

There was no objection.

Mr. GIANFORTE. Mr. Speaker, I yield 3 minutes to the gentlewoman from Washington (Ms. HERRERA BEUTLER).

Ms. HERRERA BEUTLER. Mr. Speaker, I thank my friend for yielding.

Mr. Speaker, I want to begin by saying thank you to the members of the Natural Resources Committee and my colleagues on both sides of the aisle for helping move this bill forward in a truly bipartisan manner.

My bill, H.R. 5317, repeals the antiquated 19th century law—from 1834, to be exact—that prohibits distilleries on Tribal lands. This prohibition was enacted at a time when the Federal Government took a more paternalistic stance with Indian Tribes. While many of the provisions in the larger statute have since been repealed, somehow the distillery prohibition remains.

This issue came to my attention from the Chehalis Tribe from my home in southwest Washington. The Chehalis began the permitting process for a new economic development project on reservation land, which includes the construction and operation of a distillery.

In the midst of the project, they were made aware of the 1834 law from the Bureau of Indian Affairs, who suggested that the Tribe move their project off their land or contact their Member of Congress and change the law. When they contacted me and told me what they were up against, I got to work.

I am pleased to put this bill forward today to help place Indian Tribes on equal footing with non-Tribal citizens by allowing them to pursue the very same economic opportunities as everybody else. This repeal enables Tribes to diversify their economic investments and helps provide jobs not just for Tribes, but for neighboring communities as well.

This is a matter of fairness, Mr. Speaker. Washington, D.C., shouldn't be in the business of telling Indian Country it cannot engage in a business that is allowed everywhere else and is actually helping many neighboring areas, in terms of revitalizing their local economy.

Lastly, and to be clear, while this bill provides additional opportunities for Tribes, it does not provide special treatment. Tribes will still be required to follow State and Federal liquor laws and regulations, just as they currently do for breweries and wineries.

Mr. Speaker, I urge my fellow Members to vote in favor of this bill.

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

Mr. Speaker, H.R. 5317 is simple and straightforward. It repeals an antiquated law that stands in the way of a Tribal economic development project.

The law in question dates back to 1834, and it prohibits the operation of a distillery on Indian lands. On their face, these types of outdated laws may seem trivial, but they have real-world consequences.

The Chehalis Tribe in Washington began the permitting process for the construction and operation of an economic development project, which includes a craft distillery, when they came up against the 1834 law. The project is a great economic development opportunity, one that will create jobs and revenue not only for the Chehalis Tribe, but for the surrounding communities as well. However, in order for the Tribe to proceed with the project, the prohibition must first be removed.

Mr. Speaker, I support the goals of H.R. 5317 and urge my colleagues to vote "yes," and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Montana (Mr. GIANFORTE) that the House suspend the rules and pass the bill, H.R. 5317, 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.

#### CONTRA COSTA CANAL TRANSFER ACT

Mr. GIANFORTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6040) to authorize the Secretary of the Interior to convey certain land and facilities of the Central Valley Project, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6040

*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 "Contra Costa Canal Transfer Act".

##### SEC. 2. DEFINITIONS.

In this Act:

(1) **ACQUIRED LAND.**—The term "acquired land" means land in Federal ownership and land over which the Federal Government holds an interest for the purpose of the construction and operation of the Contra Costa Canal, including land under the jurisdiction of—

(A) the Bureau of Reclamation;

(B) the Western Area Power Administration; and

(C) the Department of Defense in the case of the Clayton Canal diversion traversing the Concord Naval Weapons Station.

(2) **CONTRA COSTA CANAL AGREEMENT.**—The term "Contra Costa Canal Agreement" means an agreement between the District and the Bureau of Reclamation to determine the legal, institutional, and financial terms surrounding the transfer of the Contra Costa Canal, including but not limited to compensation to the reclamation fund established by the first section of the Act of June 17, 1902 (32 Stat. 388, chapter 1093), equal to the net present value of miscellaneous revenues that the United States would otherwise derive over the 10 years following enactment of this Act from the eligible lands and facilities to be transferred, as governed by reclamation law and policy and the contracts.

(3) **CONTRA COSTA CANAL.**—

(A) **IN GENERAL.**—The term "Contra Costa Canal" means the Contra Costa Canal Unit of the Central Valley Project, which exclusively serves the Contra Costa Water District in an urban area of Contra Costa County, California.

(B) **INCLUSIONS.**—The term "Contra Costa Canal" includes pipelines, conduits, pumping plants, aqueducts, laterals, water storage and regulatory facilities, electric substations, related works and improvements, and all interests in land associated with the Contra Costa Canal Unit of the Central Valley Project in existence on the date of enactment of this Act.

(C) **EXCLUSION.**—The term "Contra Costa Canal" does not include the Rock Slough fish screen facility.

(4) **CONTRACTS.**—The term "contracts" means the existing water service contract between the District and the United States, Contract No. 175r-3401A-LTR1 (2005), Contract No. 14-06-200-6072A (1972, as amended), and any other contract or land permit involving the United States, the District, and Contra Costa Canal.

(5) **DISTRICT.**—The term "District" means the Contra Costa Water District, a political subdivision of the State of California.

(6) **ROCK SLOUGH FISH SCREEN FACILITY.**—

(A) **IN GENERAL.**—The term "Rock Slough fish screen facility" means the fish screen facility at the Rock Slough intake to the Contra Costa Canal.

(B) **INCLUSIONS.**—The term "Rock Slough fish screen facility" includes the screen structure, rake cleaning system, and accessory structures integral to the screen function of the Rock Slough fish screen facility, as required under the Central Valley Project Improvement Act (Public Law 102-575; 106 Stat. 4706).

(7) **ROCK SLOUGH FISH SCREEN FACILITY TITLE TRANSFER AGREEMENT.**—The term "Rock Slough fish screen facility title transfer agreement" means an agreement between the District and the Bureau of Reclamation to—

(A) determine the legal, institutional, and financial terms surrounding the transfer of the Rock Slough fish screen facility; and

(B) ensure the continued safe and reliable operations of the Rock Slough fish screen facility.

(8) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

##### SEC. 3. CONVEYANCE OF LAND AND FACILITIES.

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, in consideration for the District assuming from the United States all liability for the administration, operation, maintenance, and replacement of the Contra Costa Canal, consistent with the terms and conditions set forth in the Contra Costa Canal Agreement and subject to valid existing rights and existing recreation agreements between the Bureau of Reclamation and the East Bay Regional Park District for Contra Loma Regional Park and other local agencies within the Contra Costa Canal, the Secretary shall offer to convey and assign to the District—

(1) all right, title, and interest of the United States in and to—

(A) the Contra Costa Canal; and

(B) the acquired land; and

(2) all interests reserved and developed as of the date of enactment of this Act for the Contra Costa Canal in the acquired land, including existing recreation agreements between the Bureau of Reclamation and the East Bay Regional Park District for Contra Loma Regional Park and other local agencies within the Contra Costa Canal.

(b) **ROCK SLOUGH FISH SCREEN FACILITY.**—

(1) **IN GENERAL.**—The Secretary shall convey and assign to the District all right, title, and interest of the United States in and to the Rock Slough fish screen facility pursuant to the Rock Slough fish screen facility title transfer agreement.

(2) **COOPERATION.**—No later than 180 days after the conveyance of the Contra Costa Canal, the Secretary and the District shall enter into

good faith negotiations to accomplish the conveyance and assignment under paragraph (1).

(c) **PAYMENT OF COSTS.**—The District shall pay to the Secretary any administrative and real estate transfer costs incurred by the Secretary in carrying out the conveyances and assignments under subsections (a) and (b), including the cost of any boundary survey, title search, cadastral survey, appraisal, and other real estate transaction required for the conveyances and assignments.

(d) **COMPLIANCE WITH ENVIRONMENTAL LAWS.**—

(1) **IN GENERAL.**—Before carrying out the conveyances and assignments under subsections (a) and (b), the Secretary shall comply with all applicable requirements under—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(C) any other law applicable to the Contra Costa Canal or the acquired land.

(2) **EFFECT.**—Nothing in this Act modifies or alters any obligations under—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

#### **SEC. 4. RELATIONSHIP TO EXISTING CENTRAL VALLEY PROJECT CONTRACTS.**

(a) **IN GENERAL.**—Nothing in this Act affects—

(1) the application of the reclamation laws to water delivered to the District pursuant to any contract with the Secretary; or

(2) subject to subsection (b), the contracts.

(b) **AMENDMENTS TO CONTRACTS.**—The Secretary and the District may modify the contracts as necessary to comply with this Act.

(c) **LIABILITY.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the United States shall not be liable for damages arising out of any act, omission, or occurrence relating to the Contra Costa Canal or the acquired land.

(2) **EXCEPTION.**—The United States shall continue to be liable for damages caused by acts of negligence committed by the United States or by any employee or agent of the United States before the date of the conveyance and assignment under section 3(a), consistent with chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”).

(3) **LIMITATION.**—Nothing in this Act increases the liability of the United States beyond the liability provided under chapter 171 of title 28, United States Code.

#### **SEC. 5. REPORT.**

If the conveyance and assignment authorized by section 3(a) is not completed by the date that is 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that—

(1) describes the status of the conveyance and assignment;

(2) describes any obstacles to completing the conveyance and assignment; and

(3) specifies an anticipated date for completion of the conveyance and assignment.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Montana (Mr. GIANFORTE) and the gentleman from Massachusetts (Ms. TSONGAS) each will control 20 minutes.

The Chair recognizes the gentleman from Montana.

#### **GENERAL LEAVE**

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

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

There was no objection.

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

Mr. Speaker, H.R. 6040 would transfer the Contra Costa Canal to the Contra Costa County Water District. Contra Costa seeks to enclose the earthen canal to increase water supply availability and improve public safety.

Officials in the region have documented 81 instances where individuals have drowned from falling into the canal, but, currently, Contra Costa faces financial and bureaucratic challenges to conducting this important upgrade because it doesn't have title to the canal.

This bill would allow local water users who best understand the unique challenges of the area to determine what is right for them. H.R. 6040 is not only advantageous to local beneficiaries, but it is also a relief to the American taxpayer.

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

Ms. TSONGAS. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DESAULNIER), the author of this legislation.

Mr. DESAULNIER. Mr. Speaker, I thank the gentlewoman for yielding.

First, I would like to thank the Contra Costa Water District and the Bureau of Reclamation for their support and guidance in putting this bill together. I would also like to thank Senators FEINSTEIN and HARRIS for carrying this bill in the Senate.

The bill transfers ownership of the Contra Costa Canal from the Bureau of Reclamation to the Contra Costa Water District.

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The Contra Costa Water District currently operates and maintains the canal system as part of its infrastructure for providing water to half a million people. However, the Bureau of Reclamation still owns the canal, which it began building in 1937.

The transfer of the canal to local ownership will allow Contra Costa Water District to invest in much-needed upgrades, repairs, and to provide safety and environmental benefits to its customers.

Contra Costa Water District intends to invest an estimated \$650 million to enclose the pipe, which will mitigate flood risk to the surrounding community, extend the useful life of this infrastructure for another 80 years, and prevent drownings, which currently average about one per year.

I appreciate that the Contra Costa Water District has conducted extensive outreach for the local communities and has broad support in the district.

This bill also acknowledges an agreement with the East Bay Regional Park District, which will continue to maintain important recreational opportunities along the canal.

In closing, I would like to thank Chairman BISHOP and Ranking Member GRIJALVA for their support in moving this legislation forward that will have enormous benefits for our community.

Mr. GIANFORTE. Mr. Speaker, I have no additional speakers, and I reserve the balance of my time.

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

Mr. MCNERNEY. Mr. Speaker, I thank MARK DESAULNIER for introducing this bill.

This legislation will allow the Contra Costa Water District to assume control over the Contra Costa Canal. It will make important safety improvements by enclosing the waterway to protect against accidental drownings. As Mr. GIANFORTE indicated, there have been 81 drownings.

Now, if you look at the canals: It is a hot day. They look refreshing. It looks safe. It is not. It is very, very dangerous. Even the best swimmers can drown in those conditions.

It will also improve both the water supply and the land around the canal for recreational use. Additionally, it will upgrade the fish screening equipment to better protect endangered species.

Title transfers such as this will reduce the backlog for repairing and upgrading infrastructure and may reduce duplicative Federal approvals. These type of water projects are the kind of pragmatic policymaking that we should be focusing on on a bipartisan basis.

This bill is one of many pieces of legislation that is necessary to maintain the health of the California delta, which supports the livelihoods of farmers, businesses, and families in my district.

Above all, we need policies that focus on water efficiency and resilience. This program will increase the resilience of the canals. This is forward-thinking legislation that concentrates on mitigating increasing damage from climate change.

Ms. TSONGAS. Mr. Speaker, the Contra Costa Canal serves as a primary water delivery system for 500,000 people in central and eastern Contra Costa County, California. The canal system is currently too exposed, resulting in safety hazards, degraded water quality and supply, and increased maintenance costs.

Tragically, 81 people have drowned in the canal since it became operational.

H.R. 6040 will transfer ownership of the Contra Costa Canal from the Department of the Interior to the Contra Costa Water District so the district can upgrade this 81-year-old water infrastructure with a secure, buried pipeline.

In addition to the many benefits of this legislation to the people of the county, transferring ownership of the canal will also benefit wildlife. The planned updates to the system will reduce unnecessary water losses from

seepage in unlined portions of the canal and prevent further losses from evaporation. Preventing water loss will ensure that additional water is delivered to national wildlife refuges in California.

Mr. Speaker, I support passage of this legislation. I urge my colleagues to vote "yes," and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Montana (Mr. GIANFORTE) that the House suspend the rules and pass the bill, H.R. 6040, 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.

#### REMEMBERING THE ATTACK ON BENGHAZI

(Mr. MAST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAST. Mr. Speaker, I rise today because it has been 6 years since the attack on the American consulate in Benghazi and ask that we reflect on the four patriotic Americans who lost their lives:

Petty Officer First Class Glen Doherty and Senior Chief Petty Officer Tyrone Woods were Navy SEALs, doing what they loved, serving as security personnel in Libya and working to protect United States diplomats.

Ambassador Chris Stevens and Staff Sergeant Sean Smith served for a combined 31 years with the U.S. State Department.

In honor of their memory, I am asking that our colleagues cosponsor the Gold Medal Act, H.R. 2315, to formally recognize these four men with the Congressional Gold Medal for their heroism and dedication to our country.

I am asking that every Member of the House think about their 12 grueling hours of close-quarters combat, the crack of those AK-47s firing at them and next to each one of them, the indirect fire that their compound was taking, the fires that burned their bodies, the unanswered calls for help. Think about their lifesaving actions on behalf of others and the fact that it cost them their own lives.

#### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Byrd, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5895) "An Act making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2019, and for other purposes."

The message also announced that the Senate agreed to a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 46. Concurrent Resolution directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 5895.

#### DHS TRANSFER OF \$10 MILLION FROM FEMA TO ICE

(Mr. PAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE. Mr. Speaker, Hurricane Florence is possibly the most devastating hurricane to hit the Carolinas in a lifetime. Let us prepare for the worst and hope for the best.

As global climate change makes extreme weather events more likely and more dangerous, the Trump administration is burying its head in the sand. A month ago, FEMA released an internal review of its response to Hurricane Maria, admitting that, among other things, when Hurricane Maria struck, FEMA's warehouses in Puerto Rico were basically empty.

Then yesterday we find out that the Trump administration diverted \$10 million from FEMA to ICE in order to boost its detention program and lock up children in cages away from their parents and babies from their mothers.

This is outrageous. It is just another example of how callous the Trump administration is and how misplaced its priorities are.

I hope that FEMA and the Trump administration do better in the Carolinas because Hurricane Florence is going to be devastating.

#### RECOGNIZING HONOR FLIGHT SOUTH FLORIDA

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I rise tonight to thank Honor Flight South Florida for its work to recognize outstanding veterans of our Armed Forces. This Saturday, September 15, Honor Flight South Florida, in conjunction with the Miami International Airport, will again lead a group of these brave veterans on their visit to our Nation's capital.

Since its inception in 2005, the mission of Honor Flight has been to welcome our heroes to Washington so that these patriots may visit their memorials.

Today, the Honor Flight network has 140 regional hubs across the United States, each working tirelessly to pay tribute to these amazing Americans.

Mr. Speaker, as the wife of a combat-wounded Vietnam veteran and step-mother and mother-in-law to Marine Corps aviators, I am familiar with the courage and the resolve that is required to dedicate one's life to the

service of others. I am so thankful for all the veterans' devotion to our Nation, as well as the great work of organizations like Honor Flight.

We must never forget the contributions these brave men and women have made to our country, and I wish Honor Flight and the vets they serve the utmost success in the years to come.

#### PREEXISTING CONDITIONS

(Ms. KAPTUR asked and was given permission to address the House for 1 minute.)

Ms. KAPTUR. Mr. Speaker, I rise to condemn the efforts by the Trump administration and this Republican Congress to strip health insurance coverage from millions of Americans.

Before the Affordable Care Act, greedy insurance companies locked out people with preexisting conditions like it was nothing.

A Federal court is hearing a case, *Texas v. United States*, which could dismantle several key health protections, one of which is protections for individuals with preexisting conditions.

Trump's Justice Department refuses to defend existing law, which is unprecedented, and shirks its responsibility to defend the laws Congress has passed. This could hurt millions of people.

In the United States, there are 130 million people with preexisting conditions. In Ohio alone, 42 percent of the population has preexisting conditions. In a recent poll, 75 percent of the public, regardless of party affiliation, said protections for people with preexisting conditions are very important.

This is what the American people want and need. As a Congress, we are charged to represent the interests of the people; to be for the people, not the big insurance companies, not the big pharmaceutical companies that would profit even more from a lopsided healthcare system.

Every American life matters. Every single one of them.

#### IMPENDING CRISIS IN SYRIA

(Mr. HILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILL. Mr. Speaker, I rise to again bring attention to the impending crisis in Idlib province, Syria.

Last week I spoke in the well of the House about the great work our Kansans and Americans are doing in support of the innocent Syrian people, many of them with no connection to Syria other than seeing years of pointless death and mayhem and wanting to help the Syrian people cope with their country's destruction and return to their families, their villages, their work.

I learned today that many of those Syrians that my fellow Americans support are now only a few kilometers away from the frontlines of the Assad-backed war machine.