503(b)(1), if—

"(A) the drug is—

"(i) classified in category III for safety or effectiveness in the preamble of a proposed rule establishing a tentative final monograph that is the most recently applicable proposal or determination for such drug issued under part 330 of title 21, Code of Federal Regulations;

"(ii) in conformity with—

"(I) the conditions of use, including indication and dosage strength, if any, described for such category III drug in such preamble or in an applicable subsequent proposed rule;

"(II) the proposed requirements for drugs classified in such tentative final monograph in category I in the most recently proposed rule establishing requirements related to such tentative final monograph and in any final rule establishing requirements that are applicable to the drug; and