

PERSONAL EXPLANATION

Mr. GOODLATTE. Mr. Speaker, on rollcall Nos. 81 and 80, due to being unavoidably detained, had I been present, I would have voted "aye."

THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

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

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 283, nays 127, answered "present" 2, not voting 21, as follows:

[Roll No. 82]
YEAS—283

Aderholt	Cuellar	Hurt
Alexander	Culberson	Issa
Altmire	Davis (CA)	Jenkins
Amodei	DeGette	Johnson (GA)
Austria	DeLauro	Johnson (IL)
Baca	Denham	Johnson, Sam
Bachmann	DesJarlais	Kaptur
Bachus	Deutch	Kelly
Barletta	Diaz-Balart	Kildee
Barrow	Dingell	King (IA)
Bartlett	Doggett	King (NY)
Barton (TX)	Dreier	Kingston
Bass (NH)	Duncan (SC)	Kissell
Becerra	Duncan (TN)	Kline
Berg	Edwards	Labrador
Berkley	Ellison	Lamborn
Biggert	Ellmers	Landry
Bilbray	Engel	Langevin
Bilirakis	Eshoo	Lankford
Bishop (GA)	Farenthold	Larsen (WA)
Black	Farr	Larson (CT)
Blackburn	Fincher	LaTourette
Blumenauer	Flake	Latta
Bonamici	Fleischmann	Levin
Bonner	Forbes	Lewis (CA)
Bono Mack	Fortenberry	Lipinski
Boren	Frank (MA)	Loeb
Boustany	Franks (AZ)	Lofgren, Zoe
Brady (TX)	Frelinghuysen	Long
Bralley (IA)	Gallely	Lowe
Brooks	Garamendi	Lucas
Broun (GA)	Gerlach	Luetkemeyer
Brown (FL)	Gingrey (GA)	Lujan
Buchanan	Gonzalez	Lungren, Daniel
Buechler	Gosar	E.
Buerkle	Gowdy	Mack
Burton (IN)	Granger	Maloney
Butterfield	Graves (GA)	Manzullo
Calvert	Green, Al	Marchant
Camp	Green, Gene	Marino
Campbell	Griffith (VA)	Matsui
Canseco	Grimm	McCarthy (CA)
Capito	Guinta	McCarthy (NY)
Capps	Guthrie	McCaul
Carnahan	Hahn	McClintock
Carney	Hall	McCollum
Carson (IN)	Hanabusa	McHenry
Carter	Harris	McIntyre
Cassidy	Hartzler	McKeon
Chabot	Hastings (WA)	McKinley
Chaffetz	Hayworth	McMorris
Cicilline	Heinrich	Rodgers
Coble	Hensarling	McNerney
Cohen	Herger	Meehan
Cole	Higgins	Meeks
Connolly (VA)	Hinojosa	Mica
Cooper	Hirono	Michaud
Courtney	Hochul	Miller (FL)
Crawford	Huizenga (MI)	Miller (MI)
Crenshaw	Hultgren	Miller (NC)

Miller, Gary
Miller, George
Moran
Mulvaney
Murphy (CT)
Myrick
Napolitano
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Pascarell
Paulsen
Pelosi
Pence
Perlmutter
Petri
Pitts
Platts
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quigley
Rehberg
Reichert
Reyes
Richardson
Rigell
Rivera
Roby
Rogers (AL)

Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Ryan (WI)
Sanchez, Loretta
Scalise
Schiff
Schmidt
Schock
Schraeder
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)

Smith (WA)
Speier
Stark
Stearns
Stutzman
Sullivan
Sutton
Thompson (PA)
Thornberry
Tiberi
Tonko
Towns
Tsongas
Turner (NY)
Upton
Van Hollen
Walden
Walz (MN)
Wasserman
Schultz
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wolf
Womack
Yarmuth
Young (FL)
Young (IN)

HOUR OF MEETING ON TOMORROW

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

The SPEAKER pro tempore (Mr. MACK). Is there objection to the request of the gentleman from Washington?

There was no objection.

SACRAMENTO-SAN JOAQUIN VALLEY WATER RELIABILITY ACT

Mr. HASTINGS of Washington. 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 H.R. 1387.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 566 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1387.

□ 1422

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1387) to address certain water-related concerns on the San Joaquin River, and for other purposes, with Mr. YODER in the chair.

The Clerk read the title of the bill.

The Acting CHAIR (Mr. BASS of New Hampshire). Pursuant to the rule, the bill is considered read the first time.

The gentleman from Washington (Mr. HASTINGS) and the gentlewoman from California (Mrs. NAPOLITANO) each will control 30 minutes.

The Chair recognizes the gentleman from Washington.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 1387, the Sacramento-San Joaquin Valley Water Reliability Act.

Like California, my central Washington district is heavily dependent on irrigated water to support my agricultural industry. I understand the importance of having a stable, reliable water supply. I've witnessed how government regulations and environmental lawsuits can create conflicts for people, and jobs are the losers. However, Mr. Chairman, I have never seen anything like the economic devastation that California's San Joaquin Valley has experienced as a direct result of Federal policies that restrict water supply and that created this man-made drought.

Mr. Chairman, in 2009, Federal regulations to protect an endangered species 3-inch fish led to the deliberate diversion of over 300 billion, Mr. Chairman, 300 billion gallons of water away

NAYS—127

Adams
Andrews
Baldwin
Benishke
Bishop (NY)
Boswell
Brady (PA)
Burgess
Capuano
Cardoza
Castor (FL)
Chandler
Chu
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Hunter
Inlee
Coffman (CO)
Conaway
Conyers
Costa
Costello
Cravaack
Critz
Cummings
Davis (IL)
Davis (KY)
DeFazio
Dent
Dicks
Dold
Donnelly (IN)
Doyle
Duffy
Emerson
Fattah
Filner
Fitzpatrick
Foxy
Fudge
Gardner
Garrett

Gibbs
Gibson
Graves (MO)
Griffin (AR)
Grijalva
Gutierrez
Hanna
Hastings (FL)
Heck
Herrera Beutler
Himes
Hinchee
Holden
Holt
Honda
Hoyer
Hunter
Inlee
Israel
Jackson (IL)
Jackson Lee
Costa
Johnson (OH)
Johnson, E. B.
Jones
Jordan
Keating
Kind
Kinzinger (IL)
Kucinich
Lance
Latham
Lewis (GA)
LoBiondo
Lynch
Markey
Matheson
McCotter
McDermott
McGovern
Moore
Murphy (PA)
Neal

Olver
Pallone
Pastor (AZ)
Pearce
Peters
Peterson
Pingree (ME)
Poe (TX)
Quayle
Rahall
Reed
Renacci
Ribble
Richmond
Roe (TN)
Rooney
Rush
Ryan (OH)
Sanchez, Linda
T.
Sarbanes
Schakowsky
Schilling
Shuler
Sires
Slaughter
Southernland
Stivers
Terry
Thompson (CA)
Thompson (MS)
Tierney
Tipton
Turner (OH)
Velázquez
Visclosky
Walberg
Walsh (IL)
Waters
Wittman
Woodall
Yoder
Young (AK)

ANSWERED "PRESENT"—2

Amash
Ackerman
Akin
Bass (CA)
Berman
Bishop (UT)
Cantor
Crowley

Owens
Fleming
Flores
Gohmert
Goodlatte
Harper
Huelskamp
Lee (CA)

Lummis
Nadler
Paul
Payne
Rangel
Ros-Lehtinen
Woolsey

□ 1422

So the Journal was approved.
The result of the vote was announced as above recorded.

from the San Joaquin Valley farmers. This caused hundreds of thousands of acres of fertile farmland to dry up. It put thousands of people out of work, and it caused unemployment to reach 40 percent in some communities.

Last April, the Natural Resources Committee traveled to Fresno, California, for a field hearing where we heard directly from farmworkers and valley growers who have been devastated and seen their livelihoods pushed to the brink by this man-made drought. We heard stories of farmworkers who normally feed the Nation, being forced to stand in food bank lines to receive handouts of carrots—carrots from China.

Mother Nature temporarily rescued this region with historic precipitation last year, but another man-made drought is just around the corner if we do nothing. Rain and snow levels have declined, and just last week the Federal Government announced that the San Joaquin Valley farmers would receive only 30 percent of their initial water allocation for this year. This is unacceptable, and if Congress doesn't act now we will once again see farmworkers having to abandon the fields and return to the food lines.

Families and communities in California have waited far too long for Congress to act. In 2009, Mr. Chairman, and in 2010, Mr. Chairman, while this man-made drought was devastating California, the Obama administration and a Democrat-led Congress did nothing. Republicans are ready to act today on bipartisan legislation that will end this man-made drought and protect up to 30,000 jobs.

This comprehensive solution would restore water deliveries that have been cut off due to Federal regulations and environmental lawsuits. It will ensure a reliable water supply for people and for fish and it will secure water rights just generally, and it will save taxpayer money by ending unnecessary and dubious government projects.

I want to stress, Mr. Chairman, that this man-made drought does not just impact California but has rippling effects across the entire Nation. California's San Joaquin Valley is a salad bowl for the world and provides a significant share of fruits and vegetables for our country. The inability of these farmers to do their jobs would lead negatively to increased reliance on foreign food sources. Why, Mr. Chairman, would we want to do that?

Also, according to an initial analysis by the nonpartisan CBO, this bill will repeal and reduce nearly \$300 million in Federal spending over the next 10 years while also generating nearly \$250 million in revenue. To repeat, this bill cuts spending by \$300 million and it increases revenue by a quarter of a billion dollars.

This bill is a chance to right the regulatory wrongs of the past, to end future man-made droughts, and to protect jobs and economic livelihood of farmworkers, farmers, and their fami-

lies. I urge my colleagues to support this bill.

With that, I reserve the balance of my time.

Mrs. NAPOLITANO. Mr. Chairman, I yield myself 5 minutes.

I really applaud my good friend, Doc HASTINGS, with some of the statistics that he was quoting about the farmers in the valley. There were misrepresentations, which were later clarified, of the actual figures that were affected and, unfortunately, they were very far apart, and that's just for the record. I will be glad to give them to anybody who wants them later.

H.R. 1387, the Sacramento-San Joaquin Valley Water Reliability Act is anything but. It repeals existing State law as written for the use of the water from the San Joaquin River in California's Central Valley. It reallocates water in a way that elevates agricultural uses above all other water needs—that's municipal, fisheries, and environmental uses.

This bill was mostly aimed at California; believe me, mostly California. If enacted, it would set precedent: an unprecedented standard of State preemption, environmental disregard, and privatization of a public resource for the benefit of a select view. It could be, in my estimation, renamed the Barrister Employment Act.

□ 1430

The California State legislature stated it best:

H.R. 1837 is almost breathtaking in its total disregard for equity and its willful subjugation of the State of California to the whims of Federal action.

May I point out that in the past my colleagues on the other side have asked for less intrusion of the Federal Government, less government control, let the locals handle it. This would do the reverse. It would put it in the hands of the Federal Government to be able to determine the State's right to enact its own water laws.

Despite amendments to the bill by the majority, it still seeks to make sweeping negative changes to the State's ability to manage water in the west.

It amends the State constitution, and undermines California's ability to manage its own resources.

It would repeal or overturn nearly 20 years of environmental protections under the Central Valley Project Improvement Act, the CVPIA, and the Endangered Species Act, which is normally under attack by my friends on the other side.

It repeals the San Joaquin Restoration Settlement Act, a compromise widely supported by all stakeholders, and diminishes funds for restoration. It also completely eliminates the coequal goal of protecting the environment and allowing for water deliveries.

It puts jobs of fishermen at risk. The Pacific Fishery Management Council has raised concerns about the impacts on the fishery and fishing commu-

nities. The northwest fisheries were closed in 2008 and 2009 and parts of 2010. They had no fishing. The industry was lost to them.

The Subcommittee on Water and Power received over 34 letters with nearly 300 stakeholders opposing this legislation. They include the Western States Water Council; seven States—California, Colorado, Montana, Nevada, New Mexico, Arizona, and Wyoming; the Department of the Interior; and a statement of administration policy. Also, the senior Senator and the junior Senator of California oppose this. And the list goes on: elected officials, environmental groups, State legislatures, attorneys general offices, Governors' offices, and letters from these different States, not to mention the nonpartisan, 18 Governor-appointed Western States Water Council.

The scope of harmful provisions included in this legislation is matched only by the number of necessary provisions left out. Also, the severity of this legislation, which benefits only a small group, not all of California.

Through a series of amendments, my colleagues seek to address the glaring issues associated with the legislation—the subsidies reform, construction of new facilities, and use of best available science.

Mr. Chairman, this is a bad bill, and I urge a "no" vote. I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 5 minutes to the gentleman from California (Mr. MCCLINTOCK), the chairman of the subcommittee that developed this legislation on the Natural Resources Committee.

Mr. MCCLINTOCK. Mr. Chairman, I thank the gentleman for yielding, and I compliment the gentlelady from California on stating the opposite of this bill with remarkable precision.

It does not repeal 20 years of California water law; it restores it by restoring the allocation that was agreed to by a broad bipartisan coalition in the Bay-Delta Accord of 1994. In fact, at that time, the Democratic Interior Secretary, Bruce Babbitt, assured all parties that this agreement would be honored by the State and Federal governments.

His promise was broken first by his own Department and most recently when a Federal court deemed the delta smelt to be more important than the livelihoods of thousands of Central Valley farmworkers. Hundreds of billions of gallons of water that these communities had already paid for and depended upon were simply expropriated and blissfully and cavalierly dumped into the Pacific Ocean, turning much of California's fertile Central Valley into a dust bowl.

This bill redeems the promise made to the people of California and restores the allocations that were agreed to.

We hear: Well, that was then and this is now, and the science has changed. What they are referring to is not

science; it is ideology masquerading as science. In 2010, their claims were thrown out of the Federal court, which cited ideological zealots who had attempted to, in the words of the court, "Mislead and to deceive the court into accepting what is not only not the best science, it's not science."

The science is this: the Northwest Fisheries Science Center determined the Pacific Decadal Oscillation is a principal factor in salmon migration. Ocean currents.

The California Department of Water Resources determined that pumps which deliver water to the Central Valley had a negligible influence on salmon and delta smelt migration.

The National Academy of Sciences reported that nonnative and invasive predators, like the striped bass, are a far more significant influence on salmon and delta smelt populations.

So the second thing that this bill does is to replace the ideological zealotry that created this human disaster with practical and fact-based solutions to support native delta smelt and salmon populations. For example, as I said earlier, it's common to find striped bass in the delta gorged with salmon smolts and delta smelt. This bill allows open season on these destructive, invasive, and nonnative predators.

Fish hatcheries produce millions of salmon smolts each year, and tens of thousands return as fully grown adults to spawn, but these fish are not allowed to be counted. This bill counts them, ensuring that hatcheries will produce thriving and bountiful populations of salmon and delta smelts and any other species considered endangered.

The San Joaquin River Settlement Act envisions an absurdly impractical year-round cold war salmon fishery on the hot valley floor at an estimated cost of \$2 million per individual fish. That act was adopted by the Democrats 2 years ago when they controlled this House. It is so expensive because it attempts to establish something that only existed sporadically in nature. Instead, this bill establishes a year-round warm water fishery that acts in concert with the habitat at a fraction of the cost.

Third, the bill removes disincentives in current law that discourage farmers from purchasing surplus water in wet years to recharge groundwater banks.

It removes prohibitive regulatory restrictions on water transfers between willing buyers and willing sellers, which once had efficiently distributed water throughout that system from areas of surplus to areas of shortage.

It allows environmental flows to be recycled and used by human communities once those flows have achieved their environmental purposes.

Fourth, it brings the full force of Federal law to invoke and protect State water rights and forbid their violation by any bureaucracy: local, State, or Federal. In fact, this provision specifically addressed concerns

raised by the very same opponents to the original bill who feared that, because of the unique joint operating agreement between the State and Federal Governments, changes in Federal allocations could lead to raids on senior water rights holders by the State government.

This provision fully addresses those concerns through the Federal Government's legitimate constitutional authority in the 14th Amendment to protect the property rights of its citizens against encroachment by any government bureaucracy. This is the preemption issue that the opponents are raising. They are some of the same opponents who attacked the original bill for not protecting those rights. This bill doesn't preempt those rights; it specifically invokes them and protects them.

It brings to an end the predation on the working people of California. It places senior water rights holders in a safe and secure position, and treats our water as the precious resource it is.

Mrs. NAPOLITANO. I yield 4 minutes to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. I thank the gentlewoman.

One hardly knows where to start, when you take California water law and push it aside and preempt it with Federal water law, really running over the top of the State of California, and then you steal 800,000 acre-feet and transfer it to your buddies—yes, you're going to come up with a lot of reasons why it makes sense. But the reality is quite different.

Let us understand very clearly here that 150 years of California water law is thrown out and a new Federal law is put in place that preempts California water law. The 1994 CALFED agreement was an interim agreement. It was never, ever intended to be a permanent statutory agreement on how water would be delivered in California.

In addition to that, let me understand—yes, I see your little chart over there that you're going to throw up. That was 1994, and it said precisely what we ought to do today. And that is: today, we ought to be working together to solve the problems of California water. And guess what, California is.

But with this law in place, it won't happen. The ability of California to work together to solve its problems are thrown out. What sense does that make unless you want to steal 800,000 acre feet of water and take an agreement that was forged over 20 years ago to solve a problem on the San Joaquin River that is not for year-round salmon flows but only for the spring salmon flows. Why would you want to do that, except you want to take somebody's water?

□ 1440

The water is the water of the fishermen as well as the water of the farmers.

By the way, facts are ugly little things. There are no 3,000 people that

lost their jobs, no 60,000 people that lost their jobs. The University of California, Berkeley, the University of California, Davis, and the University of the Pacific all say that the losses were less than 7,000, which almost equaled the loss of the fisheries.

When we get to the end of this story, it is going to be a story of the rest of the Nation. If you happen to be a Western State, if you happen to be a Midwestern State that has a Federal water project from the Bureau of Reclamation, beware, because this is the first-ever attempt to throw aside 100 years of reclamation law in which deference is given to the States over the power of their water rights and their water laws.

Yes, you can say section 4 of this bill deals with that. No, it doesn't. It does not deal with the totality of California law. In fact, the bill destroys that totality.

Western States are opposed to this. The list has been given. Other States, watch out. This is a power grab. This is a water grab. This is an imposition of the Federal authority over the States, and specifically over California.

Yes, Mr. Chairman—excuse me, if I might, through the Chair—you said that there is 100 percent water. No water district except those that preceded the Federal project have 100 percent allocation. Every other water district has shortage provisions in those water contracts.

By the way, whatever power we may have, we don't have the power to overcome a natural drought, which is precisely what is happening in California today and happened during the period that this bill speaks to. It was a natural drought. Yes, there were restrictions placed on the pumps, restrictions that were necessary to protect an endangered species.

By the way, the judge that you cited took a job 45 days after he quit with the water contractor that is supporting this bill. Figure it out yourself. Figure out what is going on here. This is a theft of 800,000 acre feet of environmental water. This is an overturning of California water law, and we ought not do it.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. The Chair would remind Members to address their remarks to the Chair.

Mr. HASTINGS of Washington. Mr. Chairman, before I yield to the sponsor of this legislation, I yield myself 30 seconds to simply point out that the statistics I used as it relates to unemployment come from Fresno County. That is a county where all of this was impacted. The statistics that were cited by my friends across the aisle were from outside that area.

The second point I want to make is that I have letters here from 14 senators and 18 members of the California legislature. I insert their letters in support in the RECORD.

SACRAMENTO-SAN JOAQUIN VALLEY WATER RELIABILITY ACT—ORGANIZATIONS IN SUPPORT
WATER AGENCIES/ORGANIZATIONS
California Water Alliance

Families Protecting the Valley
Northern California Water Association*
Family Water Alliance
California Watershed Posse
Westlands Water District
San Luis Delta-Mendota Water Authority:
Banta-Carbona Irrigation District,
Broadview Water District, Byron Bethany Irrigation District (CVPSA), Central California Irrigation District, Columbia Canal Company, Del Puerto Water District, Eagle Field Water District, Firebaugh Canal Water District, Fresno Slough Water District, Henry Miller Reclamation District #2131, James Irrigation District, Laguna Water District, Mercy Springs Water District, Oro Loma Water District, Pacheco Water District, Pajaro Valley Water Management Agency, Panoche Water District, Patterson Irrigation District, Pleasant Valley Water District, Reclamation District 1606, San Benito County Water District, San Luis Water District, Santa Clara Valley Water District, Tranquillity Irrigation District, Turner Island Water District, West Side Irrigation District, West Stanislaus Irrigation District
Placer County Water Agency*
Nevada Irrigation District*
El Dorado Irrigation District*
Exchange Contractors**
Modesto Irrigation District**
San Joaquin Tributaries Association**
Kern County Water Agency: Belridge Water Storage District, Berrenda Mesa Water District, Buena Vista Water Storage District, Cawelo Water District, Henry Miller Water District, Kern Delta Water District, Lost Hills Water District, Rosedale-Rio Bravo Water Storage District, Semitropic Water Storage District, Tehachapi-Cummings County Water District, Tejon-Castac Water District, West Kern Water District, Wheeler Ridge-Maricopa Water Storage District
Tehama Colusa Canal Authority: Proberta Water District, Kirkwood Water District, Thomes Creek Water District, Corning WD, Orland-Artois Water District, Glide Water District, Kanawha Water District, Holthouse Water District, Cortina Water District, Davis Water District, LaGrande Water District, 4M Water District, Dunnigan Water District, Colusa County Water District, Westside Water District
Bella Vista Water District
Reclamation District No. 108*
Maxwell Irrigation District*
Sutter Mutual Water Company*
Provident Irrigation District*
Natomas Mutual Water Company*
River Garden Farms*
Glenn Colusa Irrigation District*
Glenn-Colusa Irrigation District*
Princeton-Codora-Glenn Irrigation District*
Chowchilla Irrigation District*
NATIONAL ORGANIZATIONS
U.S. Chamber of Commerce
National Federation of Independent Business
Americans for Limited Government
National Taxpayers Union
Americans for Tax Reform
Citizens Against Government Waste
American Land Rights Association
Small Business & Entrepreneurship Council
Western Business Roundtable
NATIONAL FARM ORGANIZATIONS
Western Growers
Family Farm Alliance
Agricultural Retailers Association
National Turkey Federation
National Cattlemen's Beef Association
National Agricultural Aviation Association
National Cotton Council

American Pima Cotton Producers
National Chicken Council
Milk Producers Council
National Onion Association
Supima
Western Plant Health Association
Dairy Farmers of America
Western Agricultural Processors Association
Irrigation Association

CALIFORNIA FARM ORGANIZATIONS

California Wool Growers Association
California Cattlemen's Association
California Grain Feed Association
California Cotton Ginners & Growers Assoc.
California Citrus Mutual
California Olive Growers Council
California Grape and Tree Fruit League
California Dairies Inc.
California Poultry Federation: Foster Farms; Aviagen Turkeys, Inc.; Zacky Farms; Squab Producers of California; Willie Bird Turkeys
Apricot Producers of California
Allied Grape Growers
Almond Hullers & Processors Association
LOCAL FARM ORGANIZATIONS
Fresno County Farm Bureau
Kern County Farm Bureau
Tulare County Farm Bureau
Kings County Farm Bureau
Madera County Farm Bureau
Merced County Farm Bureau
Fresno-Kings Cattlemen

CALIFORNIA BUSINESSES

Paramount Farms
Harris Ranch
Harris Woolf Almonds
Borba Farms
Land O' Lakes
Sagoupe Enterprises LLC
Sagoupe Family Orchards I, II, III, IV
Lyons Magnus
Wawona Packing
Lyons Transportation
Triple J Partners
Ghost Ranch LLC
Old West Management LLC
Panoche Creek Packing, Inc.
Double D Farms
Penny Newman Grain Company
Chaney Ranch
Wind Fall Farms
Panoche Creek Farms
J.G. Avila Farms
Rock'n JK Farms
Sano Farms
Quad Knopf—Civil Engineering
Alvarado Building Group
Kingsburg Federal Land Bank
AGRI Crop Insurance Agency
Redding Electric Utility
Proteus Inc.
Aquarius Aquarium Institute
Ferguson Farming Company
Lost Wagon Wheel Ranch
Brooks Ransom Associates
Bettencourt Farms
Kings Ranch
Waymire Farms
Nelson Ranch
Triple J Trust
Westside Ranch
Freitas Farms 1
JHP Ranch Inc
Joseph G Freitas Farms
Brooks Farms
GCM Farms
Farmer's Fury Winery
Stone Land Company
Errotabere Ranches
Houlding Farms

TEA PARTY SUPPORTERS

Mark Meckler, Co-Founder Tea Party Patriots

Central Valley Tea Party
North Valley Patriots
OTHER SUPPORTERS
Stewards of the Sequoia
Kelly Lilies, Area Administrator, Catholic Charities

TRIBAL GOVERNMENTS

Santa Ynez Band of Chumash Indians

STATE ELECTED LEADERS

Senator Jean Fuller
Senator Bill Emmerson
Senator Anthony Cannella
Senator Joel Anderson
Senator Bob Huff
Senator Tom Berryhill
Senator Mimi Walters
Senator Tony Strickland
Senator Mark Wyland
Senator Bob Dutton
Senator Tom Harman
Senator Sharon Runner
Senator Ted Gaines
Senator Doug LaMalfa
Minority Leader Connie Conway
Assemblyman David Valadao
Assemblyman Jeff Miller
Assemblywoman Diane Harkey
Assemblywoman Shannon Grove
Assemblyman Jim Silva
Assemblyman Brian Jones
Assemblyman Cameron Smyth
Assemblyman Katcho Achadjian
Assemblyman Donald Wagner
Assemblyman Mike Morrell
Assemblyman Allan Mansoor
Assemblyman Brian Nestande
Assemblyman Steve Knight
Assemblywoman Linda Halderman
Assemblyman Paul Cook
Assemblyman Martin Garrick
Assemblyman Curt Hagman

CITIES/COUNTIES

Kings County Board of Supervisors
Tulare County Board of Supervisors
Merced County Board of Supervisors
Fresno County Supervisor Phil Larson
Fresno County Supervisor Deborah Poochigian
Fresno County Supervisor Judith Case
Madera County Supervisor Frank Bigelow
Madera County Supervisor David Rogers
Madera County Supervisor Ronn Dominici
Stanislaus County Supervisor Terry Withrow
Fresno City Council President Clinton Olivier
Madera City Councilwoman Sally Bomprezzi
Madera City Councilmember Robert Poythress
Madera City Councilmember Gary Svanda
City of Clovis
City of Orange Cove
City of Reedley
City of Huron
City of Dinuba
City of Visalia
City of Lindsay
City of Tulare
City of Woodlake
City of Farmersville
City of Firebaugh
City of Kingsburg
City of Kettleman City
City of Lemoore
City of Coalinga
City of Porterville
City of Chowchilla
City of Waterford

LAW ENFORCEMENT

Fresno County DA Elizabeth Egan
Tulare County DA Phil Cline
Tulare County Sheriff Bill Wittman
Fresno County Sheriff Margret Mims
Madera County Sheriff John Anderson

Kings County Sheriff Dave Robinson

LOCAL BUSINESS ORGANIZATIONS

Fresno Chamber of Commerce
 Clovis Chamber of Commerce
 Visalia Chamber of Commerce
 Tulare Chamber of Commerce
 Kingsburg Chamber of Commerce
 Greater Bakersfield Chamber of Commerce
 Greater Reedley Chamber of Commerce
 Riverbank Chamber of Commerce
 Home Builders Association of Tulare-Kings
 *Support limited to Title IV.

**Supports bill but no opinion on Title II.

***Friant settling party supports bill—recommends settling parties adopt Title II.

ASSEMBLY,
 CALIFORNIA LEGISLATURE,
 Sacramento, CA, June 9, 2011.

Congressman DEVIN NUNES,
 Longworth House Office Building,
 Washington, DC.

CONGRESSMAN DEVIN NUNES: We, the undersigned members of the CA State Legislature, support The San Joaquin Valley Water Reliability Act, H.R. 1837, as introduced by Congressman Devin Nunes (R-21) and co-sponsored by Congressman Jeff Denham (R-19) and Majority Whip Kevin McCarthy (R-22).

H.R. 1837 is sensible water policy that codifies the bipartisan Bay-Delta Accord into law and also reforms the Central Valley Project Improvement Act (CVPIA). By doing so, water supplies will be increased by 1.4 million acre-feet annually, which will create 25,000-30,000 jobs in the San Joaquin Valley, a region suffering from 20-40% unemployment. Additionally, by repealing and replacing the San Joaquin River Settlement with a viable alternative, H.R. 1837 will save taxpayers \$1 billion.

We would like to express our support for this important piece of legislation.

Sincerely,

David G. Valadao, 30th District; Diane Harkey, 73rd District; Jeff Miller, 71st District; Shannon Grove, 32nd District; Jim Silva, 67th District; Connie Conway, 34th District; Katcho Achadjian, 33rd District; Mike Morrell, 63rd District; Brian Jones, 77th District; Cameron Smyth, 38th District; Donald P. Wagner, 70th District; Allan R. Mansoor, 68th District; Brian Nestande, 64th District; Linda Halderman, 29th District; Martin Garrick, 74th District; Steve Knight, 36th District; Paul Cook, 65th District; Curt Hagman, 60th District.

CALIFORNIA STATE SENATE,
 Sacramento, CA, February 27, 2012.

Congressman DEVIN NUNES,
 Longworth House Office Building,
 Washington, DC.

CONGRESSMAN DEVIN NUNES: We, the undersigned members of the California State Legislature, support the San Joaquin Valley Water Reliability Act, H.R. 1837, as introduced by Congressman Devin Nunes (R-21) and co-sponsored by Congressman Jeff Denham (R-19) and Majority Whip Kevin McCarthy (R-22).

H.R. 1837 is sensible water policy that codifies the bipartisan Bay Delta Accord into law and also reforms the Central Valley Project Improvement Act (CVPIA). By doing so, water supplies will be increased by 1.4 million acre-feet annually, which will create 25,000-30,000 jobs in the San Joaquin Valley, a region that is suffering from 20-40% unemployment. Additionally, by repealing and replacing the San Joaquin River Settlement with a viable alternative, H.R. 1837 will save taxpayers \$1 billion.

We would like to express our support for this important piece of legislation.

Sincerely,

Jean Fuller, 18th Senate District; Anthony Cannella, 12th Senate District; Bob Huff, 29th Senate District; Bill Emmerson, 37th Senate District; Joel Anderson, 36th Senate District; Tom Berryhill, 14th Senate District; Mimi Walters, 33rd Senate District; Mark Wyland, 38th Senate District; Tom Harman, 35th Senate District; Ted Gaines, 1st Senate District; Tony Strickland, 19th Senate District; Bob Dutton, 31st Senate District; Sharon Runner, 17th Senate District; Doug LaMalfa, 4th Senate District.

At this time, I am very pleased to yield 3 minutes to the gentleman from California (Mr. NUNES), the sponsor of this legislation, who has been an absolute leader on bringing this to national attention.

Mr. NUNES. Mr. Chairman, I would like to remind the gentleman from California that facts are a funny thing, and the Deputy Under Secretary approved this bipartisan agreement in 1994.

I remind the gentleman also that I defended his right in the Rules Committee. I defended the right of the Democrats to have all their amendments made in order.

Mr. Chairman, when the Federal Government began to pass State preemption to take their water away, you can see here that up until this time we had full water allotment throughout California. Yes, when there was a drought, there were a few years we didn't have water, but look at the chaos that has erupted since. This is an important point. The Congress, by using State preemptions, has managed to take water away from cities, communities, and families.

The opponents of this bill claim that somehow the salmon population is decreasing. We can see here in this graph at the bottom—I know it may be hard for some folks to see. The water exports are here. The green represents total water that flowed into the delta throughout the last 25 years. The red line indicates salmon populations. Lo and behold, there is no correlation between the water inflow into the delta and salmon population.

But I will agree that the salmon population has declined, and this bill begins to fix that problem. Why? Because the delta smelt and salmon are being eaten by predator fish that are nonnative to the delta. Let me say that again. Striped bass, nonnative to the delta.

This scientific evidence shows, as the bass population has increased, the smelt population has declined. This bill rectifies this. This bill allows fishermen to fish for the nonnative species. What this is about is we're shutting off the water to Californians and to their families because of the delta smelt right here.

They talk a lot about these dangerous pumps that are pumping this water, these engineering projects that allowed this valley to bloom, that have

improved the environment over time. Less than 2 percent of the juvenile salmon—it is negligible in the pumps. Instead of looking at ways to stop that negligible impact, we allow the predator fish, the striped bass, to eat 65 to 90 percent of the juvenile salmon that are being eaten by this bass.

The Acting CHAIR. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield to the gentleman an additional 1 minute.

Mr. NUNES. Here we have evidence of this. You can see the bass—I know this is a little gruesome for some folks at home. Here you have the smelt inside the bass. Yet this government is allowing this nonnative species to eat the thing that they so love, the delta smelt.

What has been the result, Mr. Chairman? Food lines. In the breadbasket of the world where they used to grow the Nation's carrots, we now import carrots from China to feed the people in the food lines. This is what this is about. These are children in a food line eating carrots imported from China.

Does this Congress have a moral compass to do the right thing with regards to children in food lines eating carrots imported from China?

The Acting CHAIR. The time of the gentleman has again expired.

Mr. HASTINGS of Washington. I yield the gentleman an additional minute.

Mr. NUNES. Mr. Chairman, we don't need any fancy speeches here today. A sixth-grader from an elementary school in my district—I won't read the whole thing—sent this letter:

Not only does this problem affect the farming industry, it also affects the farmers, families, and their livelihood. I am sure you've heard this complaint. But before, as with future generations, it is of great concern to me. Please do what you can to get the water to the farmers once again, then we can use the fertile soil that the people of this valley have been blessed with.

This sixth-grader is correct. This Congress should do the right thing. We need Democrats and Republicans to come together today. As the Speaker of the House stated earlier, this is to right a wrong.

I urge passage of this bill.

Mrs. NAPOLITANO. Mr. Chairman, I can't believe how many of these people that wrote letters and the stakeholders, including 105 fishing agencies, could be so wrong.

I yield 3 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman.

While this bill directly affects the State of California, even though the State of California opposes the legislation, it is also opposed by representatives of the other western water interests—the State of Montana, the State of New Mexico, the State of Oregon, the State of Wyoming, the State of Colorado—which have all joined California in saying they don't want this bill.

Why are they all saying that? They are saying it because of the precedent that it will set in upsetting settled water rights in the West.

□ 1450

Now, to address that issue, the Republicans have inserted in the bill language that says this bill does not set a precedent in upsetting all the water rights in the West, as it upsets all the water rights in California. So, what's that like? Well, in 1929, the Belgian surrealist painter, Rene Magritte, painted a painting of a tobacco pipe. Under the pipe, he painted the words, "This is not a pipe." But of course it was a pipe—or at least a painting of a pipe. This bill has a similar surrealistic quality to it.

The bill states that the violence of this bill in upsetting water rights is not a precedent, that nothing that happens in California will be a precedent for any other State—which is why of course all the other States are opposing the bill because of the precedent that it sets. This bill sets the precedent to upset all those other arrangements. Others in the West who may wish to restructure water rights elsewhere around the West will look to it as a precedent. So I would say to the majority: nice job, but no cigar.

Clearly, this bill does set a bad precedent, and we can't get around that fact just by putting in the bill that it does not set a precedent. You are, for all intents and purposes, taking all of those arrangements set up over generations and in one bill—opposed by all those States—upsetting the apple cart and setting a brand new era. And you cannot get around it by saying in the bill: This does not set a precedent.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 2½ minutes to the gentleman from northern California (Mr. HERGER), an individual who unfortunately is leaving Congress after this, but who has been a leader on property rights in that part of his State of California.

Mr. HERGER. Mr. Chairman, I originally voiced strong concerns when this legislation was first introduced last year, arguing that it would negatively impact northern California's water supplies and undermine our senior water rights; but under Chairman HASTINGS' leadership, it has come a very, very long way.

We have amended the bill so it not only protects northern California water and power users I represent, but in many respects puts them in a materially better position. As such, I intend to strongly support it. It contains important reforms to the CVPIA, a law that has, like so many others, gone awry, including greater certainty for agriculture through longer-term contracts, improved financial accountability, and a cap on the amount ratepayers I represent must pay into the restoration fund.

Most importantly, a new title 4 contains an explicit Federal recognition of

California water rights priority system and area of origin protections. Going forward, it will also ensure water users in our area are not harmed by efforts to address environmental and water-quality challenges in California. We have created an important baseline for any water legislation to ensure northern California's water needs will be met first.

There is broad support for these provisions, including from the Tehama Colusa Canal Authority, representing 17 water districts; the Northern California Water Association; eight absolute priority settlement contractors; the city of Redding; Redding Electric Utility; and the Family Water Alliance, a group representing Sacramento Valley landowners.

In short, the bill seeks to solve another tragic ESA-caused water shortage facing our family farmers in California. And it does so while fully protecting senior water rights holders in my district, and in many ways enhancing their positions.

I urge strong support for the bill.

Mrs. NAPOLITANO. Mr. Chairman, I yield 3½ minutes to the gentleman from California (Mr. COSTA).

Mr. COSTA. I thank the gentleman for yielding.

Mr. Chairman, I rise to discuss a matter of great importance to my constituents in the San Joaquin Valley, and that's the future of our water supply. More importantly, it's our Nation's food supply and, therefore, an important part of the world's food supply.

H.R. 1837 is not perfect and has issues I think the authors should seriously consider, but I am supporting the legislation today because of a number of important provisions it contains.

Titles 1 and 3 of the legislation aim to address the biggest challenges for water policy in California. In 2009 and 2010, valley communities suffered through a hydrological and regulatory drought that was insufferable. This year, we are again faced with below-average snow pack in the mountains and may see as little as a 30 percent allocation for water in our area.

My congressional district is the most impacted in California by this short-fall. Farmers, farmworkers, and farming communities that live in my district is what I'm talking about. Our water system is broken in California; but while we're trying to fix it, we need operational flexibility while we continue to work on the long-term issues of the Bay-Delta Conservation Plan.

We should be discussing more constructive ways in which we can work together.

Title 2 of this measure repeals and replaces the San Joaquin River Restoration Act. After 18 years of litigation, the parties involved decided to reach an out-of-court settlement agreement. We can all dispute that, but it was those 22 districts' local government that we respected who asked them to codify their out-of-court set-

tlement agreement. I note that the Friant Water Authority continues to oppose title 2 of the bill, as do many of the districts who were involved with the writing and the negotiation of the settlement agreement.

Now, we do have problems with the implementation of the program—Congressman CARDOZA and I will tell you—from the schedule, to costs, to third-party impacts, to the fulfillment of the water management goal, which is critical to the water users. These issues need to be addressed. But simply repealing the settlement agreement won't solve any of these problems, in my view. In fact, I'm certain they'll be back in court the next day, and that's not solving a problem.

We have had a long history of working on a bipartisan basis in California and in the San Joaquin Valley among our Representatives on water. It frustrates me to see the division on the House floor that has politicized this situation and arguably does nothing for the people that I represent. I have always been willing to work on both sides of the aisle, with the Senate, and with the administration to get things done for our valley; and I have done that throughout my career. But unless we are willing to work with Senator FEINSTEIN, who I know wants to be helpful, I predict that this measure today, as it is proposed, will never be heard in the United States Senate. Therefore, it will never bring an additional single drop of water to our region that is desperately in need of more water.

I think we can do better for our constituents by working together on a bipartisan basis with both Houses to develop and implement solutions both in the long term and the short term. These are the efforts that really will increase our water supply, which all Californians need and deserve to have.

Mr. HASTINGS of Washington. Mr. Chairman, how much time is remaining on both sides?

The Acting CHAIR. The gentleman from Washington has 12½ minutes remaining, and the gentleman from California has 15½ minutes remaining.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 3 minutes to the gentleman from California (Mr. DENHAM), a new Member who represents part of this area that has been devastated and who was an integral player on developing this legislation.

Mr. DENHAM. Mr. Chairman, a lot has been said about our area of the State, where you have 30 to 40 percent unemployment in some areas. It's not a Republican issue; it's not a Democrat issue. It is an American jobs issue—to put people back to work.

Some people say, Well, those aren't the kinds of jobs that we want. You know, it's a dusty, dirty way to earn a living. Yeah, it is dusty; it is dirty. I'm a farmer. And without water, you shut down not only my farm, but you shut down farms throughout the valley, you

shut off our food supply, you shut off all of those jobs that desperately rely on water.

Now, a lot of people like to talk about a deal is a deal. Back in 1994, we had this grand deal that took CVPIA water, took 800,000 acre-feet for environmental purposes. The deal was that water was supposed to be replaced. The Department of the Interior never did that, just stole 800,000 acre-feet of water, which still has to be paid for by the contract; but nevertheless, we need to make sure that our valley farmers are held whole.

Let me talk about a couple of different issues within this bill.

□ 1500

Again, this is about our priorities as the House. The Senate may or may not agree with them, but we'll never know if we don't have the debate. Shouldn't the Senate at least have an opportunity to look at this bill and vote on the bill and debate the bill?

If they don't like the bill, present us your own; but don't just ignore valley farmers. Don't just ignore the amount of jobs that we're losing as a State. You don't like it, come up with your own bill. We'll vote on that; we'll debate on that.

But we're going to express our priority, and our priority is about the jobs of the Central Valley. We're going to send you a bill that not only deals with greater water certainty, but also deals with duplicative regulation.

I'm also on the Transportation Committee; and whether it's the Resources Committee or the Transportation Committee, when you have a higher environmental law, like California does, why go through these same environmental policies twice? Why not streamline NEPA so that you don't have that duplicative regulation that shuts down our water projects?

And while we're at it, we can fight all we want on where the water that we currently have is delivered or who wins and who loses; but we lose as a State, we lose as a country until we get more water storage.

We've put an amendment in this bill in committee that will authorize new water storage, whether it's Sites Reservoir, Los Vaqueros, Shasta or, in my area, Temperance Flat. But we have to have more off-stream storage.

And in Los Vaqueros, in Congressman GARAMENDI's own district, in his own backyard, we can have water storage today without any cost to the Federal taxpayers. Where we've got users that are willing to pay for more water storage, and the water is desperately needed, why wouldn't we approve those projects?

That's authorized in this bill. This bill deals with certainty. This does deal with a number of years of a problem, and it certainly deals with drought years, as well as certainty in wet years. But it also deals with greater water storage.

So if you want to end this debate once and for all, let's make sure we keep up with the population growth of California. Let's have greater water storage, and let's solve this problem so that we don't have the double-digit unemployment in the Central Valley.

Mrs. NAPOLITANO. Mr. Chairman, I must mention that California agriculture had the biggest banner year during that period, in other words, in the billions more than they had in prior years during this drought.

So with that, I yield 3 minutes to the gentleman from California (Mr. MCNERNEY).

Mr. MCNERNEY. Mr. Chairman, someone needs to stand up and defend the delta. I'm standing to express my strong opposition to H.R. 1837. This legislation will do tremendous damage and harm to the San Joaquin Delta, an area that I'm honored to represent.

The San Joaquin Delta is a treasure for California and the entire Nation. The delta flows through five counties and sustains major cities, small towns, and lush farmland. Agriculture is the economic backbone of the delta, generating nearly \$800 million per year revenue in 2009.

Unfortunately, the delta ecosystem is now in decline due to excessive water shipments to the south. Poor water quality is a threat to the region's entire agricultural economy and heritage. H.R. 1837 would even ship more water out of the delta, turning this precious estuary into a salty, stagnant marsh, crushing the local economy, and costing the delta region thousands and thousands of jobs.

This bill is a blatant water grab meant to help some communities at the expense of others. Contrary to the conservative principles that this bill's proponents claim to cherish, H.R. 1837 uses the power of the Federal Government to undermine states' rights.

Dozens of local governments, businesses, agricultural advocates, environmental groups and others oppose H.R. 1837. I have letters from these groups, and I will insert them into the RECORD.

FEBRUARY 27, 2012.

Re OPPOSE H.R. 1837 (Nunes).

Hon. JOHN BOEHNER,

Speaker of the House, House of Representatives, The Capitol, Washington, DC.

DEAR SPEAKER BOEHNER: On behalf of the undersigned organizations, we urge you to oppose the "San Joaquin Valley Water Reliability Act," (H.R. 1837), which was introduced by Representative Nunes. Furthermore, we do not believe that this bill merits a vote by the U.S. House of Representatives.

H.R. 1837 overrides the public trust as defined in the California Constitution and state water laws. It reverses the long-standing Congressional principle that the federal government should follow state water law whenever possible.

H.R. 1837 would reduce water quality and water availability for Delta communities and Delta farmers. It seeks to ensure water flows to corporate agribusiness in the western and southern San Joaquin Valley at the expense of Delta family farmers. The re-

cently-released Economic Sustainability Report authored by the Delta Protection Commission shows that Delta agriculture is worth \$4.2 billion annually and provides tens of thousands of jobs. Delta agriculture and jobs should not be sacrificed to benefit water users in other parts of the state, some of whom do not even use that water for agriculture.

H.R. 1837 would hinder efforts to restore fish populations in the Delta. Science-based protections for salmon and other endangered species are required under both California state law and the Endangered Species Act. Since 2009, the State of California has consistently opposed legislation that would weaken the Endangered Species Act in the San Francisco Bay-Delta and Estuary. Title I of H.R. 1837 would substitute measures that were part of a short-term agreement in 1994, when the health of the Delta had not deteriorated so seriously and when recent scientific studies had not yet been done.

H.R. 1837 would reverse San Joaquin River restoration, thereby further impacting water quality and quantity for the south Delta. While the San Joaquin River restoration allows for a limited flow of additional water into the south Delta, breaking the promise of San Joaquin River restoration would signal to Delta communities the federal government's sacrifice of the Delta for the preference of another region in California.

This deeply-flawed bill joins a long list of water strategies created behind closed doors without input from the Delta communities that rely on a healthy Delta for their livelihoods. It threatens the economic security of families, farmers, and small business owners in the Delta, as well as those in the Delta and Northern California who depend on recreational and commercial fisheries. It also threatens the urban economy surrounding the Delta—an area that is home to four million Californians and that is dependent on the Delta to meet its water user needs.

H.R. 1837 deserves your opposition.

Sincerely yours,

Barbara Barrigan-Parrilla, Executive Director, Restore the Delta; Carolee Krieger, President & Executive Director, California Water Impact Network; Ann Johnston, Mayor, City of Stockton, Delta Coalition Chair; Ron Addington, Executive Director, Business Council of San Joaquin County; John Herrick, South Delta Water Agency; Roger Mammon, President, CSBA West Delta Chapter; Bill Jennings, Executive Director, California Sportfishing Protection Alliance; Jack Chapman, State Board President, California Striped Bass Association; John Beckman, Chief Executive Officer, BIA of the Delta; Bobby Barrack, Professional Bass Fisherman, Back to Class Guide Service.

Bill Berryhill, Assemblyman, 26th District, California State Assembly; Roger Mammon, President, CSBA West Delta Chapter; Jeff Shields, General Manager, South San Joaquin Irrigation District; Bill Wells, Executive Director, California Delta Chambers & Visitor's Bureau; Jeremy Terhune, Executive Director, Friends of the lower Calaveras River; Steve Dial, Deputy Executive Director/Chief Financial Officer, San Joaquin Council of Governments; Jack Chapman, President, CSBA Sacramento, The River City Chapter; Alyson L. Huber, Assemblymember, 10th District, California State Assembly.

THE BOARD OF SUPERVISORS,
SAN JOAQUIN COUNTY, CA,
February 24, 2012.

Hon. DOC HASTINGS,
*Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.*
Hon. TOM MCCLINTOCK,
*Chairman, Subcommittee on Water and Power,
Committee on Natural Resources, House of
Representatives, Washington, DC.*
Hon. EDWARD J. MARKEY,
*Ranking Member, Committee on Natural Re-
sources, House of Representatives, Wash-
ington, DC.*
Hon. GRACE NAPOLITANO,
*Ranking Member, Subcommittee on Water and
Power, Committee on Natural Resources,
House of Representatives, Washington, DC.*

LETTER IN OPPOSITION TO H.R. 1837

DEAR CHAIRMAN HASTINGS, RANKING MEM-
BER MARKEY, CHAIRMAN MCCLINTOCK, AND
RANKING MEMBER NAPOLITANO: The County
of San Joaquin is writing to express its oppo-
sition to H.R. 1837, the proposed San Joaquin
Valley Water Reliability Act. H.R. 1837 con-
tains a number of provisions that appear to
arbitrarily block legal protections for the
Sacramento-San Joaquin Delta (Delta). If
enacted, H.R. 1837 would overturn important
environmental protections for the Delta pro-
vided by State law, and would reverse the
San Joaquin River Settlement.

We recognize and appreciate the inclusion
of language in Title IV mandating that the
Central Valley Project be operated in a man-
ner consistent with State water law provi-
sions related to "area of origin, watershed of
origin and county of origin. . . ." This lan-
guage is consistent with our long-held view
that federal law should specifically and fully
recognize and respect California's water
rights priority system and statutory protec-
tions for "areas of origin".

However, H.R. 1837, taken as a whole,
would move the Sacramento-San Joaquin
River region and the State in the wrong di-
rection. The bill is focused on the past; it
takes us backwards, and that is not a direc-
tion that holds any promise for collabora-
tive, consensus-based solutions to Califor-
nia's complex water challenges or a healthier
Delta. If enacted, H.R. 1837 would stall and
potentially disrupt current efforts of various
State and Federal agencies as they work to-
ward the implementation of California's 2009
Comprehensive Water Package (SB1, SB 6,
SB7, and SB8), which mandates a reduced re-
liance on the Sacramento-San Joaquin
Delta, provision of a high quality supply of
water, and restoration of the Delta's eco-
system (e.g., the forthcoming Bay Delta Con-
servation Plan).

In addition, we oppose the closed-door
process used in constructing the bill. H.R.
1837 was put together with neither public
transparency nor any meaningful input from
the diversity of California's water and envi-
ronmental interests.

We appreciate your consideration of our
concerns regarding H.R. 1837, and we look
forward to continuing to work with you to
ensure that any legislation that moves for-
ward will promote and protect a healthy
Delta environment and clean water supply to
support a Delta economy. If you have any
questions, please contact Tom Gau, Public
Works Director at (209) 468-3100 or me at (209)
468-3113.

Sincerely,

KEN VOGEL,
*Vice-Chairman, Board of Supervisors,
San Joaquin County.*

THE BOARD OF SUPERVISORS,
CONTRA COSTA COUNTY, CA,
February 23, 2012.

Re H.R. 1837—OPPOSE.

Hon. JOHN A. BOEHNER,
*Speaker of the House,
Washington, DC.*

DEAR SPEAKER BOEHNER: As Chair of the
Board of Supervisors of Contra Costa Coun-
ty, I write to express my opposition to H.R.
1837, and I urge you to do everything you can
to prevent this ill-considered bill from be-
coming law.

As one of the five counties located in Cali-
fornia's Sacramento-San Joaquin River
Delta, Contra Costa County depends on Delta
waters for drinking, recreation, environ-
mental health and a good portion of our
economy which is related to boating, fishing
and other service businesses in the Delta
area.

Reading the amended bill broadly, it will
provide more water, at subsidized prices, to
Central Valley agribusiness at the expense of
Delta water quality and ecological health,
which in turn threatens Contra Costa County
water users, the Delta economy, and ulti-
mately the economy of California.

Reading the bill at a more detailed level, it
will gut some of the best provisions of the
Central Valley Project Improvement Act
(CVPIA), and it repeals the San Joaquin
River Settlement. Both of these prior acts
helped provide a foundation for restoring
Bay-Delta health and establishing sound
water management practices in California.
To gut them or eliminate them for the ben-
efit of a specific group of water users flies
in the face of long-standing California water
policy and would be an unprecedented and
ill-advised act for the Congress to take.

The amended bill specifically would imple-
ment the following harmful actions.

1) It would repeal the San Joaquin River
Settlement, an agreement from 2006 that was
decades in the making among public and pri-
vate interests and provided the foundation
for the San Joaquin River Restoration Pro-
gram,

2) It would eliminate the San Joaquin
River Restoration Program, which is critical
to restoring Bay-Delta flow, Delta water
quality, salmon population and ecosystem
health. By cutting this program when it has
only just begun, H.R. 1837 will stymie
progress in restoring the highly dammed,
constrained and polluted San Joaquin River
and will further jeopardize Delta water qual-
ity and wildlife populations.

3) The bill would significantly reduce the
allocation of federally provided (Central Val-
ley Project) water that is currently used for
wildlife and habitat restoration each year
per the CVPIA. This water will instead be
provided to specific agricultural users.

4) H.R. 1837 also would remove the tiered
pricing structure that the CVPIA put in
place to encourage wise water use and con-
servation. Under the tiered structure, the
CVP provides below-cost, subsidized prices to
its water recipients for up to 80 percent of
their contract amounts of water, slightly
higher prices for the next 10 percent of their
contract amounts, and full-cost pricing for
the final 10 percent of their contract
amount. Since water deliveries have rarely
been over 90 percent in recent years, recipi-
ents generally have benefited from below-
cost pricing provided by the federally sub-
sidized rates.

5) The bill will discard the past two dec-
ades worth of scientific research about Delta
conditions by rolling back water-supply regu-
lations to those of a 1994 agreement known
as the Bay-Delta Accord. The Accord was de-
veloped before the crash of numerous Delta
species and before the scientific community

developed its current base of knowledge
about these issues. By rolling back water op-
erations guidelines to 1994, there will be even
greater harm to species including fall-run
Chinook salmon. This will cause further eco-
nomic harm to fisheries and fishing-related
businesses in the Delta.

6) H.R. 1837 waives the current requirement
that new federal dam projects in the Central
Valley comply with the National Environ-
mental Policy Act. The lesson learned from
construction of the Friant Dam on the San
Joaquin River by the Bureau of Reclamation
is that ignoring environmental impacts can
wipe out entire runs of salmon and adversely
impact other species that rely on adequate
water flows. All water resources projects
must undergo full and detailed environ-
mental review and any environmental im-
pacts must be fully mitigated.

Finally, I will add a comment about the
process this bill has undergone. It is our un-
derstanding that no public hearings were
held on the amended bill, which was consid-
ered in Committee less than 48 hours after
the bill was made public. Had there been
more time allotted for comment on this bill,
undoubtedly objections would have been
voiced sooner.

Such critical decisions on water policy
should have been debated in full public view
with adequate time for comment, particu-
larly in this instance where the Congress is
attempting to overturn long-standing state
water management practice.

Thank you in advance for your consider-
ation of these concerns.

Sincerely,

MARY NEJEDLY PIEPHO,
Chair, Board of Supervisors.

DELTA COUNTIES COALITION, CONTRA
COSTA COUNTY, SACRAMENTO
COUNTY, SAN JOAQUIN COUNTY,
SOLANO COUNTY, YOLO COUNTY,
"WORKING TOGETHER ON WATER
AND DELTA ISSUES,"

February 24, 2012.

Re H.R. 1837.

Hon. JOHN BOEHNER,
*Speaker, House of Representatives,
Washington, DC.*

Hon. NANCY PELOSI,
*Democratic Leader, House of Representatives,
Washington, DC.*

DEAR MR. SPEAKER AND MADAM LEADER:
The Sacramento-San Joaquin Delta Counties
of Contra Costa, Sacramento, San Joaquin,
Solano, and Yolo, working together as the
Delta Counties Coalition (DCC), write to ex-
press our strong opposition to H.R. 1837, as
currently constructed.

The DCC is concerned that H.R. 1837 con-
tains a number of provisions that arbitrarily
block legal protections for the Sacramento-
San Joaquin Delta (Delta) and its fisheries
for the benefit of a specific group of agricul-
tural water users. Among our concerns are
the consequences of provisions that would
change or limit the use of the 800,000 acre-
feet of Central Valley Project (CVP) water
that was devoted to fish and wildlife pur-
poses in the original Central Valley Project
Improvement Act (CVPIA). We also have sig-
nificant concerns about the impacts to Delta
fisheries, water quality, and sensitive eco-
systems that would result from the bill's re-
quirement to revert back to the provisions of
the 1994 Bay-Delta Accord as the benchmark
environmental document to be used in meet-
ing today's biological and hydrological needs
in the Delta. Additionally, we are gravely
concerned about the consequences of provi-
sions that preempt state land, water and en-
vironmental laws which currently require
more stringent protections than those out-
lined in the Accord, which was agreed to

nearly 18 years ago. This would ignore the last two decades' worth of scientific research about Delta issues and would base water operations on out-of-date science that was in place before the crash of Delta wildlife species in recent years. Furthermore, as a bipartisan coalition, we are surprised that this House would consider top-down, big government legislation preempting state law in a manner that is antithetical to core philosophies of the Majority. We must ensure that any legislation that moves forward will avoid cannibalizing one part of California's economy to benefit another—our litmus test will be to see if the bill supports, rather than jeopardizes, a Delta economy based on agriculture, fishing/hunting, recreation, and tourism.

Another major problem with the bill is that it scraps the San Joaquin River Restoration Program, which is needed to begin restoring the San Joaquin River to reestablish salmon runs, improve river water quality and restore the river's Bay-Delta flow. The restoration is needed to improve the health of the river and the Delta.

While some of the provisions of the bill are consistent with our long held view that federal law should specifically and fully recognize and respect California's water rights priority system and statutory protections for areas of origin, taken as a whole, H.R. 1837 takes our region and the State in the wrong direction. By undercutting decades of agreements and ongoing negotiations, this bill brings us no closer to solving California's complex water challenges. We also are troubled by the way the bill was constructed. It was put together behind closed doors, with neither public transparency nor meaningful input from the diversity of California's water and environmental interests. There were no hearings held on the version of the bill that the Committee considered less than 48 hours after it was made public. A balanced, consensus based solution is only possible if the interests of all stakeholders are considered.

The DCC looks forward to continuing to work with California's congressional delegation to promote and protect a healthy Delta environment. If you have questions, please do not hesitate to contact us.

Sincerely,

Mary Nejedly Piepho, Supervisor, Contra Costa County; Don Nottoli, Supervisor, Sacramento County; Larry Ruhstaller, Supervisor, San Joaquin County; Michael J. Reagan, Supervisor, Solano County; Mike McGowan, Supervisor, Yolo County.

CENTRAL DELTA WATER AGENCY,
Stockton, CA, February 24, 2012.

Re Opposition to H.R. 1837 (Nunes).

Hon. JOHN BOEHRNER,
Speaker of the House, House of Representatives,
The Capitol, Washington, DC.

DEAR SIR: The Central Delta Water Agency encompasses approximately 120,000 acres in the central portion of California's Sacramento-San Joaquin Delta. We are concerned with the adequacy of the quality and flow of water in the channels of the Delta. Although the use of such water in our agency is primarily agricultural, there are also significant urban, recreational, industrial and habitat uses. We are opposed to the passage of H.R. 1837 for the following reasons among others:

H.R. 1837 would override State constitutional protection for the public trust, State water rights law and even preclude the State's ability to set limits on the take of non-native fish. (Pages 19 and 20 of the bill.)

This intrusion on State's rights is not only a break with tradition and respect but is of questionable constitutionality. This is bad law and bad precedent which does not ad-

dress the underlying problem of insufficient water to meet needs in dry years.

H.R. 1837 would represent yet another significant breach of the promises by the United States to the people of California that exports would be limited to surplus water.

"On February 17, 1945, a more direct answer was made to the question of diversion of water in a letter by Acting Regional Director R.C. Calland, of the Bureau, to the Joint Committee on Rivers and Flood Control of California State Legislature. The committee had asked the question, 'What is your policy in connection with the amount of water that can be diverted from one watershed to another in proposed diversions?' In stating the Bureau's policy, Mr. Calland quoted section 11460 of the State water code, which is sometimes referred to as the county of origin act, and then he said: 'As viewed by the Bureau, it is the intent of the statute that no water shall be diverted from any watershed which is of will be needed for beneficial uses within that watershed. The Bureau of Reclamation, it its studies for water resources development in the Central Valley, consistently has given full recognition to the policy expressed in this statute by the legislature and the people. The Bureau has attempted to estimate in these studies, and will continue to do so in future studies, what the present and future needs of each watershed will be. The Bureau will not divert from any watershed any water which is needed to satisfy the existing or potential needs within that watershed. For example, no water will be diverted which will be needed for the full development of all of the irrigable lands within the watershed, nor would there be water needed for municipal and industrial purposes or future maintenance of fish and wildlife resources.'" (See 84th Congress, 2d Session House Document No. 416, Part One Authorizing documents 1956 at Pages 797-799.)

H.R. 1837 attempts to repeal the San Joaquin River Settlement—The actions of the United States in deliberately dewatering portions of the San Joaquin River and collaborating in its degradation is a national disgrace and should be corrected. The San Joaquin River Settlement is a voluntary and contractual resolution to years of litigation which is but a small step towards remediation of longstanding patterns of wrongdoings. It should be honored not circumvented.

H.R. 1837 would remove much of the CVPIA protection for fish which was the quid pro quo for the significant benefits extended to Federal water contractors and in particular the ability to profit from transfer of subsidized water.

This would be but another action confirming the lank of credibility of our Federal government. Although not a party to the negotiations leading to the CVPIA, it would appear that any repeal of the environmental benefits should include a repeal of the benefits to water contractors. We suggest no change.

H.R. 1837 represents the wrong approach to addressing water issues in the State of California and would be a terrible precedent for similar actions affecting other States.

Yours very truly,

DANTE JOHN NOMELLINI,
Manager and Co-Counsel.

H.R. 1837 would devastate my entire region, but folks from other States should also oppose this bill. With little debate, and complete disregard for the consequences, this bill sets a dangerous precedent so that the Federal Government can undermine State water law developed over decades. Your State could be next.

This bill is a shameful attempt to rewrite California water laws to benefit a few selected water users, regardless of how much harm is done to other parts of the State. Democrats and Republicans should stand united in our desire to block this legislation from becoming law. I urge my colleagues in the strongest possible terms to oppose H.R. 1837.

Mr. HASTINGS of Washington, Mr. Chairman, I yield 1 minute to the gentleman from New Mexico (Mr. PEARCE), another Member from the West, and the chairman of the Western Caucus who knows this issue very well.

Mr. PEARCE. Mr. Chairman, I rise in strong support of H.R. 1837. The Nation is faced with trillion-dollar deficits, persistent unemployment above 8 percent, and we continue to use the Federal Government to kill jobs and to export them to China.

You can take a look at what the President recently did regarding the Keystone pipeline. You can look at the export of the rare-Earth mineral mines to China.

But this is the one that is most offensive, this exporting of our agriculture products. San Joaquin Valley used to place vegetables, safe vegetables grown in America on store shelves across the country. Today we import vegetables from countries that use pesticides that are disallowed here.

We have an unsafe food supply. We have more people out of work, and we have deficits because we don't have tax-paying citizens.

This bill simply is a commonsense, bipartisan solution that puts people back to work, provides a safe food supply, and makes America more sound. It's common sense. We should vote for it.

Mrs. NAPOLITANO. I yield 2½ minutes to the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California, Mr. Chairman, I rise in strong opposition to this jobs killer act that ignores more than 20 years of established science.

Tens of thousands of people depend on the Bay-Delta for their livelihoods, including many farmers, fishermen, and sportsmen who contribute billions of dollars to our economy every year.

Sadly, the sponsors of this bill are using the legislation to create winners and losers by preempting California State law. This bill would take water from folks in northern California for use in California's Central Valley. This means even less water to sports fishermen and to commercial fishermen, the basis of two thriving industries in our State.

The Pacific Coast Federation of Fishermen's Associations strongly opposes the bill. They estimate that over 25,000 jobs were lost in the salmon fishing industry due to the 2008 and 2009 closures.

The American Sportsfishing Association shows that California's economy suffers \$1.4 billion in loss each year that the salmon fishery season is

closed. If this bill becomes law, these jobs would be lost forever, and the economic losses would be permanent.

Appropriate amounts of water are also critical to support the economies for wildlife-associated recreation. In California, 7.4 million sportsmen contribute over \$8 billion to the economy every year. Without water, many of these hunting, fishing, and wildlife-watching activities will be lost.

More than 200 sportsmen's organizations have written to express their opposition to this bill. These men and women recognize the extreme consequences of this measure.

Mr. Chairman, I'd like to insert this letter that I have signed by those over 200 organizations into the RECORD.

FEBRUARY 26, 2012.

Hon. JOHN BOEHNER,
Speaker of the House, House of Representatives,
Washington, DC.

Hon. NANCY PELOSI,
Minority Leader, House of Representatives,
Washington, DC.

DEAR SPEAKER BOEHNER AND MINORITY LEADER PELOSI: The California Environmental Water Caucus, and the numerous environmental, environmental justice, recreational and commercial fishing groups, legal and advocacy groups, and Indian tribes, whose logos and names are attached to this letter, would collectively like to express our strong opposition to the ill-conceived and regressive legislation contained in H.R. 1837, the misleadingly entitled "Sacramento-San Joaquin Valley Water Reliability Act." We do not believe that this bill merits a vote by the U.S. House of Representatives.

In summary, this radical legislation preempts state water law, eliminates environmental protections for salmon and other commercially valuable species, guts the 1992 Central Valley Project Improvement Act, and overturns the broadly supported, court approved settlement to restore the San Joaquin River. As a result, this bill threatens thousands of salmon fishing jobs and communities in California and Oregon, water quality in the Bay-Delta, and the reliability of California's water supplies.

H.R. 1837 would overturn the fundamental Congressional principle which requires the federal government to follow state water law whenever possible. This principle has been a bulwark of rights reserved to the individual states and should not be violated by this kind of legislation. Even more specifically, this radical legislation would preempt the public trust doctrine as defined in the California Constitution and eliminate the implementation of a bipartisan package of water policy reform legislation adopted by the State of California in 2009.

H.R. 1837 would defeat efforts to restore fish populations in the Delta. Science-based protections for salmon and other endangered species are required under both California state law and the Endangered Species Act. In order to support recovery of endangered fish species, the State of California has consistently opposed legislation that would weaken the Endangered Species Act in the San Francisco Bay-Delta and Estuary. H.R. 1837 would strip those protections.

H.R. 1837 would gut the Central Valley Project Improvement Act of 1992, which corrected numerous deficiencies built into the federal Central Valley Project. The Act requires compliance with state law, encourages water conservation, makes modest reforms to reduce water subsidies, and contributes water for the recovery of endangered fish species.

H.R. 1837 would overturn the 2009 court approved San Joaquin River Restoration Settlement Act which ended twenty years of litigation on the San Joaquin River. The Settlement and the Act were supported by all parties to the litigation and numerous water districts in the San Joaquin Valley and across the State, along with Members of Congress from both sides of the aisle. H.R. 1837 attempts to preempt state law that requires river restoration, and eliminates flood protection and water supply projects for farmers that were approved as part of the Settlement and Act.

H.R. 1837 would reduce water quality and water reliability for Delta communities and Delta farmers. It seeks to ensure water flows to agribusiness in the western and southern San Joaquin Valley at the expense of smaller Delta family farmers. The recently released Economic Sustainability Report authored by the Delta Protection Commission shows that Delta agriculture is worth \$4.2 billion annually and provides tens of thousands of jobs. Delta agriculture and jobs should not be sacrificed to benefit water users in other parts of the state, some of whom do not even use that water for agriculture. This legislation would further aggravate the water supply divide within the state and would help perpetuate the destructive "water wars" which characterize water rules in California.

In summary, H.R. 1837 is an unprecedented assault on a state's ability to enact and support its own water laws, and it is an undisguised water grab in favor of one district to the detriment of other parts of the state, all engineered by the federal government.

For all of the above reasons, we oppose H.R. 1837 and request that you withdraw the legislation.

DAVID NESMITH,
Co-Facilitator.
NICK DI CROCE,
Co-Facilitator.

The following 190 organizations are signatories to this comment letter:

Bill Jennings, Executive Director, California Sportfishing Protection Alliance; Dave Britts, President, Pacific Coast Federation of Fisherman's Associations; Carolee Krieger, Executive Director, California Water Impact Network; Jonas Minton, Senior Water Policy Advisor, Planning and Conservation League; Ron Stork, Senior Policy Advocate Friends of the River; Jennifer Clary, Water Policy Analyst Clean Water Action.

David Lewis, Executive Director Save the Bay; Joan Clayburg, Executive Director, Sierra Nevada Alliance; Deb Self, Executive Director, San Francisco Baykeeper; Jim Metropulos, Senior Advocate, Sierra Club California; Chris Wright, Executive Director Foothills Conservancy; John Merz, President, Sacramento River Preservation Trust.

Conner Everts, Executive Director, Southern California Watershed Alliance; Barbara Barrigan-Parrilla Executive Director, Restore the Delta; Caleb Dardick, Executive Director, South Yuba River Citizens League; Barbara Vlamis, Executive Director AquaAlliance; Caleen Sisk-Franco, Spiritual Leader & Traditional Chief Winnemen Wintu Tribe; Victor Gonella, President, Golden Gate Salmon Association.

Geoffrey McQuilkin Executive Director Mono Lake Committee; Huey D. Johnson, President, Resource Renewal Institute; Adam Scow, California Campaign Director Food and Water Watch; Linda Sheehan, Executive Director Earth Law Center; Leda Huta, Executive Director, Endangered Species Coalition; Capt. Roger Thomas, President, Golden Gate Fishermen's Association.

Mondy Lariz, Director, Santa Clara County Creeks Coalition; Larry Collins, President,

San Francisco Crab Boat Owners Association; Leaf G. Hillman, Director, Karuk Department of Natural Resources, Karuk Tribe; Lloyd Carter, President, California Save Our Streams Council; Eric Wesselman, Executive Director Tuolumne River Trust; Don Rivenes, Conservation Chair, Sierra Foot-hills Audubon.

Esmeralda Soria, Legislative Advocate, California Rural Legal Assistance Foundation; Mark Rockwell, Co-Conservation Director, Northern California Council Federation of Fly Fishers; Dan Bacher Editor, Fish Sniffer; Alan Levine, Director, Coast Action Group; Zeke Grader, Executive Director, Institute for Fisheries Resources; Siobahn Dolan, Director, Desal Response Group.

Andrew J. Orahoske, Conservation Director, Environmental Protection Information Center; Scott Greacen, Executive Director, Friends of the Bel River; Mati Waiya Executive Director Wishtoyo Foundation, Karen Schambach, California Field Director, California Public Employees for Environmental Responsibility; Rich Cimino, President, Alameda Creek Alliance; Milo Vukovich, President, Sonoma County Abalone Network.

Jeff Miller, Conservation Advocate, Center for Biological Diversity; Bill Wells, Executive Director, California Delta Chambers & Visitors Bureau; Dave Steindorf, California Stewardship Director American Whitewater; Bill Ferrero, Owner, President, Mokelumne River Outfitters; Lorna Elness, President, San Joaquin Audubon; Carol Perkins, Water Resources Advocate Butte Environmental Council.

Michael Warburton, Executive Director, The Public Trust Alliance; Sylvia Kothe, Chairperson, Concerned Citizens Coalition of Stockton; Frank Egger, President, North Coast Rivers Alliance; Luke Breit, Legislative Advocate Forests Forever; Marily Woodhouse, Director, Battle Creek Alliance; Jeremy Terhune, Coordinator, Friends of the Calaveras.

Don McEnhill, Riverkeeper, Russian Riverkeeper; Tim Little, Co-Director, Rose Foundation; Steve Shimek, Chief Executive The Otter Project, Greywolf, Jeff Kelly Chief, Modoc Nation; Alan Harthorn, Executive Director Friends of Butte Creek; Larry Hanson, Manager, Northern California River Watch.

Steve Shimek, Program Manager Monterey Coastkeeper; Steve Pedery, Conservation Director, Oregon Wild; Melanie Winter, Founder & Director, The River Project; Larry Glass, President, Safe Alternatives for our Forest Environment; Lynne Plambeck, Executive Director, Santa Clarita for Planning and the Environment; Marie Logan & Jessie Raeder, Co-Presidents, SalmonAid Foundation.

Karen Schambach, President, Center for Sierra Nevada Conservation; Rain Ananacel, Executive Director, Northcoast Environmental Center; Michael Schweit, President, Southwest Council Federation of Fly Fishers; Chris Poehlmann, President, Friends of the Gualala River; Brenda S. Adelman, Chairperson, Russian River Watershed Protection Committee; Nate Rangel, President, California Outdoors.

Chet Ogan, Conservation Chair, Redwood Regional Audubon Society; Susan Robinson, Board Member, Ebbetts Pass Forest Watch; Bob Dean, President, Upper Mokelumne River Watershed Council; Trevor Kennedy, Executive Director, Fishery Foundation; Dan Silver, Executive Director, Endangered Habitats League; Jane Humes, Chair, Waldo Holt Conservancy.

Michael Garabedian, Friends of the North Fork American River; Mike Hudson, Small Boat Commercial Salmon Fisherman's Association; Allison Boucher, Project Manager, Tuolumne Conservancy; Michael Martin,

Ph.D., Director, Merced River Conservation Committee; Beth Werner, Baykeeper, Humboldt Baykeeper; Kelli Gant, President, Trinity Lake Revitalization Alliance.

Rick Coates, Executive Director, Forest Unlimited; Sue Lynn, Secretary, Cascade Action Now; Larry Glass, President, South Fort Mountain Defense Committee; Seymour Singer, President, Pasadena Casting Club; Dick Harris, President, Santa Clarita Casting Club; Ken Javorsky, President, Tri-Valley Fly Fishers.

Jim Cox, President, West Delta Chapter, California Striped Bass Association; Jackson Chapman, President, Sacramento Chapter, California Striped Bass Association; Roger Mammon, President, Lower Sherman Island Duck Club; Larry Dennis, Conservation Chair, Mission Peak Fly Anglers; Henry Sandigo, Conservation Chair, Granite Bay Flycasters; Jim Tolonen, Conservation Chair, Santa Cruz Fly Fishermen.

Tom Bartos, President, Foothills Angler Coalition; Bill Carnazzo, President, Spring Creek Guide Service; Grant Fraser, President, Auburn Flycasters; Mark Allen, General Manager, Adventure Connections, Inc.; Greg King, Siskiyou Land Conservancy; Jim Yarnall, President, Humboldt Area Saltwater Anglers; Joseph Vaile, Campaign Director, KS Wild.

Ron Forbes, Conservation Chair, Delta Fly Fishers; Denise Boggs, Executive Director, Conservation Congress; Kim Glazzard, Executive Director, Organic Sacramento; Bill O'Kelly, President, Sierra Pacific Flyfishers; Cindy Charles, Conservation Chair, Golden West Women Flyfishers; Ted Shapas, Conservation Chair, Diablo Valley Fly Fishermen.

Darrell Tichurst, Chairman, Coastside Fishing Club; Steve Burke, Spokesperson, Protect Our Water; Lillian Light, President, Palos Verdes Audubon Chapter; John Weishheit, Conservation Chair, Living Rivers/Colorado Riverkeeper; Spreck Rosenkrans, Restore Hetch Hetchy; Don Schmoltdt, President, Sacramento Audubon Society; Diane Hichwa, Conservation Chair, Madrone Audubon.

Stephen Fuller-Rowell, Co-Founder, Oregon Waterwatch; Tom Chandler, Editor, Trout Underground; Will Harling, Executive Director, Mid-Klamath Watershed Council; Don Gillespie, President, Friends of Del Norte; Randa Solick, Co-Chair, Santa Cruz WILPF; Ken Franke, Executive Director, Sportfishing Association of California.

Jim Martin, Recreational Fishing Alliance; Sep Hendrickson, Executive Director, California Inland Fisheries Foundation; Aaron Newman, President, Humboldt Fisherman's Marketing Association; Mark Micoch, Co-Chairman, Northern California Guides Association; Dan Blanton, Chairman, StriperFest; Mike Augney, Co-Owner, USA Fishing.

Jim Martin, Director, Berkeley Conservation Institute; Bob Mellinger, Vice-President, Water for Fish; Bart Hall, Producer, Fred Hall Shows; Randy Repass, Chairman & Founder, West Marine; Bruce Tokars, President, Salmon Water Now; Galen Onizuka, Owner, President, Johnson Hicks Marine.

Angelo Pucci, President, P Line; Dick Pool, President, Pro-Troll Fishing Products; Liz Hamilton, Executive Director, Northwest Sportfishing Ind. Assn.; Bob Rees, President, North West Guides and Anglers Assoc.; Peter Grenell, Manager, San Mateo County Harbor District; Ken Elie, Owner, President, Outdoor Pro Shop.

Bill Divens, Salmon King Lodge West; Paul Johnson, Owner, Monterey Fish Market; Bob Kotula, Outwest Marketing; Danny Layne, Hawkeye Marketing; Roy Gray, Owner, Roy Gray & Associates; Dan Pamel, President, Leisure Sales; Paul Johnson, Owner, Monterey Fish Market.

Michael Scaglione, Pacific Catch Fish Grill; Bill Boyce, Boyce Image, World Fishing Network; Rich Kato, Sport Sales; Jack Swanson, Sales Manager, Repala USA; Chuck Cappotto, Bodega Bay Fisherman's Marketing Assoc.; Gary Coe, Kokanee Power.

Angelo Pucci, President, G. Pucci and Sons Mfg.; Capt Brian Smith, Riptide Charters; Capt Bob Ingles, Queen of Hearts Charters; Capt Brian Cutty, Chubasco Charters; Capt Brian Guiles, Flying Fish Charters; Capt Chris Chan, Ankeny St. Sportfishing.

Capt Craig Shimokosu, New Salmon Queen Charters; Capt Dale Walters, Que Sera Sera Charters; Capt Dennis Baxter, New Captain Pete Charters; Capt Don Franklin, Soleman Sportfishing Charters; Capt Ed Gallia, New Easy Rider Charters; Capt Frank Rescino, Lovely Martha Charters; Capt Harry Necees, Checkmate Charters; Capt Jack Chapman, Lovely Linda Sportfishing; Capt Jacky Douglas, Wacky Jacky Charters; Capt Jay Yokomozo, Huck Finn Charters; Jimmy Robertson, Outer Limits Charters; Capt Joe Gallia, El Dorado III Charters; Capt John Atkinson, New Ray Ann Charters; Capt John Kluzmier, Sir Randy Charters; Capt Nick Lemons, Star of Monterey Charters; Capt Ken Stagnaro, Stagnaro's Charters; Capt Randy Thornton, Telstar Charters.

Capt Richard Thornton, Trek II; Capt Rick Powers, Bodega Bay Sportfishing; Capt Peter Bruno, Randy's Fishing Trips; Bob Sparre, Bob Sparre's Guide Service; Capt Sean Hodges, Hog Heaven Charters; George Catagnolia, Owner, Sandy Ann Charters; Capt Steve Talmadge, Flash Sportfishing Charters; Sal Vallone, Bob Sands Fishing; Capt Tim Klassen, Reel Steel Sportfishing; Vance Staplin, Vance's Tackle.

Barbara Emley, F/V Autumn Gale; Capt Chris Acacelo, Chris' Fishing Charters; Jim Cox, Owner, Jim Cox Sport Fishing Charters; Jonah Li, Hi's Tackle Box; Sunny Lampre, Owner, Sunny's Electric Marine; Ron La Force, President, United Outdoorsmen; Danny Layne, Fish'n Dan's Guide Service; Marilyn Hendrickson, Sep's Outdoors Inc.; Mike Chamberlain, Ted's Sports Center; Craig Stone, Emeryville Sportfishing.

That's 200. That's more than the 12 or 14 members of the State legislature that wrote you a letter.

In the end, H.R. 1837 is nothing more than an attempt by well-funded water contractors to steal water from other users with no regard for the fishers, sportsmen, the farmers north of the delta, the families and the businesses who depend on their delta for their livelihood. It guts environmental protections and kills local jobs. It should be rejected, and solutions to California's water challenges should be based on strong and sound science; and it should be done with all of the stakeholders at the table, not in the proverbial back room.

□ 1510

The Acting CHAIR. The time of the gentleman has expired.

Mrs. NAPOLITANO. I yield the gentleman an additional 15 seconds.

Mr. THOMPSON of California. So please join me and over 100 outdoor and fishing organizations and the Western States Water Council to protect northern Californians from political agendas that harm our economy, wildlife, and the people. Vote "no" on this bill.

Mr. HASTINGS of Washington. Mr. Chairman, here are a number of organi-

zations that have written in support of this legislation on both sides of these pages; and at the appropriate time I, too, will insert them in the RECORD to show that there is broad, broad support for this legislation.

I am now pleased to yield 1 minute to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. I thank the gentleman for yielding.

Mr. Chairman, I must say, for those of us who have seen this with our own eyes, who saw the devastation in the Central Valley, we know for a fact that when the aqueduct pumps in California were slowed, when that water came to a halt because of the orders and opinions issued partly by the Obama administration, what we saw was devastation. We saw the worst of it in 2010. Over a million acre-feet of water were lost. Tens of thousands of jobs were destroyed in our State. The unemployment rate, my friends, in some of these Central Valley towns reached 40 percent.

Those signs that I saw along the I-5 when I was going up to take a look at this, they told a certain story, and these were written by farmers: "No water = No jobs." You'd go down the highway: "Food grows where water flows," but there was no food growing. The devastation was incredible.

The Acting CHAIR. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman an additional 30 seconds.

Mr. ROYCE. My personal favorite: "New Dust Bowl, created by Congress."

Well, this legislation would bring some sanity back to this process. By restoring water deliveries to the levels agreed upon in the 1994 Bay-Delta Accord between California and the Federal Government, this bill could bring back 30,000 jobs, and it would save millions of acre-feet of water which has been sent to the ocean.

My friends, this is a man-made problem. It's going to take legislation to fix. This bill will fix it.

Mrs. NAPOLITANO. Mr. Chairman, I also toured that area, and the devastation was very severe. I wish some of the areas would find another way to be able to find employment, because this is a chronic unemployment circle, if you will, for years, for decades; it isn't just new.

I yield 1½ minutes to the gentleman from Arizona (Mr. GRIJALVA).

Mr. GRIJALVA. Mr. Chairman, I rise today in strong opposition to H.R. 1837, the San Joaquin Valley Water Reliability Act.

This legislation repeals existing State law and, frankly, leaves no State safe. If enacted, H.R. 1837 would set an unprecedented standard of State preemption. As a member of the Subcommittee on Water and Power, I am concerned that the opposition to this legislation, over 300 stakeholders, over seven States, the nonpartisan Western States Water Council, various

attorney generals from New Mexico to other States, have voiced their concern about the preemption and the concern about the intrusion into what has traditionally been a State's right in terms of water management.

If enacted, this unprecedented act of State preemption would be a precedent that brings many States' water settlements into question. In my State, Arizona, a diverse set of stakeholders, water users, Indian tribes, municipalities, the Federal Government were involved in lengthy years in reaching water agreements to try to balance the use of water in our State. They were crafted, they were difficult, they were delicate, but agreement happened, and now those are now being implemented throughout the State.

It raises question about that difficult process, particularly when you had tribal governments involved in these negotiations and are part of the settlement. By sovereignty, States' rights are preeminent in this question.

I urge Members to vote "no."

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 3 minutes to the distinguished majority whip, another gentleman from California who has seen the effects of what this man-made drought is, Mr. MCCARTHY.

Mr. MCCARTHY of California. Mr. Chairman, I want to thank Chairman HASTINGS for his work in committee, and I'd also like to thank, Mr. Chairman, the subcommittee chairman, TOM MCCLINTOCK, and the authors of this bill, DEVIN NUNES and JEFF DENHAM, for their work.

Now, in California there's a saying: "Whiskey's for drinking and water's for fighting," and for too long we've been fighting about water. For too long this man-made drought in California has been ignored. Well, you know, today that stops. I'm excited about it stopping today; because you're going to hear a lot of arguments on both sides, but that's where we're supposed to debate, on the floor of the House.

But, you know, the thing we've always yearned for, the thing we've always taught our children? That an agreement is an agreement, that you keep your bond. You come into a debate where you make your points, but when you come to an agreement, you keep it.

Simply put, what does this bill do? This bill simply says an agreement is an agreement.

When both sides sat down from the Bay Area-Delta Accord—why was it named that? Because people from the bay area and people from the delta had discussions, had fights, had policy arguments, and they finally came to agreement.

Now, who was on what side? Was it all just based upon a farmer or just based upon environmentalists? No. There was the Clinton administration. There was Pete Wilson from the State. He was Governor at the time. There were farmers. There were environ-

mentalists. Mr. Chairman, there were people that were in the administration that are even Members of this Chamber today who spoke in support of this. So if you made an agreement then, why do you want to break it?

And because of what the man-made drought has done, have you ever examined the pain that it has caused? I know people, when they think of California, sure, you think of Silicon Valley, you think of Hollywood, you think of San Diego. Well, you know what? There's this whole area in the valley. When you start and talk about this area in the valley, you know where my district is? My district is from the "Grapes of Wrath." It's the shantytown everybody ended up in. Cesar Chavez is buried in my district. But you know what I saw from my valley on up? Thirty, 40 percent unemployment. I saw people standing in line.

I'm very proud of the district I'm fortunate to represent. There's two families in my district that grow 80 percent of all of the carrots in the country. But you know, because of this man-made drought, where hundreds of people were lined up to get food at the food bank, they were getting carrots. But were they getting carrots from America? No. They were getting carrots from China. The breadbasket of America.

Well, you know, that all ends today. It ends with a bipartisan agreement that America craves for us to find. You know what? In the Bay-Delta Accord, I didn't get everything that I would represent philosophically. The other side didn't as well. But, you know, the greatest thing about America is the rule of law, and if we make an agreement, we should stick to the agreement. Simply put, that's what this bill does and ends the man-made drought.

Mrs. NAPOLITANO. I would like to yield 2½ minutes to the gentleman from California (Mr. CARDOZA).

May I ask what time we have left, sir?

The Acting CHAIR. The gentlelady from California has 8 minutes remaining, and the gentleman from Washington has 3¾ minutes remaining.

Mr. CARDOZA. Mr. Chairman, I thank my colleague for yielding.

I rise today to offer my support for the legislation.

This bill, like so many others that we vote on, is far from perfect. However, I'll support this bill because of many provisions, important provisions for my valley within it.

Mr. Chairman, water is absolutely critical to the economy of the San Joaquin Valley, the valley I love. Without an adequate water supply, agricultural fields go fallow and entire communities can be laid to waste. No one understands this more than myself and my colleague, Mr. COSTA, my friend from the valley. We have both fought for water for our entire careers for our people. In fact, just last year, he and I introduced legislation to provide operational flexibility in the implementation of the Endangered Species Act for

water deliveries for the Central Valley Project. Unfortunately, our colleagues on the other side of the aisle haven't felt the importance of holding a hearing on that bill.

Titles I and III of this legislation aim to address the flawed regulations that have reduced our vital water deliveries to my friends and neighbors throughout the valley.

□ 1520

I have no reservations in supporting these provisions, and commend my colleagues on the other side for introducing them. I recommend a "yes" vote.

When it comes to title II of this bill, which calls for the repeal and replacement of the San Joaquin River Restoration Act, I would like to mention that this was a locally requested and locally championed piece of legislation to end an 18-year lawsuit. Although I had serious reservations when this bill was first introduced, I supported the solution when it came through this House. I will say now that the implementation of this act, as it has been done by the administration, has left a lot to be desired.

I have significant further reservations with the San Joaquin River Restoration program, and it has recently become clear that those views that I expressed during its formation are coming to pass. The restoration is far too costly, and its schedule is advancing in a way that landowners adjacent to the new flows are being damaged.

Despite this, just simply saying we will remove the agreement that has been put in place is not the answer. We don't need to repeal it—we need to repair it—particularly when the only thing a repeal accomplishes is a continuation of a lawsuit that prompted the legislation in the first place.

However, I'd like to make a comment about the process under which this legislation was drafted.

As many of you know, this is my last year as a Member of this body.

This bill, even while I support it, is a perfect example of how dysfunctional this body has become.

This bill will never become law. To be frank, I'm doubtful that it will even be debated in the Senate.

I feel this way because the authors of this bill haven't expressed a serious interest in engaging either me, Congressman COSTA or Senator FEINSTEIN in drafting a bipartisan piece of legislation that can pass both chambers of Congress.

It's unfortunate that some continue to exploit the real life challenges facing the folks we have the honor of representing to score a cheap political point.

Successful functioning of Congress and the resulting successful resolution of the problems afflicting this nation will require the participation of both Republicans and Democrats.

We cannot function individually; we must function in concert to solve the challenges facing us today.

I think we not only can do better, but we must do better, if we're going to accomplish what we were sent here to do.

Only efforts like that will truly solve the complex problems facing us today.

Mr. HASTINGS of Washington. I continue to reserve the balance of my time.

Mrs. NAPOLITANO. Mr. Chairman, I yield 3 minutes to the gentleman from northern California (Mr. MILLER).

Mr. GEORGE MILLER of California. I thank the gentlewoman for yielding.

I rise in strong opposition to this legislation.

Let us understand what is taking place here. In California, for the first time in 40 years, all of the various water parties have gotten together to try to work out these disagreements and come up with a sustainable water policy that serves all of the needs of all Californians—agriculture, manufacturing, municipal uses, environmental uses—all of that together. For the first time, the State legislature passed historic legislation empowering these negotiations to take place in order to take care of disparate interests.

But there are two parties in that negotiation that keep threatening to walk out of the room. They're going to walk out, walk out, walk out. Apparently, they did walk out. They walked out, and they came back to Washington, D.C., to cut a separate deal. These are among the largest water users in the State. These are among the most highly subsidized users in the State. One of our conservative friends on the other side was complaining about the deficit when he started to talk on this bill. These are people who are getting a \$400 million interest-free loan from the taxpayers of this country. These are the people who are getting \$400 million in subsidies every year from the taxpayers of this country.

And what do they do?

In this bill, they have an earmark. You gave them 40 years and these rights in perpetuity to get at least \$400 million a year from the taxpayers of this country. That's not on top of the crop subsidies. That's not on top of the insurance payments, disaster payments. This is just in subsidized water that goes to these people who are crying poor. The largest users have decided they want two negotiations—one in California and one in Washington. To do that, they want to overturn the California laws, the California legislature, the Supreme Court decisions, and the science. We'll go back in time 18 years and say that this science is good enough.

But the heart of this, more than water, is money, and the money sits there, and it flows with the water. Every drop of water that goes to the San Luis Unit and others is subsidized. Right now, they only have a year-to-year contract. They'd have a 20-year contract possibly if they reach agreement. You give them 40 years, and then 40 years in perpetuity: \$400 million a year times perpetuity. You figure out what this earmark is worth. You figure out what this special treatment is worth.

Do you want to know who is driving this process?

It's those very, very special interests that are moving this process, and apparently, they can move our friends on the other side to overturn Supreme Court opinions. They can overturn the State legislature. They can overturn these negotiations. There used to be a saying around here that said that it takes some skill and talent to build a barn, but that any damned fool can kick it down. So what these people have decided is that they're just going to kick over those negotiations in California, those negotiations in which people have invested a huge amount of time and talent—from the legislature, to the agencies, to the farmers, to the environmentalists, to our cities, to our counties—all of whom oppose this legislation.

Mr. HASTINGS of Washington. I just want to point out that this bill came out of committee with bipartisan support, and we've had bipartisan debate for this bill.

Mr. Chairman, I yield 30 seconds to the author of this legislation, the gentleman from California (Mr. NUNES).

Mr. NUNES. Mr. Chairman, I would hope that the gentleman from California has read the bill, because he complains about the subsidies. In fact, this bill gets rid of the subsidies as this bill returns almost \$300 million to the Treasury. So we agree. We want to get rid of the subsidies. We want to cut the deficit. That's what this bill does.

I don't quite understand what he was talking about in terms of tearing down barns, but I would say that the gentleman's legislation that was passed with a Senator from New Jersey and a Congressman from California to preempt State law has been very successful at tearing apart farms and families.

The Acting CHAIR. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman an additional 15 seconds.

Mr. NUNES. Once again, as many of my colleagues will say, Secretary of the Interior Bruce Babbitt made a deal with Republican Governor Pete Wilson. A deal is a deal. The only problem was that there were some dishonest brokers at the table who never went to Congress to get this implemented.

Mrs. NAPOLITANO. I inquire of the Chair as to how much time remains.

The Acting CHAIR. The gentlewoman from California has 2½ minutes remaining. The gentleman from Washington has 2¾ minutes remaining.

Mr. HASTINGS of Washington. Will the gentlelady yield?

Mrs. NAPOLITANO. I yield to the gentleman.

Mr. HASTINGS of Washington. I just want to say to my friend that, as I am the last speaker on my side, I am prepared to close when she is done with her speakers.

Mrs. NAPOLITANO. I have one more speaker.

The Acting CHAIR. The gentlewoman has 2 minutes remaining.

Mrs. NAPOLITANO. Mr. Chairman, I ask my colleagues on both sides to consider what this bill will do.

I now yield my remaining time to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. If you know California water, you know that we can get pretty wound up about it, and the solution for California water is not to be found in this particular piece of legislation. Facts are difficult things to deal with, but they are facts. There has been no manmade drought. There was a very real drought. In addition to that, there were restrictions on the pumping.

Let us understand that the principal advocates of this bill have the shortest straw. They came last in line, and therefore they're not first—they're last. Their contract provided for shortage provisions for a variety of reasons, among them droughts and environmental restrictions. So they should have planned for that. Apparently, they did not.

The losses to the agricultural community were significant to be sure, but at the same time, the agricultural community in the Central Valley prospered, having the best years to any previous year that occurred during this drought period. Certain farmers were shorted—no doubt about that—but they had a contract that called for those shortages.

Now let us understand that this bill has profound implications on every State, some 21 States that have contracts with the Bureau of Reclamation. This bill, should it pass and become law, is a signal to every State that you cannot count on State law allocating the water within your district. Instead, it will be Congress that will allocate the water within your State. That is a profound change: 100 years of reclamation law are pushed aside by this piece of legislation. For the State of California, it is a total preemption of State law—a total preemption of State law—and the State constitution is pushed aside.

□ 1530

There is within the California constitution a thing called the "public trust." The legislature and the government of California hold in trust for the people of California the water of California, and this legislation pushes that aside and gives that water to a very special group.

GROUPS OPPOSED TO H.R. 1837

Statement of Administration Policy
U.S. Department of the Interior
State of Colorado
State of Montana
State of New Mexico
State of Oregon
State of Wyoming
Western States Water Council¹

ELECTED OFFICIALS

California Secretary for Natural Resources
Congresswoman Anna Eshoo

¹18 member body, composed of governor-appointed representatives from the 18 Western states.

- Congressman John Garamendi
 Congressman Mike Honda
 Congresswoman Zoe Lofgren
 Congresswoman Doris Matsui
 Congressman Jerry McNerney
 Congressman George Miller
 Congresswoman Grace Napolitano
 Congresswoman Jackie Speier
 Congressman Mike Thompson
 Congresswoman Lynn Woolsey
 Senator Barbara Boxer
 Senator Dianne Feinstein
- NEWSPAPERS
- The Sacramento Bee
 The San Francisco Chronicle
 The San Jose Mercury News
- WATER DISTRICTS AND LOCAL GOVERNMENTS
- Central Delta Water Agency
 City of Sacramento
 City of Stockton
 Contra Costa County Board of Supervisors
 Contra Costa County
 Grassland Water District
 Reclamation District 999
 Sacramento County Board of Supervisors
 Sacramento County
 San Joaquin Council of Governments
 San Joaquin County
 San Joaquin County Board of Supervisors
 San Mateo County Harbor District
 Solano County
 South Delta Water Agency
 South San Joaquin Irrigation District
 Water Replenishment District of Southern California
 Yolo County
- BUSINESS AND CIVIC GROUPS
- BIA of the Delta
 Business Council of San Joaquin County
 California Delta Chambers & Visitor's Bureau
 California Rural Legal Assistance Foundation
 Concerned Citizens Coalition of Stockton
 The Contra Costa Council
 Environmental Entrepreneurs
 Hawkeye Marketing
 Silicon Valley Leadership Group
 Stockton Chamber of Commerce
- ENVIRONMENTAL GROUPS
- Alameda Creek Alliance
 American Rivers
 AquAlliance
 Audubon
 Battle Creek Alliance
 The Bay Institute
 Berkeley Conservation Institute
 Biodiversity Conservation Alliance
 Butte Environmental Council
 California League of Conservation Voters
 California Public Employees for Environmental Responsibility
 California Save our Streams Council
 California Water Impact Network
 Cascade Action Now
 Center for Biological Diversity
 Center for Sierra Nevada Conservation
 Clean Water Action
 Conservation Congress
 Coast Action Group
 Defenders of Wildlife
 Desal Response Group
 Earth Law Center
 Earthjustice
 Ebetts Pass Forest Watch
 Endangered Habitats League
 Endangered Species Coalition
 Environmental Defense Fund
 Environmental Protection Information Center
 Food and Water Watch
 Foothills Conservancy
 Forests Forever
 Forest Unlimited
 Friends of Butte Creek
 Friends of the Calaveras
- Friends of Del Norte
 Friends of the Eel River
 Friends of the Gualala River
 Friends of the Lower Calavera River
 Friends of the North Fork American River
 Friends of the River
 Humboldt Baykeeper
 Institute for Fisheries Resources
 KS Wild
 Living Rivers/Colorado Riverkeeper
 Madrone Audubon
 Merced River Conservation Committee
 Mid-Klamath Watershed Council
 Mono Lake Committee
 Monterey Coastkeeper
 National Parks Conservation Association
 Natural Resources Defense Council
 Nature Abounds
 The Nature Conservancy
 Northcoast Environmental Center
 North Coast Rivers Alliance
 Northern California River Watch
 Oceana
 Oregon Waterwatch
 Oregon Wild
 The Otter Project
 Palos Verdes Audubon Chapter
 Planning and Conservation League
 Protect our Water
 The Public Trust Alliance
 Redwood Regional Audubon Society
 Restore Hetch Hetchy
 Resource Renewal Institute
 Restore the Delta
 The River Project
 Rocky Mountain Wild
 Rose Foundation
 Russian Riverkeeper
 Russian River Watershed Protection Committee
 Sacramento Audubon Society
 Sacramento River Preservation Trust
 Safe Alternatives for our Forest Environment
 San Francisco Bay Keeper
 San Joaquin Audubon
 Santa Clara County Creeks Coalition
 Santa Clarita for Planning and the Environment
 Santa Cruz Women's International League for Peace and Freedom
 Save the Bay
 Save the Frogs!
 Sierra Club California
 Sierra Foothills Audubon
 Sierra Nevada Alliance
 Siskiyou Land Conservancy
 South Fort Mountain Defense Committee
 South Yuba River Citizens League
 Southern California Watershed Alliance
 Trinity Lake Revitalization Alliance
 Trust for Public Land
 Tuolumne Conservancy
 Tuolumne River Trust
 Unitarian Universalist Ministry for Earth
 United Outdoorsmen
 Upper Mokelumne River Watershed Council
 Waldo Holt Conservancy
 Western Nebraska Resources Council
 Whidbey Environmental Action Network
 The Wilderness Society
- COMMERCIAL AND RECREATIONAL FISHING AND HUNTING ORGANIZATIONS AND BUSINESSES
- Ankeny Street Sportfishing
 American Sportfishing Association
 Auburn Flycasters
 Back to Class Guide Service
 Bob Sands Fishing
 Bob Sparre's Guide Service
 Bodega Bay Fishermen's Marketing Association
 Bodega Bay Sportfishing
 Boyce Image
 California Inland Fisheries Foundation
 California Sportfishing Protection Alliance
- California Striped Bass Association
 California Striped Bass Association—Sacramento Chapter
 California Striped Bass Association—West Delta Chapter
 Checkmate Charters
 Chris' Fishing Charters
 Chubasco Charters
 Coastside Fishing Club
 Delta Fly Fishers
 Diablo Valley Fly Fishermen
 El Dorado III Charters
 Emeryville Sportfishing
 Fishery Foundation
 Fish Sniffer
 Flash Sportfishing Charters
 Flying Fish Charters
 Foothills Angler Coalition
 Fred Hall Shows
 Golden Gate Fishermen's Association
 Golden Gate Salmon Association
 Golden West Women Flyfishers
 G. Pucci and Sons Manufacturing
 Granite Bay Flycasters
 Hi's Tackle Box
 Hog Heaven Charters
 Huck Finn Charters
 Humboldt Area Saltwater Anglers
 Humboldt Fishermen's Marketing Association
 Jim Cox Sport Fishing Charters
 Johnson Hicks Marine
 Kokanee Power
 Leisure Sales
 Lower Sherman Island Duck Hunters Association
 Lovely Linda Sportfishing
 Lovely Martha Charters
 Lower Sherman Island Duck Club
 Mission Peak Fly Anglers
 Monterey Fish Market
 New Captain Pete Charters
 New Easy Rider Charters
 New Ray Ann Charters
 New Salmon Queen Charters
 Northern California Council Federation of Fly Fishers
 Northern California Guides Association
 Northwest Guides and Anglers Association
 Northwest Sportfishing Industry Association
 Outdoor Pro Shop
 Outer Limits Charters
 Outwest Marketing
 P Line
 Pacific Catch Fish Grill
 Pacific Coast Federation of Fishermen's Associations
 Pacific Fishery Management Council
 Pasadena Casting Club
 Pro-Troll Fishing Products
 Queen of Hearts Charters
 Que Sera Sera Charters
 Rapala USA
 Randy's Fishing Trips
 Recreational Fishing Alliance
 Reel Steel Sportfishing
 Riptide Charters
 Roy Gray & Associates
 SalmonAid Foundation
 Salmon King Lodge West
 Salmon Water Now
 Sandy Ann Charters
 San Francisco Crab Boat Owners Association
 Santa Clarita Casting Club
 Santa Cruz Fly Fishermen
 Save our Wild Salmon Coalition
 Sep's Outdoors Inc.
 Sierra Pacific Flyfishers
 Sir Randy Charters
 Soleman Sportfishing Charters
 Small Boat Commercial Salmon Fishermen's Association
 Sonoma County Abalone Network
 Southwest Council Federation of Fly Fishers
 Sportfishing Association of California

Spring Creek Guide Service
Stagnaro's Charters
Star of Monterey Charters
StriperFest
Sunny's Electric Marine
Ted's Sports Center
Telstar Charters
Trek II
Tri-Valley Fly Fishers
Trout Underground
Trout Unlimited
USA Fishing
Vance's Tackle
Wacky Jacky Charters
Water for Fish
West Marine

TRIBAL GROUPS

Karuk Tribe
Mocdoc Nation
Winnemen Wintu Tribe
Wishtoyo Foundation

AGRICULTURAL GROUPS

Friant Water Authority²
Organic Sacramento

RECREATION GROUPS

Adventure Connection, Inc
American Whitewater
California Outdoors
Camp Lotus
Mokelumne River Outfitters
The O.A.R.S. Family of Companies
River and Rock Adventures
River Runners, Inc.
Rubicon Whitewater Adventures
Sport Sales
Whitewater Connection
Whitewater Voyages

The Acting CHAIR. The time of the gentleman from California has expired.

Mr. HASTINGS of Washington. Mr. Chairman, am I correct to assume that all their time has expired?

The Acting CHAIR. All time has expired for the gentlewoman from California.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

There has been much discussion on the floor about preemption. In fact, the previous speaker emphasized that in his close.

I am from a western State; I'm from Washington. If anybody should be cautious about preemption, it is certainly me. And I say that because I represent an area that has two over-half-a-million-acre, or half-a-million-acre, irrigation districts. So I understand about preemption and Western water law.

But in the context of today's debate, the California water system is unique. Here we have a massive Federal system, the Central Valley Project and a massive State water project called the State Water Project, and it operates as one combined unit.

This is what is very important, Mr. Chairman. The coordinated approach was requested by the State and codified by the Federal Government in 1986. That's when water law was preempted. They asked for it in 1986.

In 1992, it was further preempted by amendments to the law in the Central Valley Project in 1992. So what we did in committee is we offered an amendment that was adopted. Let me read the amendments by Mr. TIPTON and Mr. GOSAR, and it says:

Congress finds and declares that (1) coordinated operations between the Central Valley Project and the State Water Project, previously requested and consented to by the State of California and the Federal Government, require assertion of Federal supremacy to protect existing water rights throughout the system.

That's in California. It says:

(2) these circumstances are unique to California. Therefore, nothing in this act shall serve as precedent in any other State.

When we offered that amendment, everybody on our side of the aisle voted for it. Only four on their side of the aisle, when they had an opportunity to make sure preemption wouldn't happen, they voted "no." You can't have it both ways, Mr. Chairman.

So with that I urge my colleagues to support this bill, and I yield back the balance of my time.

Mr. STARK. Mr. Chair, I rise today in opposition to legislation that would trample the state's rights of California and overturn a carefully crafted agreement about how our state's fresh water is allocated.

This Republican legislation is a threat to the ecology of the Sacramento Delta and the San Francisco Bay, the safety of drinking water for many Bay area communities, and the many California jobs that depend on productive fisheries and a healthy Delta and Bay. The bill has many losers and the only winners are the large agri-business interests in the Central Valley, who already receive lavish taxpayer handouts in the form of subsidized water and crop subsidies.

Three years ago, in a bipartisan fashion, Congress and the California General Assembly approved the landmark San Joaquin Restoration Agreement. This agreement was based on the latest science and settled over 20 years of litigation regarding the use of water in the Sacramento River Delta. The San Joaquin Restoration Agreement brought together multiple water users, including fishermen, farmers, cities and communities, and conservationists and provides a fair allocation of the fresh water that flows through the Delta and into the San Francisco Bay. It also created a roadmap for the further restoration of wild salmon populations. Now, some of the very same interests who signed onto the recent agreement have convinced their allies in Congress to bring legislation to the floor to overturn it.

In addition to throwing out the San Joaquin Restoration Agreement and overriding state law, the bill before us also pre-empts the Endangered Species Act and proclaims that the science regarding the Delta and the Bay that was used in 1994 is current and cannot be updated. Rather than turning back the clock nearly 20 years, ignoring scientific advances, and undermining one of our nation's most important environmental protections, we should vote against the legislation and respect the rights of the State of California.

Both the Governor and Attorney General of California oppose this legislation, as do my colleagues in the Bay Area delegation. The President has rightfully said he will veto this bill. I urge all of my colleagues to support clean water, jobs, and the environment and vote against this misguided bill.

The Acting CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered read for amendment under the 5-minute rule.

In lieu of the amendment in the nature of a substitute recommended by the Committee on Natural Resources, printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 112-15. That amendment in the nature of a substitute shall be considered as read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 1837

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 "Sacramento-San Joaquin Valley Water Reliability Act".

SEC. 2. TABLE OF CONTENTS.

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—CENTRAL VALLEY PROJECT WATER RELIABILITY

Sec. 101. Amendment to purposes.

Sec. 102. Amendment to definition.

Sec. 103. Contracts.

Sec. 104. Water transfers, improved water management, and conservation.

Sec. 105. Fish, wildlife, and habitat restoration.

Sec. 106. Restoration fund.

Sec. 107. Additional authorities.

Sec. 108. Bay-Delta Accord.

Sec. 109. Natural and artificially spawned species.

Sec. 110. Authorized service area.

Sec. 111. Regulatory streamlining.

TITLE II—SAN JOAQUIN RIVER RESTORATION

Sec. 201. Repeal of the San Joaquin River settlement.

Sec. 202. Purpose.

Sec. 203. Definitions.

Sec. 204. Implementation of restoration.

Sec. 205. Disposal of property; title to facilities.

Sec. 206. Compliance with applicable law.

Sec. 207. Compliance with Central Valley Project Improvement Act.

Sec. 208. No private right of action.

Sec. 209. Implementation.

Sec. 210. Repayment contracts and acceleration of repayment of construction costs.

Sec. 211. Repeal.

Sec. 212. Water supply mitigation.

Sec. 213. Additional Authorities.

TITLE III—REPAYMENT CONTRACTS AND ACCELERATION OF REPAYMENT OF CONSTRUCTION COSTS

Sec. 301. Repayment contracts and acceleration of repayment of construction costs.

TITLE IV—BAY-DELTA WATERSHED WATER RIGHTS PRESERVATION AND PROTECTION

Sec. 401. Water rights and area-of-origin protections.

²Opposition limited to San Joaquin River Restoration provisions.

Sec. 402. Sacramento River settlement contracts.

Sec. 403. Sacramento River Watershed Water Service Contractors.

Sec. 404. No redirected adverse impacts.

TITLE V—MISCELLANEOUS

Sec. 501. Precedent.

TITLE I—CENTRAL VALLEY PROJECT WATER RELIABILITY

SEC. 101. AMENDMENT TO PURPOSES.

Section 3402 of the Central Valley Project Improvement Act (106 Stat. 4706) is amended—

(1) in subsection (f), by striking the period at the end; and

(2) by adding at the end the following:

“(g) to ensure that water dedicated to fish and wildlife purposes by this title is replaced and provided to Central Valley Project water contractors by December 31, 2016, at the lowest cost reasonably achievable; and

“(h) to facilitate and expedite water transfers in accordance with this Act.”

SEC. 102. AMENDMENT TO DEFINITION.

Section 3403 of the Central Valley Project Improvement Act (106 Stat. 4707) is amended—

(1) by amending subsection (a) to read as follows:

“(a) the term ‘anadromous fish’ means those native stocks of salmon (including steelhead) and sturgeon that, as of October 30, 1992, were present in the Sacramento and San Joaquin Rivers and their tributaries and ascend those rivers and their tributaries to reproduce after maturing in San Francisco Bay or the Pacific Ocean;”

(2) in subsection (l), by striking “and,”

(3) in subsection (m), by striking the period and inserting “; and”, and

(4) by adding at the end the following:

“(n) the term ‘reasonable flows’ means water flows capable of being maintained taking into account competing consumptive uses of water and economic, environmental, and social factors.”

SEC. 103. CONTRACTS.

Section 3404 of the Central Valley Project Improvement Act (106 Stat. 4708) is amended—

(1) in the heading, by striking “LIMITATION ON CONTRACTING AND CONTRACTS REFORM” and inserting “CONTRACTS”; and

(2) by striking the language of the section and by adding:

“(a) RENEWAL OF EXISTING LONG-TERM CONTRACTS.—Upon request of the contractor, the Secretary shall renew any existing long-term repayment or water service contract that provides for the delivery of water from the Central Valley Project for a period of 40 years, and renew such contracts for successive periods of 40 years each.

“(b) DELIVERY CHARGE.—Beginning on the date of the enactment of this Act, a contract entered into or renewed pursuant to this section shall include a provision that requires the Secretary to charge the other party to such contract only for water actually delivered by the Secretary.”

SEC. 104. WATER TRANSFERS, IMPROVED WATER MANAGEMENT, AND CONSERVATION.

Section 3405 of the Central Valley Project Improvement Act (106 Stat. 4709) is amended as follows:

(1) in subsection (a)—

(A) by inserting before “Except as provided herein” the following: “The Secretary shall take all necessary actions to facilitate and expedite transfers of Central Valley Project water in accordance with this Act or any other provision of Federal reclamation law and the National Environmental Policy Act of 1969.”;

(B) in paragraph (1)(A), by striking “to combination” and inserting “or combination”;

(C) in paragraph (2), by adding at the end the following:

“(E) The contracting district from which the water is coming, the agency, or the Secretary shall determine if a written transfer proposal is complete within 45 days after the date of sub-

mission of such proposal. If such district or agency or the Secretary determines that such proposal is incomplete, such district or agency or the Secretary shall state with specificity what must be added to or revised in order for such proposal to be complete.

“(F) Except as provided in this section, the Secretary shall not impose mitigation or other requirements on a proposed transfer, but the contracting district from which the water is coming or the agency shall retain all authority under State law to approve or condition a proposed transfer.”; and

(D) by adding at the end the following:

“(4) Notwithstanding any other provision of Federal reclamation law—

“(A) the authority to make transfers or exchanges of, or banking or recharge arrangements using, Central Valley Project water that could have been conducted before October 30, 1992, is valid, and such transfers, exchanges, or arrangements shall not be subject to, limited, or conditioned by this title; and

“(B) this title shall not supersede or revoke the authority to transfer, exchange, bank, or recharge Central Valley Project water that existed prior to October 30, 1992.”

(2) In subsection (b)—

(A) in the heading, by striking “METERING” and inserting “MEASUREMENT”; and

(B) by inserting after the first sentence the following: “The contracting district or agency, not including contracting districts serving multiple agencies with separate governing boards, shall ensure that all contractor-owned water delivery systems within its boundaries measure surface water at the district or agency’s facilities up to the point the surface water is commingled with other water supplies.”

(3) By striking subsection (d).

(4) By redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(5) By amending subsection (e) (as redesignated by paragraph (4))—

(A) by striking “as a result of the increased repayment” and inserting “that exceed the cost-of-service”; and

(B) by inserting “the delivery of” after “rates applicable to”; and

(C) by striking “, and all increased revenues received by the Secretary as a result of the increased water prices established under subsection 3405(d) of this section.”

SEC. 105. FISH, WILDLIFE, AND HABITAT RESTORATION.

Section 3406 of the Central Valley Project Improvement Act (106 Stat. 4714) is amended as follows:

(1) In subsection (b)—

(A) in paragraph (1)(B)—

(i) by striking “is authorized and directed to” and inserting “may”; and

(ii) by inserting “reasonable water” after “to provide”; and

(iii) by striking “anadromous fish, except that such” and inserting “anadromous fish. Such”; and

(iv) by striking “Instream flow” and inserting “Reasonable instream flow”; and

(v) by inserting “and the National Marine Fisheries Service” after “United States Fish and Wildlife Service”; and

(vi) by striking “California Department of Fish and Game” and inserting “United States Geological Survey”; and

(B) in paragraph (2)—

(i) by striking “primary purpose” and inserting “purposes”; and

(ii) by striking “but not limited to” before “additional obligations”; and

(iii) by adding after the period the following:

“All Central Valley Project water used for the purposes specified in this paragraph shall be credited to the quantity of Central Valley Project yield dedicated and managed under this paragraph by determining how the dedication and management of such water would affect the delivery capability of the Central Valley Project during the 1928 to 1934 drought period after

fishery, water quality, and other flow and operational requirements imposed by terms and conditions existing in licenses, permits, and other agreements pertaining to the Central Valley Project under applicable State or Federal law existing on October 30, 1992, have been met. To the fullest extent possible and in accordance with section 3411, Central Valley Project water dedicated and managed pursuant to this paragraph shall be reused to fulfill the Secretary’s remaining contractual obligations to provide Central Valley Project water for agricultural or municipal and industrial purposes.”;

(C) by amending paragraph (2)(C) to read:

“(C) If by March 15th of any year the quantity of Central Valley Project water forecasted to be made available to water service or repayment contractors in the Delta Division of the Central Valley Project is below 75 percent of the total quantity of water to be made available under said contracts, the quantity of Central Valley Project yield dedicated and managed for that year under this paragraph shall be reduced by 25 percent.”

(2) By adding at the end the following:

“(i) SATISFACTION OF PURPOSES.—By pursuing the activities described in this section, the Secretary shall be deemed to have met the mitigation, protection, restoration, and enhancement purposes of this title.”

SEC. 106. RESTORATION FUND.

(a) IN GENERAL.—Section 3407(a) of the Central Valley Project Improvement Act (106 Stat. 4726) is amended as follows:

(1) By inserting “(1) IN GENERAL.—” before “There is hereby”.

(2) By striking “Not less than 67 percent” and all that follows through “Monies” and inserting “Monies”.

(3) By adding at the end the following:

“(2) PROHIBITIONS.—The Secretary may not directly or indirectly require a donation or other payment to the Restoration Fund—

“(A) or environmental restoration or mitigation fees not otherwise provided by law, as a condition to—

“(i) providing for the storage or conveyance of non-Central Valley Project water pursuant to Federal reclamation laws; or

“(ii) the delivery of water pursuant to section 215 of the Reclamation Reform Act of 1982 (Public Law 97–293; 96 Stat. 1270); or

“(B) for any water that is delivered with the sole intent of groundwater recharge.”

(b) CERTAIN PAYMENTS.—Section 3407(c)(1) of the Central Valley Project Improvement Act is amended—

(1) by striking “mitigation and restoration”; and

(2) by striking “provided for or”; and

(3) by striking “of fish, wildlife” and all that follows through the period and inserting “of carrying out all activities described in this title.”

(c) ADJUSTMENT AND ASSESSMENT OF MITIGATION AND RESTORATION PAYMENTS.—Section 3407(d)(2) of the Central Valley Project Improvement Act is amended by inserting “, or after October 1, 2013, \$4 per megawatt-hour for Central Valley Project power sold to power contractors (October 2013 price levels)” after “\$12.00 per acre-foot (October 1992 price levels) for municipal and industrial water sold and delivered by the Central Valley Project”.

(d) COMPLETION OF ACTIONS.—Section 3407(d)(2)(A) of the Central Valley Project Improvement Act is amended by inserting “, no later than December 31, 2020,” after “That upon the completion of the fish, wildlife, and habitat mitigation and restoration actions mandated under section 3406 of this title.”

(e) REPORT; ADVISORY BOARD.—Section 3407 of the Central Valley Project Improvement Act (106 Stat. 4714) is amended by adding at the end the following:

“(g) REPORT ON EXPENDITURE OF FUNDS.—At the end of each fiscal year, the Secretary, in consultation with the Restoration Fund Advisory Board, shall submit to Congress a plan for

the expenditure of all of the funds deposited into the Restoration Fund during the preceding fiscal year. Such plan shall contain a cost-effectiveness analysis of each expenditure.

“(h) **ADVISORY BOARD.**—

“(1) **ESTABLISHMENT.**—There is hereby established the Restoration Fund Advisory Board (hereinafter in this section referred to as the ‘Advisory Board’) composed of 12 members selected by the Secretary, each for four-year terms, one of whom shall be designated by the Secretary as Chairman. The members shall be selected so as to represent the various Central Valley Project stakeholders, four of whom shall be from CVP agricultural users, three from CVP municipal and industrial users, three from CVP power contractors, and two at the discretion of the Secretary. The Secretary and the Secretary of Commerce may each designate a representative to act as an observer of the Advisory Board.

“(2) **DUTIES.**—The duties of the Advisory Board are as follows:

“(A) To meet at least semiannually to develop and make recommendations to the Secretary regarding priorities and spending levels on projects and programs carried out pursuant to the Central Valley Project Improvement Act.

“(B) To ensure that any advice or recommendation made by the Advisory Board to the Secretary reflect the independent judgment of the Advisory Board.

“(C) Not later than December 31, 2013, and annually thereafter, to transmit to the Secretary and Congress recommendations required under subparagraph (A).

“(D) Not later than December 31, 2013, and biennially thereafter, to transmit to Congress a report that details the progress made in achieving the actions mandated under section 3406 of this title.

“(3) **ADMINISTRATION.**—With the consent of the appropriate agency head, the Advisory Board may use the facilities and services of any Federal agency.”.

SEC. 107. ADDITIONAL AUTHORITIES.

(a) **AUTHORITY FOR CERTAIN ACTIVITIES.**—Section 3408(c) of the Central Valley Project Improvement Act (106 Stat. 4728) is amended to read as follows:

“(c) **CONTRACTS FOR ADDITIONAL STORAGE AND DELIVERY OF WATER.**—

“(1) **IN GENERAL.**—The Secretary is authorized to enter into contracts pursuant to Federal reclamation law and this title with any Federal agency, California water user or water agency, State agency, or private organization for the exchange, impoundment, storage, carriage, and delivery of nonproject water for domestic, municipal, industrial, fish and wildlife, and any other beneficial purpose.

“(2) **LIMITATION.**—Nothing in this subsection shall be deemed to supersede the provisions of section 103 of Public Law 99-546 (100 Stat. 3051).

“(3) **AUTHORITY FOR CERTAIN ACTIVITIES.**—The Secretary shall use the authority granted by this subsection in connection with requests to exchange, impound, store, carry, or deliver nonproject water using Central Valley Project facilities for any beneficial purpose.

“(4) **RATES.**—The Secretary shall develop rates not to exceed the amount required to recover the reasonable costs incurred by the Secretary in connection with a beneficial purpose under this subsection. Such rates shall be charged to a party using Central Valley Project facilities for such purpose. Such costs shall not include any donation or other payment to the Restoration Fund.

“(5) **CONSTRUCTION.**—This subsection shall be construed and implemented to facilitate and encourage the use of Central Valley Project facilities to exchange, impound, store, carry, or deliver nonproject water for any beneficial purpose.”.

(b) **REPORTING REQUIREMENTS.**—Section 3408(f) of the Central Valley Project Improvement Act (106 Stat. 4729) is amended—

(1) by striking “Interior and Insular Affairs and the Committee on Merchant Marine and Fisheries” and inserting “Natural Resources”;

(2) in the second sentence, by inserting before the period at the end the following: “, including progress on the plan required by subsection (j)”; and

(3) by adding at the end the following: “The filing and adequacy of such report shall be personally certified to the Committees referenced above by the Regional Director of the Mid-Pacific Region of the Bureau of Reclamation.”.

(c) **PROJECT YIELD INCREASE.**—Section 3408(j) of the Central Valley Project Improvement Act (106 Stat. 4730) is amended as follows:

(1) By redesignating paragraphs (1) through (7) as subparagraphs (A) through (G), respectively.

(2) By striking “In order to minimize adverse effects, if any, upon” and inserting “(1) **IN GENERAL.**—In order to minimize adverse effects upon”.

(3) By striking “needs, the Secretary,” and all that follows through “submit to Congress, a” and inserting “needs, the Secretary, on a priority basis and not later than September 30, 2013, shall submit to Congress a”.

(4) By striking “increase,” and all that follows through “options—” and inserting “increase, as soon as possible but not later than September 30, 2016 (except for the construction of new facilities which shall not be limited by that deadline), the water of the Central Valley Project by the amount dedicated and managed for fish and wildlife purposes under this title and otherwise required to meet the purposes of the Central Valley Project including satisfying contractual obligations. The plan required by this subsection shall include recommendations on appropriate cost-sharing arrangements and authorizing legislation or other measures needed to implement the intent, purposes, and provisions of this subsection and a description of how the Secretary intends to use the following options—”.

(5) In subparagraph (A), by inserting “and construction of new water storage facilities” before the semicolon.

(6) In subparagraph (F), by striking “and” at the end.

(7) In subparagraph (G), by striking the period and all that follows through the end of the subsection and inserting “; and”.

(8) By inserting after subparagraph (G) the following:

“(H) Water banking and recharge.”.

(9) By adding at the end the following:

“(2) **IMPLEMENTATION OF PLAN.**—The Secretary shall implement the plan required by paragraph (1) commencing on October 1, 2013. In order to carry out this subsection, the Secretary shall coordinate with the State of California in implementing measures for the long-term resolution of problems in the San Francisco Bay/Sacramento-San Joaquin Delta Estuary.

“(3) **FAILURE OF THE PLAN.**—Notwithstanding any other provision of Federal reclamation law, if by September 30, 2016, the plan required by paragraph (1) fails to increase the annual delivery capability of the Central Valley Project by 800,000 acre-feet, implementation of any non-mandatory action under section 3406(b)(2) shall be suspended until the plan achieves an increase in the annual delivery capability of the Central Valley Project by 800,000 acre-feet.”.

(d) **TECHNICAL CORRECTION.**—Section 3408(h) of the Central Valley Project Improvement Act (106 Stat. 4729) is amended—

(1) in paragraph (1), by striking “paragraph (h)(2)” and inserting “paragraph (2)”; and

(2) in paragraph (2), by striking “paragraph (h)(i)” and inserting “paragraph (1)”.

(e) **WATER STORAGE PROJECT CONSTRUCTION.**—The Secretary, acting through the Commissioner of the Bureau of Reclamation, may partner on the water storage projects identified in section 103(d)(1) of the Water Supply Reliability, and Environmental Improvement Act

(Public Law 108-361) and Acts supplemental and amendatory to the Act) with local joint powers authorities formed pursuant to State law by irrigation districts and other local water districts and local governments within the applicable hydrologic region, to advance these projects. No Federal funds are authorized for this purpose and each water storage project is authorized for construction if non-Federal funds are used for financing and constructing the project.

SEC. 108. BAY-DELTA ACCORD.

(a) **CONGRESSIONAL DIRECTION REGARDING CENTRAL VALLEY PROJECT AND CALIFORNIA STATE WATER PROJECT OPERATIONS.**—The Central Valley Project and the State Water Project shall be operated pursuant to the water quality standards and operational constraints described in the “Principles for Agreement on the Bay-Delta Standards Between the State of California and the Federal Government” dated December 15, 1994, and such operations shall proceed without regard to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or any other law pertaining to the operation of the Central Valley Project and the California State Water Project. Implementation of this section shall be in strict conformance with the “Principles for Agreement on the Bay-Delta Standards Between the State of California and the Federal Government” dated December 15, 1994.

(b) **APPLICATION OF LAWS TO OTHERS.**—Neither a Federal department nor the State of California, including any agency or board of the State of California, shall impose on any valid water right obtained pursuant to State law, including a pre-1914 appropriative right, any condition that restricts the exercise of that water right in order to conserve, enhance, recover or otherwise protect any species that is affected by operations of the Central Valley Project or California State Water Project. Nor shall the State of California, including any agency or board of the State of California, restrict the exercise of any valid water right obtained pursuant to State law, including a pre-1914 appropriative right, in order to protect, enhance, or restore under the Public Trust Doctrine any public trust value. Implementation of the “Principles for Agreement on the Bay-Delta Standards Between the State of California and the Federal Government” dated December 15, 1994, shall be in strict compliance with the water rights priority system and statutory protections for areas of origin.

(c) **COSTS.**—No cost associated with the implementation of this section shall be imposed directly or indirectly on any Central Valley Project contractor, or any other person or entity, unless such costs are incurred on a voluntary basis.

(d) **NATIVE SPECIES PROTECTION.**—California law is preempted with respect to any restriction on the quantity or size of nonnative fish taken or harvested that preys upon one or more native fish species that occupy the Sacramento and San Joaquin Rivers and their tributaries or the Sacramento-San Joaquin Rivers Delta.

SEC. 109. NATURAL AND ARTIFICIALLY SPAWNED SPECIES.

After the date of the enactment of this title, and regardless of the date of listing, the Secretaries of the Interior and Commerce shall not distinguish between natural-spawned and hatchery-spawned or otherwise artificially propagated strains of a species in making any determination under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) that relates to any anadromous fish species present in the Sacramento and San Joaquin Rivers or their tributaries and ascend those rivers and their tributaries to reproduce after maturing in San Francisco Bay or the Pacific Ocean.

SEC. 110. AUTHORIZED SERVICE AREA.

The authorized service area of the Central Valley Project shall include the area within the boundaries of the Kettleman City Community Services District, California, as those boundaries

exist on the date of the enactment of this title. Notwithstanding the provisions of the Act of October 30, 1992 (Public Law 102-575, 106 Stat. 4600 et seq.), upon enactment of this title, the Secretary is authorized and directed to enter into a long-term contract in accordance with the reclamation laws with the Kettleman City Community Services District, California, for the delivery of up to 900 acre-feet of Central Valley Project water for municipal and industrial use. The Secretary may temporarily reduce deliveries of the quantity of water made available pursuant to up to 25 percent of such total whenever reductions due to hydrologic circumstances are imposed upon agricultural deliveries of Central Valley Project water. If any additional infrastructure or related-costs are needed to implement this section, such costs shall be the responsibility of the non-Federal entity.

SEC. 111. REGULATORY STREAMLINING.

(a) **APPLICABILITY OF CERTAIN LAWS.**—Filing of a Notice of Determination or a Notice of Exemption for any project, including the issuance of a permit under State law, related to any project of the CVP or the delivery of water therefrom in accordance with the California Environmental Quality Act shall be deemed to meet the requirements of section 102(2)(C) of the National Environmental Protection Act of 1969 (42 U.S.C. 4332(2)(C)) for that project or permit.

(b) **CONTINUATION OF PROJECT.**—The Bureau of Reclamation shall not be required to cease or modify any major Federal action or other activity related to any project of the CVP or the delivery of water there from pending completion of judicial review of any determination made under the National Environmental Protection Act of 1969 (42 U.S.C. 4332(2)(C)).

(c) **PROJECT DEFINED.**—For the purposes of this section:

(1) **CVP.**—The term “CVP” means the Central Valley Project.

(2) **PROJECT.**—The term “project”—

(A) means an activity that—

(i) is undertaken by a public agency, funded by a public agency, or that requires an issuance of a permit by a public agency;

(ii) has a potential to result in physical change to the environment; and

(iii) may be subject to several discretionary approvals by governmental agencies;

(B) may include construction activities, clearing or grading of land, improvements to existing structures, and activities or equipment involving the issuance of a permit; or

(C) as defined under the California Environmental Quality Act in section 21065 of the California Public Resource Code.

TITLE II—SAN JOAQUIN RIVER RESTORATION

SEC. 201. REPEAL OF THE SAN JOAQUIN RIVER SETTLEMENT.

As of the date of enactment of this title, the Secretary shall cease any action to implement the Stipulation of Settlement (Natural Resources Defense Council, et al. v. Kirk Rodgers, et al., Eastern District of California, No. Civ. S-88-1658 LKK/GGH).

SEC. 202. PURPOSE.

Section 10002 of the San Joaquin River Restoration Settlement Act (Public Law 111-11) is amended by striking “implementation of the Settlement” and inserting “restoration of the San Joaquin River”.

SEC. 203. DEFINITIONS.

Section 10003 of the San Joaquin River Restoration Settlement Act (Public Law 111-11) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) The term ‘Restoration Flows’ means the additional water released or bypassed from Friant Dam to insure that the target flow entering Mendota Pool, located approximately 62 river miles downstream from Friant Dam, does not fall below 50 cubic feet per second.”;

(2) by striking paragraph (3) and inserting the following:

“(3) The term ‘Water Year’ means March 1 through the last day of February of the following Calendar Year, both dates inclusive”; and

(3) by adding at the end the following new paragraph:

“(4) The term ‘Critical Water Year’ means when the total unimpaired runoff at Friant Dam is less than 400,000 acre-feet, as forecasted as of March 1 of that water year by the California Department of Water Resources.”.

SEC. 204. IMPLEMENTATION OF RESTORATION.

Section 10004 of the San Joaquin River Restoration Settlement Act (Public Law 111-11) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “authorized and directed” and all that follows through “in the Settlement” and inserting “authorized to carry out the following.”;

(B) by striking paragraphs (1), (2), (4), and (5);

(C) in paragraph (3)—

(i) by striking “(3)” and inserting “(1)”; and

(ii) by striking “paragraph 13 of the Settlement” and inserting “this part”

(D) by adding at the end the following new paragraphs:

“(2) In each Water Year, commencing in the Water Year starting on March 1, 2013—

“(A) shall modify Friant Dam operations so as to release the Restoration Flows for that Water Year, except in any Critical Water Year;

“(B) shall ensure that the release of Restoration Flows are maintained at the level prescribed by this part, but that Restoration Flows do not reach downstream of Mendota Pool;

“(C) shall release the Restoration Flows in a manner that improves the fishery in the San Joaquin River below Friant Dam, but upstream of Gravelly Ford in existence as of the date of the enactment of this part, and the associated riparian habitat; and

“(D) may, without limiting the actions required under paragraphs (A) and (C) and subject to subsections 10004(a)(3) and 10004(l), use the Restoration Flows to enhance or restore a warm water fishery downstream of Gravelly Ford to and including Mendota Pool, if the Secretary determines that it is reasonable, prudent, and feasible to do so; and

“(3) Not later than 1 year after the date of the enactment of this section, the Secretary shall develop and implement, in cooperation with the State of California, a reasonable plan, to fully recirculate, recapture, reuse, exchange, or transfer all Restoration Flows and provide such recirculated, recaptured, reused, exchanged, or transferred flows to those contractors within the Friant Division, Hidden Unit, and Buchanan Unit of the Central Valley Project that relinquished the Restoration Flows so recirculated, recaptured, reused, exchanged, or transferred. Such a plan shall address any impact on ground water resources within the service area of the Friant Division, Hidden Unit, and Buchanan Unit of the Central Valley Project and mitigation may include ground water banking and recharge projects. Such a plan shall not impact the water supply or water rights of any entity outside the Friant Division, Hidden unit, and Buchanan Unit of the Central Valley Project. Such a plan shall be subject to applicable provisions of California water law and the Secretary’s use of Central Valley Project facilities to make Project water (other than water released from Friant Dam pursuant to this part) and water acquired through transfers available to existing south-of-Delta Central Valley Project contractors.”;

(2) in subsection (b)—

(A) in paragraph (1), by striking “the Settlement” and inserting “this part”;

(B) in paragraph (2), by striking “the Settlement” and inserting “this part”;

(3) in subsection (c), by striking “the Settlement” and inserting “this part”;

(4) by striking subsection (d) and inserting the following:

“(d) **MITIGATION OF IMPACTS.**—Prior to October 1, 2013, the Secretary shall identify—

“(1) the impacts associated with the release of Restoration Flows prescribed in this part;

“(2) the measures which shall be implemented to mitigate impacts on adjacent and downstream water users, landowners and agencies as a result of Restoration Flows prescribed in this part; and

“(3) prior to the implementation of decisions or agreements to construct, improve, operate, or maintain facilities that the Secretary determines are needed to implement this part, the Secretary shall implement all mitigations measures identified in subsection (d)(2) before Restoration Flows are commenced.”;

(5) in subsection (e), by striking “the Settlement” and inserting “this part”;

(6) in subsection (f), by striking “the Settlement” and all that follows through “section 10011” and insert “this part”;

(7) in subsection (g)—

(A) by striking “the Settlement and” before this part; and

(B) by striking “or exchange contract” and inserting “exchange contract, or water rights settlement or holding contracts”;

(8) in subsection (h)—

(A) by striking “INTERIM” in the header;

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “Interim Flows under the Settlement” and inserting “Restoration Flows under this part”;

(ii) in subparagraph (C)—

(I) in clause (i), by striking “Interim” and inserting “Restoration”; and

(II) in clause (ii), by inserting “and” after the semicolon;

(iii) in subparagraph (D), by striking “and” at the end; and

(iv) by striking subparagraph (E);

(C) in paragraph (2)—

(i) by striking “Interim” and inserting “Restoration”;

(ii) by striking subparagraph (A); and

(iii) by striking “(B) exceed” and inserting “exceed”;

(D) in paragraph (3), by striking “Interim” and inserting “Restoration”; and

(E) by striking paragraph (4) and inserting the following:

“(4) **CLAIMS.**—Within 60 days of enactment of this Act the Secretary shall promulgate a rule establishing a claims process to address current and future claims including, but not limited to, ground water seepage, flooding, or levee instability damages caused as a result of, arising out of, or related to implementation of subtitle A of title X of Public Law 111-11.”;

(9) in subsection (i)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “the Settlement and parts I and III” and inserting “this part”;

(ii) in subparagraph (A), by inserting “and” after the semicolon;

(iii) in subparagraph (B)—

(I) by striking “additional amounts authorized to be appropriated, including the”;

(II) by striking “; and” and inserting a period; and

(iv) by striking subparagraph (C); and

(B) by striking paragraph (3); and

(10) by adding at the end the following new subsections:

“(k) **NO IMPACTS ON OTHER INTERESTS.**—No Central Valley Project or other water other than San Joaquin River water impounded by or bypassed from Friant Dam shall be used to implement subsection (a)(2) unless such use is on a voluntary basis. No cost associated with the implementation of this section shall be imposed directly or indirectly on any Central Valley

Project contractor, or any other person or entity, outside the Friant Division, the Hidden Unit, or the Buchanan Unit, unless such costs are incurred on a voluntary basis. The implementation of this part shall not result directly or indirectly in any reduction in water supplies or water reliability on any Central Valley Project contractor, any State Water Project contractor, or any other person or entity, outside the Friant Division, the Hidden Unit, or the Buchanan Unit, unless such reductions or costs are incurred on a voluntary basis.

“(l) **PRIORITY.**—All actions taken under this part shall be subordinate to the Secretary’s use of Central Valley Project facilities to make Project water available to Project contractors, other than water released from the Friant Dam pursuant to this part.

“(m) **IN GENERAL.**—Notwithstanding section 8 of the Reclamation Act of 1902, except as provided in this part, including Title IV of the Sacramento and San Joaquin Valleys Water Reliability Act, this part preempts and supersedes any State law, regulation, or requirement that imposes more restrictive requirements or regulations on the activities authorized under this part. Nothing in this part shall alter or modify the obligations, if any, of the Friant Division, Hidden Unit, and Buchanan Unit of the Central Valley Project, or other water users on the San Joaquin River or its tributaries, under orders issued by the State Water Resources Control Board pursuant to the Porter-Cologne Water Quality Control Act (California Water Code sections 13000 et seq.). Any such order shall be consistent with the congressional authorization for any affected Federal facility as it pertains to the Central Valley Project.

“(n) **PROJECT IMPLEMENTATION.**—Projects to implement this title shall be phased such that each project shall follow the sequencing identified below and include at least the—

- “(1) project purpose and need;
- “(2) identification of mitigation measures;
- “(3) appropriate environmental review; and
- “(4) prior to releasing Restoration Flows under this part, the Secretary shall—

“(A) complete the implementation of mitigation measures required; and

“(B) complete implementation of the project.”.

SEC. 205. DISPOSAL OF PROPERTY; TITLE TO FACILITIES.

Section 10005 of the San Joaquin River Restoration Settlement Act (Public Law 111–11) is amended—

(1) in subsection (a), by striking “the Settlement authorized by this part” and inserting “this part”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking “(1) **IN GENERAL.**—The Secretary” and inserting “The Secretary”; and

(ii) by striking “the Settlement authorized by this part” and inserting “this part”; and

(B) by striking paragraph (2); and

(3) in subsection (c)—

(A) in paragraph (1), by striking “the Settlement” and inserting “this part”;

(B) in paragraph (2)—

(i) by striking “through the exercise of its eminent domain authority”; and

(ii) by striking “the Settlement” and inserting “this part”; and

(C) in paragraph (3), by striking “section 10009(c)” and inserting “section 10009”.

SEC. 206. COMPLIANCE WITH APPLICABLE LAW.

Section 10006 of the San Joaquin River Restoration Settlement Act (Public Law 111–11) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting “unless otherwise provided by this part” before the period at the end; and

(B) in paragraph (2), by striking “the Settlement” and inserting “this part”;

(2) in subsection (b), by inserting “, unless otherwise provided by this part” before the period at the end;

(3) in subsection (c)—

(A) in paragraph (2), by striking “section 10004” and inserting “this part”; and

(B) in paragraph (3), by striking “the Settlement” and inserting “this part”; and

(4) in subsection (d)—

(A) by inserting “, including without limitation to sections 10004(d) and 10004(h)(4) of this part,” after “implementing this part”; and

(B) by striking “for implementation of the Settlement”.

SEC. 207. COMPLIANCE WITH CENTRAL VALLEY PROJECT IMPROVEMENT ACT.

Section 10007 of the San Joaquin River Restoration Settlement Act (Public Law 111–11) is amended—

(1) in the matter preceding paragraph (1),

(A) by striking “the Settlement” and inserting “enactment of this part”; and

(B) by inserting: “and the obligations of the Secretary and all other parties to protect and keep in good condition any fish that may be planted or exist below Friant Dam including any obligations under section 5937 of the California Fish and Game Code and the public trust doctrine, and those of the Secretary and all other parties under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)” before “, provided”; and

(2) in paragraph (1), by striking “, as provided in the Settlement”.

SEC. 208. NO PRIVATE RIGHT OF ACTION.

Section 10008(a) of the San Joaquin River Restoration Settlement Act (Public Law 111–11) is amended—

(1) by striking “not a party to the Settlement” after “person or entity”; and

(2) by striking “or the Settlement” before the period and inserting “unless otherwise provided by this part. Any Central Valley Project long-term water service or repayment contractor within the Friant Division, Hidden Unit, or Buchanan Unit adversely affected by the Secretary’s failure to comply with section 10004(a)(3) of this part may bring an action against the Secretary for injunctive relief or damages, or both.”.

SEC. 209. IMPLEMENTATION.

Section 10009 of the San Joaquin River Restoration Settlement Act (Public Law 111–11) is amended—

(1) in the header by striking “; **SETTLEMENT FUND**”;

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by striking “the Settlement” and inserting “this part”;

(ii) by striking “, estimated to total” and all that follows through “subsection (b)(1).”; and

(iii) by striking “, provided; however,” and all that follows through “\$110,000,000 of State funds”;

(B) in paragraph (2)—

(i) in subparagraph (A), by striking “(A) **IN GENERAL.**—The Secretary” and inserting “The Secretary”;

(ii) by striking subparagraph (B); and

(C) in paragraph (3)—

(i) by striking “Except as provided in the Settlement, to” and inserting “To”; and

(ii) by striking “this Settlement” and inserting “this part”;

(3) in subsection (b)(1)—

(A) by striking “In addition” through “however, that the” and inserting “The”;

(B) by striking “such additional appropriations only in amounts equal to”; and

(C) by striking “or the Settlement” before the period;

(4) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “the Settlement” and inserting “this part”;

(ii) in subparagraph (C), by striking “from the sale of water pursuant to the Settlement, or”;

and

(iii) in subparagraph (D), by striking “the Settlement” and inserting “this part”;

(B) in paragraph (2), by striking “the Settlement and” before “this part”; and

(5) by striking subsections (d) through (f).

SEC. 210. REPAYMENT CONTRACTS AND ACCELERATION OF REPAYMENT OF CONSTRUCTION COSTS.

Section 10010 of the San Joaquin River Restoration Settlement Act (Public Law 111–11) is amended—

(1) in subsection (a)—

(A) in paragraph (3)(D), by striking “the Settlement and” after “this part”; and

(B) in paragraph (4)(C), by striking “the Settlement and” after “this part”;

(2) in subsection (c), by striking paragraph (3);

(3) in subsection (d)(1), by striking “the Settlement” in both places it appears and inserting “this part”;

(4) in subsection (e)—

(A) in paragraph (1)—

(i) by striking “Interim Flows or Restoration Flows, pursuant to paragraphs 13 or 15 of the Settlement” and inserting “Restoration Flows, pursuant to this part”;

(ii) by striking “Interim Flows or” before “Restoration Flows”; and

(iii) by striking “the Interim Flows or Restoration Flows or is intended to otherwise facilitate the Water Management Goal, as described in the Settlement” and inserting “Restoration Flows”; and

(B) in paragraph (2)—

(i) by striking “except as provided in paragraph 16(b) of the Settlement” after “Friant Division long-term contractor”; and

(ii) by striking “the Interim Flows or Restoration Flows or to facilitate the Water Management Goal” and inserting “Restoration Flows”.

SEC. 211. REPEAL.

Section 10011 of the San Joaquin River Restoration Settlement Act (Public Law 111–11) is repealed.

SEC. 212. WATER SUPPLY MITIGATION.

Section 10202(b) of the San Joaquin River Restoration Settlement Act (Public Law 111–11) is amended—

(1) in paragraph (1), by striking “the Interim or Restoration Flows authorized in part I of this subtitle” and inserting “Restoration Flows authorized in this part”;

(2) in paragraph (2), by striking “the Interim or Restoration Flows authorized in part I of this subtitle” and inserting “Restoration Flows authorized in this part”; and

(3) in paragraph (3)—

(A) in subparagraph (A), by striking “meet the Restoration Goal as described in part I of this subtitle” and inserting “recover Restoration Flows as described in this part”;

(B) in subparagraph (C)—

(i) by striking “the Interim or Restoration Flows authorized in part I of this subtitle” and inserting “Restoration Flows authorized in this part”; and

(ii) by striking “, and for ensuring appropriate adjustment in the recovered water account pursuant to section 10004(a)(5)”.

SEC. 213. ADDITIONAL AUTHORITIES.

Section 10203 of the San Joaquin River Restoration Settlement Act (Public Law 111–11) is amended—

(1) in subsection (b)—

(A) by striking “section 10004(a)(4)” and inserting “section 10004(a)(3)”;

(B) by striking “, provided” and all that follows through “section 10009(f)(2)”; and

(2) by striking subsection (c).

TITLE III—REPAYMENT CONTRACTS AND ACCELERATION OF REPAYMENT OF CONSTRUCTION COSTS

SEC. 301. REPAYMENT CONTRACTS AND ACCELERATION OF REPAYMENT OF CONSTRUCTION COSTS.

(a) **CONVERSION OF CONTRACTS.**—

(1) Not later than 1 year after enactment, the Secretary of the Interior, upon request of the contractor, shall convert all existing long-term Central Valley Project contracts entered under subsection (e) of section 9 of the Act of August 4, 1939 (53 Stat. 1196), to a contract under subsection (d) of section 9 of said Act (53 Stat. 1195), under mutually agreeable terms and conditions.

(2) Upon request of the contractor, the Secretary is further authorized to convert, not later than 1 year after enactment, any Central Valley Project long-term contract entered under subsection (c)(2) of section 9 of the Act of August 4, 1939 (53 Stat. 1194), to a contract under subsection (c)(1) of section 9 of said Act, under mutually agreeable terms and conditions.

(3) All contracts entered into pursuant to paragraph (1) shall—

(A) require the repayment, either in lump sum or by accelerated prepayment, of the remaining amount of construction costs identified in the most current version of the Central Valley Project Schedule of Irrigation Capital Allocations by Contractor, as adjusted to reflect payments not reflected in such schedule, and properly assignable for ultimate return by the contractor, no later than January 31, 2013, or if made in approximately equal annual installments, no later than January 31, 2016; such amount to be discounted by the Treasury Rate. An estimate of the remaining amount of construction costs as of January 31, 2013, as adjusted, shall be provided by the Secretary of the Interior to each contractor no later than 180 days after enactment;

(B) require that, notwithstanding subsection (c)(2), construction costs or other capitalized costs incurred after the effective date of the converted contract or not reflected in the schedule referenced in subparagraph (A), and properly assignable to such contractor, shall be repaid in not more than 5 years after notification of the allocation if such amount is a result of a collective annual allocation of capital costs to the contractors exercising contract conversions under this subsection of less than \$5,000,000. If such amount is \$5,000,000 or greater, such cost shall be repaid as provided by applicable reclamation law, provided that the reference to the amount of \$5,000,000 shall not be a precedent in any other context; and

(C) provide that power revenues will not be available to aid in repayment of construction costs allocated to irrigation under the contract.

(4) All contracts entered into pursuant to paragraph (2) shall—

(A) require the repayment in lump sum of the remaining amount of construction costs identified in the most current version of the Central Valley Project Schedule of Municipal and Industrial Water Rates, as adjusted to reflect payments not reflected in such schedule, and properly assignable for ultimate return by the contractor, no later than January 31, 2016. An estimate of the remaining amount of construction costs as of January 31, 2016, as adjusted, shall be provided by the Secretary of the Interior to each contractor no later than 180 days after enactment; and

(B) require that, notwithstanding subsection (c)(2), construction costs or other capitalized costs incurred after the effective date of the contract or not reflected in the schedule referenced in subparagraph (A), and properly assignable to such contractor, shall be repaid in not more than 5 years after notification of the allocation if such amount is a result of a collective annual allocation of capital costs to the contractors exercising contract conversions under this subsection of less than \$5,000,000. If such amount is \$5,000,000 or greater, such cost shall be repaid as provided by applicable reclamation law, provided that the reference to the amount of \$5,000,000 shall not be a precedent in any other context.

(b) FINAL ADJUSTMENT.—The amounts paid pursuant to subsection (a) shall be subject to

adjustment following a final cost allocation by the Secretary of the Interior upon completion of the construction of the Central Valley Project. In the event that the final cost allocation indicates that the costs properly assignable to the contractor are greater than what has been paid by the contractor, the contractor shall be obligated to pay the remaining allocated costs. The term of such additional repayment contract shall be no less than 1 year and no more than 10 years, however, mutually agreeable provisions regarding the rate of repayment of such amount may be developed by the parties. In the event that the final cost allocation indicates that the costs properly assignable to the contractor are less than what the contractor has paid, the Secretary of the Interior is authorized and directed to credit such overpayment as an offset against any outstanding or future obligation of the contractor.

(c) APPLICABILITY OF CERTAIN PROVISIONS.—

(1) Notwithstanding any repayment obligation under subsection (a)(3)(B) or subsection (b), upon a contractor's compliance with and discharge of the obligation of repayment of the construction costs as provided in subsection (a)(3)(A), the ownership and full-cost pricing limitations of any provision of Federal reclamation law shall not apply to lands in such district.

(2) Notwithstanding any repayment obligation under paragraph (3)(B) or paragraph (4)(B) of subsection (a), or subsection (b), upon a contractor's compliance with and discharge of the obligation of repayment of the construction costs as provided in paragraphs (3)(A) and (4)(A) of subsection (a), such contractor shall continue to pay applicable operation and maintenance costs and other charges applicable to such repayment contracts pursuant to the then-current rate-setting policy and applicable law.

(d) CERTAIN REPAYMENT OBLIGATIONS NOT ALTERED.—Implementation of the provisions of this section shall not alter the repayment obligation of any other long-term water service or repayment contractor receiving water from the Central Valley Project, or shift any costs that would otherwise have been properly assignable to any contractors absent this section, including operations and maintenance costs, construction costs, or other capitalized costs incurred after the date of enactment of this Act, to other such contractors.

(e) STATUTORY INTERPRETATION.—Nothing in this part shall be construed to affect the right of any long-term contractor to use a particular type of financing to make the payments required in paragraph (3)(A) or paragraph (4)(A) of subsection (a).

(f) DEFINITION OF TREASURY RATE.—For purposes of this section, "Treasury Rate" shall be defined as the 20-year Constant Maturity Treasury rate published by the United States Department of the Treasury as of October 1, 2012.

TITLE IV—BAY-DELTA WATERSHED WATER RIGHTS PRESERVATION AND PROTECTION

SEC. 401. WATER RIGHTS AND AREA-OF-ORIGIN PROTECTIONS.

Notwithstanding the provisions of this Act, Federal reclamation law, or the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)—

(1) the Secretary of the Interior ("Secretary") is directed, in the operation of the Central Valley Project, to strictly adhere to State water rights law governing water rights priorities by honoring water rights senior to those belonging to the Central Valley Project, regardless of the source of priority;

(2) the Secretary is directed, in the operation of the Central Valley Project, to strictly adhere to and honor water rights and other priorities that are obtained or exist pursuant to the provisions of California Water Code sections 10505, 10505:5, 11128, 11460, and 11463; and sections 12200 to 12220, inclusive; and

(3) any action that affects the diversion of water or involves the release of water from any

water storage facility taken by the Secretary or the Secretary of the Department of Commerce to conserve, enhance, recover, or otherwise protect any species listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) shall be applied in a manner that is consistent with water right priorities established by State law.

SEC. 402. SACRAMENTO RIVER SETTLEMENT CONTRACTS.

In the implementation of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), in the Bay-Delta and on the Sacramento River, the Secretary and the Secretary of Commerce are directed to apply any limitations on the operation of the Central Valley Project or to formulate any "reasonable prudent alternative" associated with the operation of the Central Valley Project in a manner that strictly adheres to and applies the water rights priorities for "Project Water" and "Base Supply" provided for in the Sacramento River Settlement Contracts. Article 3(i) of the Sacramento River Settlement Contracts shall not be utilized by the United States as means to provide shortages to the Sacramento River Settlement Contracts that are different than those provided for in Article 5(a) of those contracts.

SEC. 403. SACRAMENTO RIVER WATERSHED WATER SERVICE CONTRACTORS.

(a) IN GENERAL.—Subject to subsection (b) and the absolute priority of the Sacramento River Settlement Contractors to Sacramento River supplies over Central Valley Project diversions and deliveries to other contractors, the Secretary is directed, in the operation of the Central Valley Project, to allocate water provided for irrigation purposes to existing Central Valley Project agricultural water service contractors within the Sacramento River Watershed in compliance with the following:

(1) Not less than 100% of their contract quantities in a "Wet" year.

(2) Not less than 100% of their contract quantities in an "Above Normal" year.

(3) Not less than 100% of their contract quantities in a "Below Normal" year.

(4) Not less than 75% of their contract quantities in a "Dry" year.

(5) Not less than 50% of their contract quantities in a "Critically Dry" year.

(b) PROTECTION OF MUNICIPAL AND INDUSTRIAL SUPPLIES.—Nothing in subsection (a) shall be deemed to (i) modify any provision of a water service contract that addresses municipal and industrial water shortage policies of the Secretary, (ii) affect or limit the authority of the Secretary to adopt or modify municipal and industrial water shortage policies, (iii) affect or limit the authority of the Secretary to implement municipal and industrial water shortage policies, or (iv) affect allocations to Central Valley Project municipal and industrial contractors pursuant to such policies. Neither subsection (a) nor the Secretary's implementation of subsection (a) shall constrain, govern or affect, directly or indirectly, the operations of the Central Valley Project's American River Division or any deliveries from that Division, its units or its facilities.

(c) DEFINITIONS.—In this section:

(1) The term "existing Central Valley Project agricultural water service contractors within the Sacramento River Watershed" means water service contractors within the Shasta, Trinity, and Sacramento River Divisions of the Central Valley Project, that have a water service contract in effect, on the date of the enactment of this section, that provides water for irrigation.

(2) The year type terms used in subsection (a) have the meaning given those year types in the Sacramento Valley Water Year Type (40-30-30) Index.

SEC. 404. NO REDIRECTED ADVERSE IMPACTS.

The Secretary shall insure that there are no redirected adverse water supply or fiscal impacts to those within the Sacramento River watershed or to the State Water Project arising from the Secretary's operation of the Central Valley

Project to meet legal obligations imposed by or through any State or Federal agency, including, but not limited to those legal obligations emanating from the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or this Act, or actions or activities implemented to meet the twin goals of improving water supply or addressing environmental needs of the Bay Delta.

TITLE V—MISCELLANEOUS

SEC. 501. PRECEDENT.

Congress finds and declares that—

(1) coordinated operations between the Central Valley Project and the State Water Project, previously requested and consented to by the State of California and the Federal Government, require assertion of Federal supremacy to protect existing water rights throughout the system; and

(2) these circumstances are unique to California.

Therefore, nothing in this Act shall serve as precedent in any other State.

The Acting CHAIR. No amendment to that amendment in the nature of a substitute shall be in order except those printed in House Report 112-405. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. MCCLINTOCK

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 112-405.

Mr. MCCLINTOCK. Mr. Chairman, I have an amendment made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, line 24, strike “CONTRACTS” and insert “CONTRACT”.

Page 4, starting on line 7, strike “, and renew such contracts for successive periods of 40 years each”.

Page 4, after line 9, insert the following new subsection:

(b) ADMINISTRATION OF CONTRACTS.—Except as expressly provided by this Act, any existing long-term repayment or water service contract for the delivery of water from the Central Valley Project shall be administered pursuant to the Act of July 2, 1956 (70 Stat. 483).

Page 4, line 10, strike “(b)” and insert “(c)”.

Page 11, line 21, strike “.00”.

Page 12, line 3, strike “, no” and insert “no”.

Page 16, line 18, strike “submit to” and insert “submit to the”.

Page 16, line 23, strike “options—” and insert “options”.

Page 19, line 3, after “may partner” insert “or enter into an agreement”.

Page 19, line 11, after “No” and before “Federal funds” insert “additional”.

Page 19, lines 11, strike “this purpose and” and insert “the activities authorized in sections 103(d)(1)(A)(i), 103(d)(1)(A)(ii) and 103(d)(1)(A)(iii) of Public Law 108-361.”

Page 19, lines 11 and 12, before “each water storage project” insert “However,”.

Page 19, line 12, after “water storage project” insert “under sections 103(d)(1)(A)(i), 103(d)(1)(A)(ii) and 103(d)(1)(A)(iii) of Public Law 108-361”.

Page 20, line 10, strike “valid”.

Page 20, line 17, strike “valid”.

Page 25, line 16, insert a period after “inclusive”.

Page 26, line 4, insert a colon after “Settlement”.

Page 37, line 22, insert “the first place it appears” before “and”.

Page 38, line 1, strike “, provided;” and insert “provided”.

Page 39, line 19, strike “after” and insert “before”.

Page 39, line 21, strike “after” and insert “before”.

Page 49, line 12, insert “Central Valley Project” before “water”.

Page 52, line 12, after “Sacramento River” insert “or San Joaquin River”.

Page 52, line 21, strike “MISCELLANEOUS” and insert “MISCELLANEOUS”.

The Acting CHAIR. Pursuant to House Resolution 566, the gentleman from California (Mr. MCCLINTOCK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. MCCLINTOCK. Mr. Chairman, this amendment addresses two concerns that have been raised by opponents of the bill during the committee markup and here on the floor today.

A great deal of time during that markup and more today was spent addressing concerns that the bill provides for 40-year contracts that can be renewed each year. The minority charged that this amounts to de facto privatization of a public resource.

Well, we have tried over and over to explain to them that 40-year successive renewal contracts are the rule in Western water law, and the 25-year provision for the Central Valley Project was actually the exception. Indeed, the CVP used to operate with a 40-year provision until that was changed in 1992.

This amendment makes it absolutely crystal clear, I certainly hope, that the contract provisions for the Central Valley Project must be in conformity with the act of July 2, 1956, that amended the Reclamation Projects Act of 1939. These provisions govern all reclamation projects throughout the western United States and treats the CVP contracts no differently. I hope that this provision settles this issue.

The second substantive provision, also included in deference to opponents of the measures, arises from an amendment that intends to expedite four CALFED surface water projects. It was charged that the wording would have interfered with authorization of the project.

This amendment makes it crystal clear that these four projects are authorized as long as non-Federal financing is used. This clears the way for local, State, and private funds to be applied immediately to the construction of these facilities.

The rest of the amendments are technical. They remove superfluous language, correct misspellings, and correct inadvertent omission.

I reserve the balance of my time.

The Acting CHAIR. Who seeks recognition in opposition to the amendment?

Mrs. NAPOLITANO. Actually, Mr. Chairman, I wish to speak on this issue.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Mrs. NAPOLITANO. Mr. Chairman, as my colleague has said, his amendment makes technical changes to the legislation, but it leaves in question and very much in doubt—although it says the 40-year rule in Western water is standard—but is this in perpetuity?

I would like a response on that, if I may involve myself in a colloquy with my colleague, Mr. Chairman.

The Acting CHAIR. The gentlewoman may proceed.

Mrs. NAPOLITANO. Is this a renewal every 40 years, or is it in perpetuity?

Mr. MCCLINTOCK. Let me read directly from the act of July 2, 1956, governing all reclamation contracts, including those under this legislation:

The Secretary of the Interior shall include in any long-term contracts—

Mrs. NAPOLITANO. Reclaiming my time, Mr. Chairman, I don't wish to know of '56. I wish to know what your amendment does.

Mr. MCCLINTOCK. This amendment applies the act that I was just reading to the Central Valley Project. I was specifically answering the gentlelady's question by quoting directly from the text of the act that this proposes.

Mrs. NAPOLITANO. I would ask again, is it in perpetuity?

Mr. MCCLINTOCK. No. It has to be negotiated. In fact, just read the text. I think this will answer the question.

Mrs. NAPOLITANO. Thank you, Mr. MCCLINTOCK. Reclaiming my time, the technical memo also makes some standard corrections to the language passed out in committee. While we were not consulted in the drafting of this amendment, we don't oppose the amendment, as it does nothing substantial.

I yield back the balance of my time.

Mr. MCCLINTOCK. Mr. Chairman, if I could now answer the question of the gentlewoman that she didn't seem to want to hear, it is this:

This act applies—the act of July 2, 1956—to all contracts in the CVP under this legislation. That legislation states:

The Secretary of the Interior shall include in any long-term contract hereafter entered into, if the other contracting party so requests, for renewal thereof under stated terms and conditions mutually agreeable to the parties.

And I repeat: under stated terms and conditions mutually agreeable to the parties.

This is not automatic renewal. This is negotiated anew between the government and the contractor. The only exception to that act under this bill is to accommodate the early repayment of Federal loans, which would be a boon to the cash-strapped Federal Treasury.

Mr. Chairman, as we have repeatedly tried to explain to the minority, this measure simply applies the same

standards to the CVP as are applied to all other water contracts throughout the western United States.

It was a punitive act by this Congress in 1992 that reduced the amount of time in these contracts from 40 years to 25 years exclusively for the CVP. This legislation sets that right and returns the CVP to equal treatment with any other water project in the western United States.

I reserve the balance of my time, unless the gentlelady has closed.

The Acting CHAIR. The Chair wishes to clarify, the gentlewoman from California is not in opposition to the amendment but has yielded back the remainder of her time.

Mrs. NAPOLITANO. I wish to reclaim my time, Mr. Chairman.

The Acting CHAIR. Is there objection to the request of the gentlewoman from California?

There was no objection.

The Acting CHAIR. The gentlewoman from California is recognized.

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Mrs. NAPOLITANO. I just want to thank my colleague on the other side for clarifying that, and I would like to yield the balance of my time to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. There is always the rest of the story. And while this amendment deals with one of the pernicious parts of the legislation that would have been a perpetual contract, it does not deal with the remaining pieces of the Central Valley Improvement Act, which dealt with the issue of how those contracts were to be renegotiated at the end of 40 years. In fact, those parts of the Central Valley Improvement Act said that, in the renegotiation process, the Federal Government needed to take into account the issues of water availability. You know, maybe there's not that much water available and we need to downgrade, or maybe we need to increase the amount of water, take into account the environmental issues. So those very, very important qualifications on how the contracts would be renegotiated disappeared in the underlying bill.

You did deal with one of the problems, and that is the perpetuity issue, and we understand that. But, nonetheless, there is a very, very serious problem that remains in the negotiation or the renegotiation of the contracts; and, therefore, the amendment, while dealing with one problem, allows the remaining problems to exist. And those remaining problems are how and under what circumstances is the Federal Government to carry out the negotiations; that is, do we take into account environmental issues, fish in the river or not, and availability of water or not.

Mr. McCLINTOCK. Mr. Chairman, to answer the gentleman very specifically, the contract negotiations are conducted in precisely the same manner as every other contract in the Western United States.

I would remind the gentleman and the gentlelady who carried the legislation, this Congress approved a 50-year contract for Hoover power users. And I would remind my friend, the gentleman from California, that during the markup, he specifically said that he could probably live with 40 years. I hope that is still the case. I hope that these amendments assuage his concerns, and I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. THOMPSON OF CALIFORNIA

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 112-405.

Mr. THOMPSON of California. 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:

After section 2, insert the following:

SEC. 3. EFFECTIVE DATE CONDITIONS.

Notwithstanding sections 104, 105, 110, and 111 and title III, nothing in this Act or the amendments made by this Act shall take effect until the Secretary of the Interior, in consultation with the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of Labor, certifies that the provisions of this Act and the amendments made by this Act will not result in the loss of agriculture, agriculture-related, fishery, or fishery-related jobs or revenue in California counties north of the Sacramento-San Joaquin River Delta.

The Acting CHAIR. Pursuant to House Resolution 566, the gentleman from California (Mr. THOMPSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. THOMPSON of California. Mr. Chairman, I yield myself such time as I may consume.

The Thompson-Eshoo amendment states that nothing in this bill can go into effect if the Secretary of the Interior determines that any agricultural, fishery, or related jobs will be lost in northern California counties as a result of this bill. I represent a community with varied economic interests: agriculture, fisheries, and tourism. Our amendment would protect these jobs from this politically driven legislation that would divert water to south-of-delta private agricultural interests.

Proponents of this bill claim that the bill protects jobs. The bill does the exact opposite of what it claims to do. It's a job-killer bill. It creates economic winners and losers based on south-of-delta interests. The livelihoods and concerns of individuals outside of this limited area are ignored in order to support well-heeled agricultural interests south of the delta.

In my home district, over 2 million acres of farmland support a greater than \$1 billion market value of prod-

ucts. Over 10 percent of these farms depend on irrigation. I do not believe that these farmers are less important than the south-of-delta farmers. Their jobs, their income, their families should not be sacrificed.

However, this is not simply a northern farmer versus southern farmer issue. Fishermen on the north coast of California saw the result of politically driven water resources decisions in '08 and '09, and they paid the price in almost 5,000 jobs and the economic loss of over \$534 million.

The Thompson-Eshoo amendment would prevent any provisions of this bill from going into effect that would result in the loss of jobs in northern California. Join me in protecting jobs from this politically driven bill that prioritizes the agricultural economies south of the delta over all others.

And I now yield 2 minutes to the gentlewoman from California (Ms. ESHOO), my friend and colleague.

Ms. ESHOO. Mr. Chairman, I thank the gentleman, and I rise in support of the amendment. Why? Because it states that if any fishery-related or agricultural job is lost as a result of this act, the bill will not be enacted. And I think that really sets down where we are.

We need jobs in this country and not job-killing legislation. Now this legislation would undo years of negotiations reached by the State of California, local ranchers, farmers, and other users of water from the San Joaquin River. It would set up a new round of water wars, which means more employment for lawyers but not much for anyone else.

My congressional district, which includes Silicon Valley and the fishing community of Half Moon Bay, is not in the delta, but my constituents oppose this legislation because their communities, their livelihoods, their resources will also be negatively affected by this bill.

Now listen to what the Silicon Valley Leadership Group says, over 350 major companies in Silicon Valley:

We believe that H.R. 1837 would be counterproductive to the development of a comprehensive solution to the Golden State's water programs as it overrides many existing regulations and laws concerning the delta ecosystem and undermines years of collaboration and goodwill developed by a broad coalition of actors and experts.

And this mention of broad coalition, it's why this bill stinks, in plain English, because there's not a coalition. You have to build from the ground up with the stakeholders. That's why there's such a problem with it.

Listen to what the Pacific Coast Federation of Fishermen's Associations says, and they're the largest commercial fishermen association along the Pacific coast:

Make no mistake, this bill will only preempt State law; it will destroy jobs. One of the west coast's oldest industries, our salmon fishery, along with the fishing communities and the economy and heritage it represents, is threatened with extinction by this audacious bill.

We need to protect our citizens from further economic hardships by defending American jobs and enacting legislation that will help, not harm.

For these reasons, I urge my colleagues to vote for Representative THOMPSON's amendment.

Mr. HASTINGS of Washington. Mr. Chairman, I rise to claim the time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. DENHAM).

Mr. DENHAM. Mr. Chairman, it is amazing the inconsistencies in the amendment itself. Here the gentlelady is talking about San Jose, yet San Jose is south of the area we're talking about, and yet Silicon Valley receives water exports from the delta.

But let's take a different inconsistency. I represent Stanislaus County, which is north of Stockton. Maybe we need to look at a map. We actually have Stanislaus County that reaches up past Stockton, San Joaquin County, the Sacramento area, and yet we're going to be excluded.

So it's one thing to pick winners and losers in this, but what we try to do is not pit north versus south. We're trying to use natural resources in the best option available.

I find interesting another inconsistency: This amendment, does it include forestry, which resides under the jurisdiction of USDA? Are the authors not concerned about the devastating effects of the timber industry and how it's suffered due to the ESA issues associated with the spotted owl?

There are many inconsistencies here. Pick your battle.

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

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from California (Mr. NUNES), the author of the legislation.

Mr. NUNES. Mr. Chairman, the gentleman from California (Mr. DENHAM) just made a very important point. Silicon Valley gets their water from Hetch Hetchy. San Francisco gets their water from Hetch Hetchy. What's Hetch Hetchy? Hetch Hetchy was dammed up. It's in Yosemite, and they pipe their water. So if they care about the fish and the fishermen, tear down the dam, send their water out to the delta. But they don't want to do that.

Now I have a lot of my respect for my friend from northern California (Mr. THOMPSON). We've worked together on many issues. But I have to remind the gentleman that the salmon fishermen were bailed out. They were given \$230 million in payments.

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I think there needs to be a GAO study on where this money went to because we don't know where this money went. There's never been any report to

show where this money went—\$230 million. But it was the Federal Government that told the fishermen not to fish. And I would hope that the gentleman would actually support this legislation because what we have here is the fish that are killing the salmon are the bass—the bass fish do that. So let's let the fishermen go fish. And here's the gruesome picture again. I know you don't like to see it. Let's go get the bass that are eating the smelt so that then the salmon don't have anything to eat. The bass is a nonnative species. So this bill allows fishermen to go back to work.

I would hope that the gentleman would support this bill because we need to get the fishermen back to work. I agree. We don't want to spend \$230 million after the Federal Government tells the fishermen, no, you can't fish, and then pays them not to fish. That is insanity.

Mr. THOMPSON of California. Mr. Speaker, just a couple of comments on some of the previous speaker's remarks. I'm glad to add forestry in one of the areas if there's any jobs lost that the bill won't go into effect if that would garner my friend's support of this amendment. And as he mentioned, he said it himself: it creates winners and losers. That's not what we're about. We're about creating jobs, not moving jobs from one area to another.

My friend from California mentioned that there was no salmon fishing and it caused these problems. Well, there's no salmon fishing because the last politically motivated water policy killed 80,000 spawning salmon. It shut down the season—it shut it down. It cost people their boats, and it cost people their jobs. Motels, gas stations, bait shops, grocery stores—everybody was hurt tremendously by that matter, and now we're back at it again trying, once again, to politically move water from one portion of the State to another.

It's a job killer and it preempts State law. It's a bad bill, it ought to be killed, and this amendment ought to be added to it.

I yield back the balance of my time. Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield the balance of the time to a member of the committee and somebody who has worked on this legislation, Mr. MCCLINTOCK.

The Acting CHAIR. The gentleman from California is recognized for 2 minutes.

Mr. MCCLINTOCK. I thank the gentleman.

Mr. Chairman, this amendment would allow the Interior Secretary to suspend this bill if he finds that one job is lost north of the delta. Well, this is the same Interior Secretary who appeared before the Natural Resources Committee in 2009. At the time, thousands of farmworkers were thrown into unemployment by the water diversions. Hundreds of thousands of acres of productive farmland were turned into a dust bowl.

And in the midst of the crisis, he admitted that as Interior Secretary, he had the authority to stop the diversions and end the agony of the Central Valley, but he chose not to do so because, in his words, "It would be like admitting defeat." And this is the man that the gentleman from California would give the power—upon finding a single lost job in northern California—to plunge our State into another government-created dust bowl? I don't think so.

The Northern California Water Association represents the farms and communities of northern California and they write of this bill:

The bill, if enacted, would provide an unprecedented Federal statutory express recognition of and commitment to California's State water rights priority system and area of origin protections. This is important for the region to provide sustainable water supply for productive farmlands, wildlife refuges and managed wetlands, cities and rural communities, recreation and meandering rivers that support important fisheries.

So speaks northern California.

Mr. Chairman, fewer Americans are working today than on the day that this administration took office. We will not put in the hands of that administration the power to destroy still more jobs, which this amendment cynically seeks to do.

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

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. THOMPSON of California. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 3 OFFERED BY MCNERNEY

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 112-405.

Mr. MCNERNEY. 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:

After section 2, insert the following:

SEC. 3. EFFECTIVE DATE CONDITIONS.

Notwithstanding sections 104, 105, 110, and 111, and title III, this Act and the amendments made by this Act shall not take effect until the Secretary of the Interior, in consultation with other Federal agencies with relevant expertise, determines that this Act and the amendments made by this Act shall not have a harmful effect on the quality or safety of drinking water supplies for residents of the five Delta Counties (Contra Costa County, Sacramento County, San Joaquin County, Solano County, and Yolo County, California).

The Acting CHAIR. Pursuant to House Resolution 566, the gentleman from California (Mr. MCNERNEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. MCNERNEY. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I'm honored to represent much of the San Joaquin Delta, and the delta is a precious, precious resource that provides water for urban, industrial, and agricultural uses throughout the State of California. The delta flows through five northern California counties that are home to 4 million people. The delta region is home to big cities, small towns, and lush farmlands. Just like other Californians, the people of the delta deserve access to clean, safe drinking water. I'm deeply concerned that, as currently written, H.R. 1837 will severely erode the quality of our local water resources.

This issue is important to public health and to local governments throughout northern California. This bill takes more of our freshwater, and what's left will be saltier and lower quality. Deterioration of delta water increases treatment costs by tens of millions of dollars and requires hundreds of millions of dollars in new capital investments. This bill will hurt the people.

Unfortunately, many communities in the delta region are struggling with budget and public health challenges as it is. The last thing we need is for the Congress to pass a bill that threatens our well-being and forces us to spend millions more to just treat our water. It's bad enough to steal somebody's water; it's even worse to steal their water and then charge them millions of dollars for the privilege.

This legislation we are considering today should not pass. It will harm the safety of drinking water supplies for delta communities. My amendment makes sure that, before this bill comes into effect, it won't burden the delta with heavy costs and new public health threats. I ask all of my colleagues to support my amendment, which will secure the safety and security of our drinking water.

Mr. HASTINGS of Washington. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR (Mr. WESTMORELAND). The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. I yield 4 minutes to the gentleman from California (Mr. NUNES).

Mr. NUNES. Mr. Speaker, once again, I don't believe the other side has read the bill. This bill provides for the ultimate protections for delta communities—ultimate protections that guarantee their God-given right to their property and to their water. That's what this bill does. So if you vote against this bill, you're voting to continue the attack on farmers all over the State and communities all over the State. So, if delta farmers want to continue to take water out of the delta like they've been doing for 100 years—they have always had their allocation—this bill guarantees that.

Now, I've been to the delta numerous times, and I've spoken to the communities there. Their number one concern is that they do not want the peripheral canal to be built. Well, if you vote against this bill, you are voting to ensure that Jerry Brown, the Governor of California who opposes this bill, gets his wish to build the peripheral canal that the delta farmers don't want. So if the gentleman wants the peripheral canal built, vote against the bill. If the gentleman wants to make sure that his farmers are not guaranteed their right for water, vote against the bill.

But I find it ironic that the minority is arguing for the delta farmers and the delta communities, but at the very basic level the people who are behind this, the Governor of California, was just here the other day advocating to build the peripheral canal that the gentleman says his constituents don't want. Well, my constituents don't want it either. Neither do the people in the north. None of us wants to build a multibillion dollar project like this. And we don't have to because passage of this bill allows valuable water to be moved across the delta in a more equitable fashion to guarantee waterfowl and fish populations would increase, and guarantees rights to farmers and farmworkers and communities.

□ 1600

That's what this bill does. I would hope that folks in this body and the gentleman himself would maybe withdraw his amendment so that we don't have to take a vote on this because I would hate for the gentleman to vote on an amendment that would basically ensure that he would be supporting Jerry Brown and the Democratic administration that want to take his water away from him that he so cherishes.

Mr. Chairman, I would just say that we need to slow down. I would hope that the other side would take a look at this bill and read the bill. Once they do, they will figure out that all the stakeholders were together in 1994 when everyone sat down to make this agreement. That's what this goes back to.

Mr. MCNERNEY. Mr. Chairman, I certainly appreciate the passion of my colleague from California; but if this bill is beneficial to the delta, then why does every delta county oppose the bill? They made it very clear to me their concern: to protect the drinking water. The quality of the drinking water is something that everyone can understand.

It seems to me what is happening is that the other side is saying we have the money, we have the votes, let's go get the water. Might makes right. We know in this country that might doesn't make right. We have laws that have been observed. We're working through processes now. To shortcut that process right now and start shipping all this water will devastate our community, and we're going to do everything we can to prevent it.

I yield 2 minutes to my colleague from California (Mr. GARAMENDI).

Mr. GARAMENDI. Sometimes on this floor you just shake your head and wonder if you may have fallen down the rabbit hole and "Alice in Wonderland" is really real, where up is down and down is up, and left is right and right is left, and this confusion abounding.

I just heard the most amazing argument I could possibly have imagined, that somehow this bill will stop the peripheral canal. I think not. Perhaps it will because it will totally destroy any opportunity that there may be for California to come together around a comprehensive solution to its water situation.

It just makes me wonder what in the world is going on here, particularly my colleague from California who wants to represent this county of Tuolumne who may want to read his own bill where he wipes out all of the contracting provisions in the Central Valley Improvement Act in which the Tuolumne County Regional Water Agency is given the right to water out of the New Melones Reservoir. That is gone.

By the way, if you happen to care about veterans who might somehow be placed in the San Joaquin Valley National Cemetery, their 850 acre-feet of water is also wiped out.

This bill has far-reaching effects. It has far, far-reaching effects in wiping out the Central Valley Improvement Act. It also wipes out the environmental laws, wipes out the water for the Central Valley National Cemetery, it wipes out the water for Tuolumne County. What effect it has on the peripheral canal, I just can't understand other than it will destroy whatever comity and working together there is in California to solve the overarching problems.

By the way, you are stealing 800,000 acre-feet from the delta in this bill. That's water that the delta community needs. That's water that the delta community needs for its citizens, for water quality, and for agriculture.

Mr. HASTINGS of Washington. Mr. Chairman, how much time remains on both sides?

The Acting CHAIR. The gentleman from Washington has 2 minutes remaining. The gentleman from California's time has expired.

Mr. HASTINGS of Washington. With that, Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. NUNES).

Mr. NUNES. Mr. Chairman, this debate is really incredible.

There is nothing about veteran cemeteries in this bill. I can understand why the minority would want to talk about veterans, because we love our veterans in this country and we do everything to support them. But it is a stretch to say that a bill dealing with property rights somehow involves veteran cemeteries. Since we're talking about veterans, I will say when we send our veterans overseas, our men and women in the

military to protect this country, we have a right to protect people's private property. That's what this bill does.

I know my other friends on the other side of the aisle who have continued to make this argument, they suddenly care about State preemption. They didn't care about State preemption in 1986, 1992, when they sat down in 1994, when they did their boondoggle in 2009. They didn't care about State preemption then. Boy, today, when we talk about guaranteeing people their right to their private property, they suddenly are the defenders of the Constitution. This is really stretching it.

I know that the gentleman who was the under secretary at the time who made the deal in 1994, that was bragged about by not only the former chairman of the Natural Resources Committee at the time, bragged about the Bay-Delta Accord of 1994, not only the Under Secretary of the Interior and the Secretary of the Interior himself and President Bill Clinton. They all supported the '94 agreement. All this talk about comprehensive reform and getting people to the table, we've done that before. What that results in is the illegal taking of people's personal property.

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

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. MCNERNEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. MCNERNEY

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 112-405.

Mr. MCNERNEY. 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:

After section 2, insert the following:

SEC. 3. EFFECTIVE DATE CONDITIONS.

Notwithstanding sections 104, 105, 110, and 111, and title III, this Act and the amendments made by this Act shall not take effect until the Secretary of the Interior, in consultation with the Secretary of Agriculture, determines that carrying out this Act and the amendments made by this Act shall not have a harmful effect on water quality or water availability for agricultural producers in the five Delta Counties (Contra Costa County, Sacramento County, San Joaquin County, Solano County, and Yolo County, California).

The Acting CHAIR. Pursuant to House Resolution 566, the gentleman from California (Mr. MCNERNEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. MCNERNEY. Mr. Chairman, I yield myself as much time as I may consume.

Someone needs to speak up for the delta communities.

I rise to offer a second amendment to H.R. 1837, and I urge my colleagues to consider this amendment.

As my colleagues now know, I'm very honored to represent the people of the San Joaquin Delta. The delta is a precious resource that provides tremendous economic benefits to my entire State. Preserving the delta should be a priority to all Californians.

Agriculture is the backbone of the delta region, generating nearly \$800 million in 2009 and sustaining thousands of jobs. Supporting delta farming is essential to the economic sustainability of the delta region. I'm deeply upset that as currently written, H.R. 1837 will ship vastly more water out of the delta, even though the current shipments are already threatening the water quality for local farmers.

Simply put, this bill will steal water from northern California and devastate water quality for our delta farmers. Farmers need fresh water. They don't need salt water for their harvest. That is why I'm offering a simple amendment to make sure that the most harmful provisions of this bill do not come into effect until the Secretary of the Interior certifies that they will not harm the water quality or water availability for delta farmers.

Proponents of H.R. 1837 claim their bill is pro-farmer, but the truth is far different. The bill steals water from one part of California to give it to another. If the authors of H.R. 1837 support farmers throughout the entire State of California, then they should support my amendment.

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

Mr. HASTINGS of Washington. Mr. Chairman, I rise to claim time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. I am pleased to yield 1 minute to the gentleman from California (Mr. DENHAM).

□ 1610

Mr. DENHAM. Mr. Chairman, you know, the last couple of amendments we've talked about the inconsistencies on how they affect other counties in the community. Certainly my county and Stanislaus County has been excluded, even though it certainly has impact in this area.

But even San Joaquin County, this amendment contradicts itself, because West Side ag districts in San Joaquin County, West Side Irrigation District, Byron Bethany Irrigation District, Del Puerto Irrigation District, their water is going to be shut off in prior years. Their water will be shut off this year with a 30 percent water allocation.

The City of Tracy is important. They should have their water. Thirty percent water allocation is unacceptable. So the inconsistencies around the valley are certainly interesting as these different amendments come up.

But why even divide a community that relies on the water that comes out of this allocation?

Mr. MCNERNEY. Mr. Chairman, I thank my colleague for his remarks. Drought affects everyone.

My big concern here is protecting the water quality of the delta. Right now we see saltwater coming into the delta. We see farmers pumping water and having salt in it, not able to use it, needing additional treatments.

All I'm asking is that the Secretary look at the bill and prevent parts of the bill that will deteriorate water quality from going into effect until we're sure that it's safe. We're not asking for anything other than that.

With that, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from California (Mr. NUNES), the author of this legislation.

Mr. NUNES. Mr. Chairman, once again, I will say that delta communities are protected in this bill.

They're concerned about water quality. This bill allows water to move through the delta.

They're concerned about maintaining their ability to divert water. This bill allows them to do that. It ensures their private property rights and their rights to their water.

The delta farmers want to make sure that they get conveyance through the delta so they can get their water. This bill does that.

And, as Mr. DENHAM pointed out, the communities on the west side of San Joaquin County, I guess, perhaps they don't matter to the minority because, evidently, by supporting this and opposing this bill, you're basically guaranteeing that the City of Tracy and those districts, those water districts where those jobs are created, are going to be cut off of their water this year. This bill fixes that.

And, once again, I will say that if the delta communities are worried about this peripheral canal, this is why the delta communities should be supporting this bill. But we don't hear anything about that. We hear about Jerry Brown, the Governor of California, opposing the bill and the attorney general of California opposing the bill.

Why are they opposing the bill? Well, because they were just back in Washington 2 days ago lobbying for the construction of the peripheral canal.

Now, perhaps the delta communities want the peripheral canal. Maybe that's a change. I don't know. I haven't been up there in the last few months. But last I heard, the delta communities do not want the peripheral canal to be built.

So, Mr. Chairman, I would urge the gentleman to drop his amendment and to vote in favor of this bill.

Mr. MCNERNEY. Mr. Chairman, right now the delta is in a serious decline. We're shipping more water south

than is good for the health of the delta. What this bill does is increases water shipments. So I don't see how we can put protection for the delta in a bill, in a provision, that increases shipments when we're already seeing decline in the delta.

Again, as I said before, the other side sees they have the votes and they want to go take this water, and that's what this is about. It's about taking water. And our communities, the delta communities have rights to the water. We've been there for a long time. We've been farming this lush farmland. Our farms are very productive.

What this will do is turn it into a salt, stagnant pool, and that will destroy a lot of agriculture, more agriculture than would be created in other areas. It'll destroy a lot of jobs. I don't see how people could support this sort of a provision.

Mr. Chairman, how much time do I have left?

The Acting CHAIR. The gentleman has 1½ minutes remaining.

Mr. MCNERNEY. I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, we only have one other speaker, and we have the right to close, so I'll reserve my time.

Mr. MCNERNEY. Well, as we've heard both sides, this is a complicated issue. We don't want farmers in any part of the valley to be hurt, but the delta has a long history of providing excellent farm products, \$800 million a year of agricultural output. This is at risk. This is what's at risk.

My community is crying out to me. San Joaquin County is solidly behind my amendment. They're opposed to this bill. And I ask my colleagues to stand up and consider what this bill means for the rest of the country. If we adopt this, it sets a nasty precedent.

I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield the balance of the time again to the author of this legislation, the gentleman from California (Mr. NUNES).

Mr. NUNES. Mr. Chairman, once again I want to talk about the water exports.

You saw this earlier. Here are the water exports, Mr. Chairman, right here at the bottom. The green line represents the inflows to the delta. You can see that most of the water, in fact, 76 percent of the water that enters the delta ends up out in the ocean. Seventy-six percent of the water ends up in the ocean.

What this bill does, this allows the folks in the delta their rights to their water. So if you vote against this bill, you're voting to take those people's water away and their right to their water away.

So if the gentleman's concerned about water quality, then he should support the bill, because this bill allows the water to move more freely throughout the delta because it gets rid of the problems that we have

throughout the delta and the rigidity that was created when this Congress, in 1992, basically attempted to put farmers out of business and farmworkers in food lines. That's what this debate's about.

And I would suggest, if the gentleman—we could have a unanimous consent agreement right now for an amendment, if the chairman of the committee would allow me.

The City of San Francisco and Santa Clara and all over the bay area, many of the folks from the other side of the aisle who oppose this bill, why do they oppose it other than they want to construct the peripheral canal? They want to ensure construction of the peripheral canal like their Governor, Jerry Brown, wants to do.

But also they don't like the dirty little secret—Yosemite. This was dammed up. Hetch Hetchy was dammed up. Here's the water that sits in Hetch Hetchy today. It was one of John Muir's favorite places on Earth, and this Congress dammed it up.

But you don't see—in all this water that's here, this water would go out to the delta. So perhaps we could have a unanimous consent agreement to tear this down today. Let's dump all this water that goes to San Francisco and Silicon Valley, let's take all this water that would go to the delta, let's dump it down there. Let's save the fish.

Let's go. Unanimous consent agreement. Will anybody agree to it?

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

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. MCNERNEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

□ 1620

AMENDMENT NO. 5 OFFERED BY MR. GARAMENDI

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 112-405.

Mr. GARAMENDI. 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:

Strike section 103.

The Acting CHAIR. Pursuant to House Resolution 566, the gentleman from California (Mr. GARAMENDI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. GARAMENDI. Mr. Chairman, I've heard some of the most amazing things in the last 20 minutes that I'm absolutely sometimes unable to even respond to them.

First of all, let's get a couple of things straight before I go to the amendment.

The water that is delivered by the Central Valley Project either under the CVPIA or under the original law is water that is under contract. It is not a property right. It is water that is granted by reason of a contract between the Federal Government and the individual water districts that take that water. It is not a property right.

Now, certainly the farmers own their property, and that is a property right. But the water is not. And by the way, that water—on every one of those contracts, there is a shortage on most of those contracts, particularly the ones that are not replacing riparian water rights. Those contracts all have shortage provisions, so that when we have a drought—and we certainly have been in that situation in California today, and we were back in 2008 and 2007—there are specific requirements in the contracts to reduce the amount of water.

So all of this poppycock that we've been hearing around here today about 100 percent, it's just not the way it has ever been and never will be unless the contract provisions remain, or if this bill become law, and that's where my amendment comes in. It simply removes from this bill the contract provisions in the bill and goes back to the original law.

Now, the original law, which is the CVPIA, which amended the earlier law, has many, many provisions, and in fact it does provide up to 850 acre-feet of water for the national cemetery in the San Joaquin Valley. That, by the way, is wiped out, and also wiped out by the proposed bill before us is the water for the Tuolumne County regional water agencies. So if I represented those counties, I might be concerned about what was happening here.

Understand that many other provisions of this law are important. We did not know back in 1990-1992 what was going to happen with water. The State was in the process of adjudicating the water rights, the Water Resources Control Board, and so the law took into account their decision.

Now, what's happening here in this bill is the removal of the power of the State to allocate its water, to look at the water resources and to make some sense out of what is happening with water. Apparently, we're not going to care about that anymore, and we're simply going to bring to the Federal Government the power to appropriate water in California. That's precisely what happens here.

Now, there was an improvement. I'll grant the chairman of the subcommittee credit for eliminating the perpetual nature of the contracts that were in the original bill that was brought to the floor. Good as far as it goes. But all of the other requirements that are in the CVPI that are wise requirements about how the water is to be allocated from north to south, from the environment to the farmers, and among the farmers, are all removed. And the power of the State to allocate that water using the Water Resources

Control Board, which has been the traditional method, is also removed. Giving rise to this point that this bill overrides State law. And if you are any other State that has a reclamation project in it, beware. Beware what is happening here in the House of Representatives this day. You, too, could be at risk of some interest group in or out of your State seizing your water.

I reserve the balance of my time.

Mr. McCLINTOCK. Mr. Chairman, I rise to claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. McCLINTOCK. Perhaps my friend from California was not listening when I presented the manager's amendment which addresses this very subject.

As I pointed out to him—apparently he has a short memory—he had objected to the successive renewal provision that he claimed was in the bill but very specifically said he felt he could probably live with 40 years on the amount of time for these contracts. As I've tried to point out to him repeatedly, the measure, and explicitly as amended, does restore the contracting provisions used throughout the Western United States for contracts involving CVP water.

The gentleman says that his amendment puts the contract provisions back to the original law. No, his amendment does not do that. This bill puts the contract provisions back to the original law. That's the reclamation law of 1939 as amended July 2, 1956, the very provisions that are restored in this bill.

What his measure does is to continue to single out the Central Valley Project uniquely among all the reclamation projects across America as the one project that can only get 25-year financing. The problem, of course, with that is that these contracts require a degree of certainty over the long-term costs. That's why the 40-year contracts are in place with every other project of the Bureau of Reclamation in the United States, just as was the fact for the Central Valley Project until it was amended by Congress in 1992.

The gentleman says this overrides State law. The CVPIA overrode State law, and the gentleman was very supportive of that at the time. He obviously has concerns over long-term memory loss as well.

I would simply point out that this measure simply says that the CVP contracts will be treated on the same basis as every other contract in America.

I reserve the balance of my time.

Mr. GARAMENDI. Mr. Chairman, may I inquire as to the time remaining?

The Acting CHAIR. You have 1½ minutes remaining.

Mr. GARAMENDI. Well, first of all, if the gentleman would listen carefully, I was always referring not to the 1956 law but rather to the CVPIA, the 1992

law. Indeed, the 1992 law did change for the better, recognizing the unique situation in California where we had both a State and a Federal water project operating and many other appropriators operating on the rivers in California.

Taking that into account, and taking into account the rapidly growing population and need in California and allowing the State to determine what might be done for the need of that water—I would refer the gentleman, if he cares to take a look, at section 3404, limitation on contracts and contracting reforms. This is what you've wiped out in your bill. It specifically provides that the California State Water Resources Control Board, in concluding their review of the California Court of Appeals—in other words, you have wiped out in your bill the ability of the State of California through the Water Resources Control Board to allocate the water, to take into account court decisions. The bill overturns 150 years of California water law and wipes it out.

In fact, the CVPI took very specific account of California law and wrote it into the Federal law.

What's wrong with that? Nothing that I could think about, because California is unique in so many, many ways, and the CVPIA allowed that to happen.

Now, if I might just take a few seconds and clarify a few things.

Yes, indeed, you were talking about the Deputy Secretary of the Department of Interior. That's me. I did conduct those negotiations.

The Acting CHAIR. The time of the gentleman has expired.

Mr. McCLINTOCK. Mr. Chairman, I yield 1 minute to my colleague, the author of the legislation, Mr. NUNES of California.

Mr. NUNES. Mr. Chairman, I appreciate the gentleman admitting that he was the Under Secretary at the time, and he failed to implement the agreement that everyone came together and agreed upon.

Now, earlier, we had the gentleman from California, who was the author of the 1992 act, who came down to the floor, berated farmers, berated production agriculture, and admitted that it was his goal to get rid of production agriculture.

So why did they, at the time, change from 40-year contracts to 25-year contracts? Folks, I think this is something that the American people will understand. The American people right now from other States may not understand a whole lot about what we're talking about, but they will understand this, and farmers across America will understand this: that when farmers borrow money on their land, many times they have to do it under 30-year agreements with the bank.

So I have to ask myself, why in 1992 did they move this from 20 to 25 years?

The Acting CHAIR. The time of the gentleman has expired.

Mr. McCLINTOCK. I yield the gentleman an additional minute.

Mr. NUNES. Why did they move in 1992 to 25 years? Conveniently that made it very hard for farmers to get loans on their land, especially when they were not sure if they were going to have a water supply. That's what this bill tries to fix. That's why we should vote "no" on this amendment because I believe our Founding Fathers and previous Members of Congress who came before us knew at the time that a 40-year agreement would be enough for farmers and people trying to borrow money to go and borrow that money so they could put their families to work and provide for their families.

So that's why we should vote "no" against this agreement, when we had the author down here berating production agriculture.

□ 1630

We know what the intent was of 1992, and we've seen the chaos that has been created since 1992, and that's what we fix in this bill.

The Acting CHAIR. The gentleman from California (Mr. McCLINTOCK) has 30 seconds remaining.

Mr. McCLINTOCK. First, I want to correct one thing. I said that 40 years is common throughout the western United States. I do need to point out again that the Hoover Dam was actually given a 50-year contract.

The amendment fully addresses the concerns that were expressed by the gentleman over the successive renewal provisions in the contracts. I think we've made it very clear that the conditions of the contracts have to be agreed to by both parties. The gentleman, himself, in markup said he could live with 40 years. He has obviously reconsidered. This measure simply sets right a wrong that was done in 1992, and it treats the CVP as every other reclamation project.

With that, I yield back the balance of my time.

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

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. GARAMENDI. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 6 OFFERED BY MRS. NAPOLITANO

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 112-405.

Mrs. NAPOLITANO. 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:

Page 4, line 15, after the period insert the following: "Charges for all delivered water shall include interest, as determined by the

Secretary of the Treasury, on the basis of average market yields on outstanding marketable obligations of the United States with the remaining periods of maturity comparable to the applicable reimbursement period of the project, adjusted to the nearest $\frac{1}{4}$ of 1 percent on the underpaid balance of the allocable project cost.”

The Acting CHAIR. Pursuant to House Resolution 566, the gentlewoman from California (Mrs. NAPOLITANO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Mrs. NAPOLITANO. Mr. Chairman, I yield myself such time as I may consume.

This is a simple amendment. It creates a revenue stream through the elimination of debt without interest, in other words, ending free subsidy on \$400 million. It requires that any new water contracts or renewed contracts must reflect the price of water with interest and repay the debt of the project, with interest, to the Treasury. It is a small, but very important, assist to continue to try to balance our Federal budget. We are always looking for ways to find these little—I call them “pockets of money” to be able to help out.

Reclamation established in 1902 was meant to deliver water to farms with a maximum of 160 acres, and it was provided interest free on the cost of that project. That was in 1902. Times have changed. Subsequent reclamation reform acts have changed the acreage limitation along with the repayment contracts for these projects. Congressional action has also made the repayment of project debt interest free—I repeat, debt interest free—on \$400 million for irrigators while municipalities, like my constituency and power users, pay all of the required appropriate interest. I wish our water users in southern California were as lucky.

H.R. 1837 removes the role of the Federal Government in protecting the environment and public good. If we are removing the role of the Federal Government in protecting the environment and public good, as we plan to do, we should also remove the Federal subsidy associated with renewed or new water contracts. My constituency and anybody else’s must be treated fairly and must be required to pay equally any additional interest on any future water contract and project.

Southern California foresaw the need for infrastructure, so local entities stepped up to the plate. They paid for and constructed new storage facilities, like a dam, the Diamond Valley Reservoir. It was entirely paid for by our local folks without one cent of Federal moneys—no tax cuts, no free interest at taxpayer expense.

Eliminating this unfair subsidy will help to cut our deficit. So I urge all of my colleagues to vote “yes” on this amendment.

I reserve the balance of my time.

Mr. McCLINTOCK. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. McCLINTOCK. I yield 2 minutes to the gentleman from California (Mr. NUNES).

Mr. NUNES. Mr. Chairman, once again, I want to bring up this issue that the minority continues to ignore. They don’t want to talk about this, and I don’t understand why. They care about this freshwater. They also care about the environment, but they dammed up Yosemite. They have the water here, and they pipe it to their communities. They completely go around the delta so that none of this water ever makes it to the precious fish that they care about.

We have this beautiful environment here, Mr. Chairman, that was destroyed by the Congress; but we don’t see any amendments to fix this travesty, do we? It’s interesting that the gentlelady from California wants to raise water rates. Do you know who pays the cheapest water rates in California or electricity rates and fees on that? Hetch Hetchy, the power generation at Hetch Hetchy.

So perhaps we should have an amendment that would be offered that would make Hetch Hetchy pay today’s fees, fees that all of the other folks in California are having to pay. If we want to do that, then everyone would be on a level playing field. But no. Instead, this is an attack, once again, as usual, on farm workers and farmers.

I want to remind my colleagues that this bill saves \$300 million, \$300 million, this bill saves. So if the ratepayers in San Francisco, in Santa Clara, in Silicon Valley, and all over the Bay Area want to have their precious water, well, they ought to pay the same fees, too.

I would suggest, and I would hope, that we come back at some other time and deal with the issue and with the unfairness of people who don’t have any water in San Francisco who are so hell-bent on taking people’s water away.

Mrs. NAPOLITANO. Mr. Chairman, may I inquire as to how much time remains.

The Acting CHAIR. The gentlewoman has 2½ minutes remaining.

Mrs. NAPOLITANO. It is my understanding, then, that my colleagues on the other side are arguing to keep a subsidy. That’s news to us.

Just as an aside, according to the California Department of Food and Agriculture, California agriculture experienced a 9 percent drop in the sales value of its products in 2009, which was at the height of the drought. The State’s 81,500 farms and ranches received \$34.8 billion for their output, down from an all-time high of \$38.4 billion, which was reached in 2008.

Despite the water supply shortages and regulatory restrictions, the State’s agricultural sales for 2009 were the third highest recorded; 2007, 2008 and 2009 were the years of the drought, and

the three highest years of agricultural sales coincided with the three consecutive years of drought.

With that, I yield 1½ minutes to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. We are going around and around here. At the end of the day, I think we need to step back from the heat of the debate and realize exactly what’s happening here.

In this particular amendment is an effort to try to make sure that the taxpayers of the United States are adequately compensated for the money that they have loaned for the development of the Central Valley Project and for the money that they have loaned for the specific elements within the Central Valley Project. These are the specific authorized sub-portions of the Central Valley Project. For example, with the San Luis Unit, the taxpayers loaned a vast amount of money.

When you look at the details in this bill, you will find that there is a very artful way of avoiding the full cost of repayment through early repayments. The way in which the bill is written, the water districts are able to pay off their loans without having to pay off the interest, and then going forward, they’re not having to share in the ongoing cost of maintenance of the major reservoirs and water facilities.

□ 1640

In other words, they are simply charged with the cost of the water, not for the ongoing operational repair and other costs. It’s very interesting, very artfully done and, once again, provides an enormous subsidy to those who have had a very good subsidy for many years. It’s not right. It ought not occur.

The amendment before us simply says that, if you’re going to get a loan, you are going to have to pay interest.

The Acting CHAIR. The time of the gentleman has expired.

Mrs. NAPOLITANO. Mr. Chairman, may I inquire as to how much time remains?

The Acting CHAIR. The gentlewoman from California has 30 seconds remaining.

Mrs. NAPOLITANO. I yield that time to the gentleman from California.

Mr. GARAMENDI. You will hear this from the other side as they close, Oh, but you are going to be able to get some \$300 million. Yes, that money will flow more quickly into the treasury to be sure because it allows the water districts, as a result of the way in which this bill is written, to achieve an enormous advantage. They will be able to get water into the future without having to pay the full cost of that water.

So when you look at it from the total accounting procedures, you wind up with an additional subsidy going to these water districts. It’s not right, and it’s not fair to the taxpayers.

Mr. McCLINTOCK. Mr. Chairman, I yield 30 seconds to my good friend from California (Mr. NUNES).

Mr. NUNES. Mr. Chairman, I will be very quick.

The gentlelady from California is the biggest offender of the ultimate subsidy of all. Those are those mystery little Title XVI grants from the Bureau of Reclamation. They don't even charge interest. They just give those away. That's an outrageous subsidy that goes to communities in southern California and in the bay area of \$1,500 an acre-foot.

So, I guess we could offer an amendment to strip out all Title XVI money. I'd be willing to do that, too. Let's strip out all the Title XVI money, all the subsidies that go to Los Angeles, Hollywood, and San Francisco. Let's strip out the Title XVI money.

Is the gentlelady willing to strip out Title XVI money?

The Acting CHAIR. The time of the gentleman has expired.

Mr. McCLINTOCK. Mr. Chairman, may I ask how much time remains?

The Acting CHAIR. The gentleman from California has 2½ minutes remaining, and the time of the gentlewoman from California has expired.

Mr. McCLINTOCK. Mr. Chairman, this amendment was rejected on a bipartisan vote when the gentlelady introduced it in markup, and it deserves a similar fate on the House floor. I mean, let's be clear about what this does. It singles out Central Valley Project participants to pay a punitive surtax that is imposed on no other Bureau of Reclamation project in the United States. This surtax would be passed on to consumers through higher prices.

The Central Valley Project was already singled out for one punitive tax, about \$50 million annually, by Congress in 1992 to fund an array of environmental slush funds. Now, I believe that beneficiaries should pay the cost of the water projects, but they should pay only the cost of those projects and no more. These are not cash cows for the Federal Government to milk until they're dry.

When the left speaks of corporate farms, you know, they often leave out the fact that virtually every family farm is incorporated, and that's who we would be singling out for what amounts to a special tax. That tax can be paid in one of two ways: by employees through lower wages or by consumers through higher prices.

I have a modest suggestion for the gentlelady. Perhaps we should start putting people back to work rather than running them out of business.

I have often criticized her colleagues for policies that have created the conditions that indirectly send water prices through the roof, but this proposal is quite bold. This proposal does so directly and dramatically. That's why several of her colleagues on the Democratic side abandoned her in committee and why they would be well advised to do so again on the floor.

With that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Mrs. NAPOLITANO).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mrs. NAPOLITANO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. GARAMENDI
The Acting CHAIR. It is now in order to consider amendment No. 7 printed in House Report 112-405.

Mr. GARAMENDI. 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:

Strike section 105.

The Acting CHAIR. Pursuant to House Resolution 566, the gentleman from California (Mr. GARAMENDI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. GARAMENDI. Mr. Chairman, once again we need to step back and really understand the full impact of this particular piece of legislation that is before us. It has profound impact on California. We heard earlier discussion about the delta, two amendments put forth by my colleague, Mr. McNERNEY, and as he spoke to the issues of the delta and the sensitivity of it.

The delta is the largest estuary on the west coast of the Western Hemisphere, and it includes the San Francisco Bay. It's a very sensitive estuary. It's dependent upon a flow of freshwater at certain times of the year, and this legislation very artfully, in a very complex series of languages and changes in law and word, takes 800,000 acre-feet away from the environment of the delta, that would be the aquatic environment, and delivers it to the water contractors, the south-of-delta water contractors. It's done in a way that it is hard to recognize; but when I asked the chairman of the committee what the purpose was, he stated unequivocally that it was to take the 800,000 acre-feet of water.

The impact of that will be profound. So whatever you may say about the species in the delta, the salmon, the striped bass, the smelt or any other species, this theft of 800,000 acre-feet of water will have a profound and negative effect.

It's water that is there to be used certain times of the year to carry out the necessary protection of species, water that would flow down the river when the salmon want to migrate up the river, water that would be there for the smelt when they are breeding or when they are moving into their breeding habitat.

It is one of the biggest water grabs, at least in the last half century, and it will have profound negative effects. When taken with the other provisions of the bill that wipe out entirely, entirely wipe out the Environmental Protection Act, the Endangered Species Act, the EPA Clean Water Act, all of those are gone in this bill, and now you are taking the water.

California protections for the environment, the California laws that replicate the Federal laws, they too are pushed aside by this bill. Then you wind up taking the water on top of it.

What is left for the delta? What is left for the species in the delta, the fish, the aquatic? What is left for San Francisco Bay? Not much. Not much. That's why this bill is the worst environmental bill in many, many decades. Call it any other way you like, but that's exactly what it is.

I reserve the balance of my time.

Mr. McCLINTOCK. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. McCLINTOCK. Mr. Chairman, this amendment, more than any other, focuses on the central issues surrounding the bill. What comes first, people or fish?

In 1992, the Central Valley Project Improvement Act carved out 800,000 acre-feet to be dedicated to fish and wildlife purposes temporarily. In fact, during a Senate debate, the floor manager of the conference report, Senator Malcolm Wallop, pointed out that that 800,000 acre-feet of CVP yield is up-front water designed to deal with the requirements of the Endangered Species Act and delta requirements while the various mitigation actions are undertaken. The various mitigation actions were to build more supply so that that 800,000 acres taken from the farmers would then be returned to them.

That 800,000 acre-feet came out of allocations of the Central Valley Project, were agreed to by all sides that were incorporated in the Bay-Delta Accord, which this bill restores. But somewhere along the line, the Federal Government began treating this allotment as a floor rather than as a ceiling.

Back in the mid-1990s, a zealous official in the Interior Department, under Bill Clinton, ordered that more than 1 million acre-feet of water appropriated by the Central Valley Project be used for purposes not authorized under water rights permits issued by the State of California.

□ 1650

That preempted State water rights laws, I might add, and I believe the gentleman from California knows him. In fact, I believe the gentleman from California is him.

This bill reestablishes the 800,000 acre foot allotment agreed to by all sides when Interior Secretary Bruce Babbitt promised "a deal is a deal." This provision redeems the promise that was broken by Mr. Babbitt's deputy, and this

is the provision that the gentleman would have us delete.

I might also add that under this bill, the 800,000 acre feet of water can be recycled by communities once it has met its environmental purpose rather than being lost to the ocean. That's 800,000 acre feet of additional water for communities like his. Of that, a little more than one-tenth of 1 percent would have gone to the little town of Cattlemen City. That's irrelevant because this provision, too, the gentleman was proposing to strike.

The contract holders that paid for this project gave up 800,000 acre feet of water with the promise it would be a temporary ceiling. One broken promise after another changed this to a permanent floor, claiming more and more water be expropriated from the people who paid for it and dumped into the Pacific Ocean. This measure sets that injustice right.

With that, I yield 30 seconds to the gentleman from Washington (Mr. HASTINGS), the chairman of the Natural Resources Committee.

Mr. HASTINGS of Washington. I thank the gentleman for yielding, Mr. Chairman, and I heard the author of the amendment state something, and I will paraphrase, that he spoke to the chairman of the committee on the allocation of the water, and supposedly the chairman of the committee responded back "take the water away."

Number one, I do not recall ever having that dialogue with the maker of the amendment. But had he asked me, my answer would have been an equitable distribution of the water. So I just wanted to set the record straight, Mr. Chairman, because that's what I heard in the debate just previously.

Mr. GARAMENDI. Mr. Chairman, may I inquire as to the time remaining?

The Acting CHAIR. The gentleman from California has 2 minutes remaining.

Mr. GARAMENDI. The chairman of the committee, if I did say the chairman of the committee, I believe I said the chairman of the subcommittee. In which case if I did, Mr. HASTINGS, you are quite correct; you were not there. The chairman of the subcommittee was to whom I was referring.

With regard to the effect, you can try to spin this any way you like, but the reality is that in the Central Valley Improvement Act, 800,000 acre feet of water was dedicated to the environment, and it was not temporary; it was part of what was to be done into the future. And the negotiations that ensued following the accord in 1994, those negotiations were specifically designed to reach an accommodation on how to meet all of the requirements of the Central Valley Improvement Act, including what to do with the 800,000 acre feet.

I would point out to the opponents of this amendment that the accord, the 1994 Bay-Delta Accord, was never intended to be permanent. It had in fact

a 3-year limitation, which led to my involvement when I became deputy secretary to try to work out a solution. And in fact we did. Unfortunately, the Westlands Water District, one of the proposed signatories to the bill, walked away from the table when everybody else was ready to sign. And we have been involved in this imbroglio ever since.

Now, the 800,000 acre feet is indeed taken away from the environment. No matter how you spin this, it's gone. It is the biggest theft of water perhaps in modern California water history—800,000 acre feet. It may be recycled, but the control of it for the environment is lost. The environmental protections that go along with that water are gone. Both the State and the Federal protections, the Clean Water Act, the National Environmental Protection Act, California CEQA, all of those are gone as a result of this bill. This is the most amazing override of environmental law that I have ever seen in the 37 years that I've been involved in water policy throughout this Nation. It is remarkable what is being attempted here, and we've got to stop this bill.

I yield back the balance of my time.

Mr. McCLINTOCK. Mr. Chairman, the gentleman's memory problems seem to have struck again. I do not recall making such a statement either, or intending to make such a statement. What I have said is that that 800,000 acre feet, which now will become a ceiling rather than a floor, can provide the opportunity for recycling under this bill so that that 800,000 acre feet, once it has served its environmental purposes, may then be used by communities throughout the bay area.

With that, Mr. Chairman, I would ask for a "no" vote on the amendment, and I yield back the balance of my time.

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

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. GARAMENDI. I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 8 OFFERED BY MR. MARKEY

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 112-405.

Mr. MARKEY. Mr. Chairman, I rise to offer an amendment along with Ms. MATSU and Mr. THOMPSON.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amend subsection (a) of section 108 to read as follows:

(a) OPERATION.—Notwithstanding any other provision of this Act, the Central Valley Project and the State Water Project shall be operated in a manner that meets all

obligations under State and Federal law, with operational constraints that are based on the best available science.

The Acting CHAIR. Pursuant to House Resolution 566, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MARKEY. Mr. Chairman, I yield myself 1 minute.

Our amendment is simple. It would ensure that State law is upheld and that the best available science is used when making decisions about the complex California water system.

Instead of using cutting-edge science, the Republican bill would take us back to 1994.

So let me ask you: Are you willing to give up your 2012 iPhone for a 1994 brick of a cellular phone? How about giving up your Prius for a Yugo? Or using a phonebook instead of Facebook? Would you rather fold a map or use Google maps? The answer to those questions is easy.

And so is this one: Would you trade the science of California water in 2012 for 1994 science? If your answer is no, if your answer is you want to use the best science, today's science, in order to ensure that we protect the water users and the environment, then vote "yes" on our amendment.

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

Mr. McCLINTOCK. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. McCLINTOCK. I yield 2 minutes to the gentleman from California (Mr. ROHRBACHER).

Mr. ROHRBACHER. I rise in opposition to this amendment. Long ago my parents told me a truism that has been reconfirmed over and over again in my life. My parents both were raised on dirt-poor farms in North Dakota in abject poverty. And my father, who made a decent life for himself and for his family with hard work and struggle, told me as a child when we visited those farms, he said: Son, ordinary people are not going to live well in this country or any country unless there is an abundance of water and energy. And that's what all through my life I've seen; that those people who have had their water or energy restricted, it has hurt the ordinary people, the standard of living of the people of that country.

What we have faced in this country is a good example of that. What we have got is a coalition of radical environmentalists who have over the years prevented America from having the energy we need to have a high and a good standard of living for our people. Ordinary people have suffered. The same is true when we are talking about water.

Now, this radical coalition has never thought anything about constitutional rights and about whether it is States'

rights to this or that. That has made no difference to them at all. The central issue is there is a vision that the radical environmentalists have in which people are less important than fish or little insects or reptiles.

The bottom line is ordinary people, ordinary Americans, should be our highest priority. What is it doing to their standard of living? And we have seen an attack on the standard of living of the people of California by depleting water resources that should go to them that instead are being committed to a tiny little fish that isn't even good enough for bait.

Today, we are going to reaffirm in a very bipartisan fashion that no, the people of this body are elected to represent the well-being of ordinary Americans, to make sure that we have the energy and the water we need to fulfill the American Dream where everyone has a chance at a decent life.

□ 1700

Mr. MARKEY. I yield 2 minutes to the gentleman from California (Mr. THOMPSON) so he can explain why the radical coalition that we have also includes the Governors of seven States that don't like this bill.

Mr. THOMPSON of California. I thank the gentleman for yielding.

The Governors of seven States, fishermen, hunters and farmers, a whole list of people, oppose this bill. Our amendment states that the Central Valley Project and State Water Project shall be operated in a manner that meets all obligation under State and Federal law with operational constraints that are based on the best available science. More than 750 plant and animal species depend upon the delta for their survival. Many of these then support important industries, such as the fishermen, hunters, recreational industries, and farmers that promote local and State economies.

We've seen what happens when science is ignored and environmental protections are gutted for the sake of politics. In 2008 and 2009, salmon fisheries were forced to close because of low-water flows in the rivers. This resulted in the loss of over a half a billion dollars and nearly 5,000 jobs—the same number that the proponents of the bill claim that their bill would create.

This bill would prevent the use of the best available science and adaptive management in the bay and delta by permanently limiting agencies from acting on new scientific information developed since 1994. This alone ignores the last 15 years of the best available science.

I urge a "yes" vote on this amendment and a "no" vote on this terrible piece of legislation.

Mr. McCLINTOCK. Mr. Chairman, I yield 30 seconds to my friend from California (Mr. NUNES).

Mr. NUNES. Thank you, Mr. Chairman.

I just want to remind my colleagues of Dr. Peter Gleick—we haven't heard

from him today—Dr. Peter Gleick, the man who comes to testify in Congress before the committee to tell us why it's so important that we take water away from farmers and families. Why have we not heard about Dr. Peter Gleick today? Because 2 weeks ago, Dr. Peter Gleick admitted to impersonating someone else on the Internet, stole information and then falsified the information and sent it out all over the planet. But Dr. Peter Gleick got caught. Dr. Peter Gleick got caught. The main man that they support got caught.

Mr. MARKEY. May I ask, Mr. Chairman, how much time is remaining on either side.

The Acting CHAIR. The gentleman from Massachusetts has 2½ minutes remaining. The gentleman from California has 2½ minutes remaining.

Mr. MARKEY. I yield 2 minutes to the gentlelady from California (Ms. MATSUI).

Ms. MATSUI. Mr. Chairman, I rise in support of this amendment. I have always said that solutions to our country's resource problems must be based on sound science. To do otherwise is simply foolish and severely shortsighted.

Mr. Chairman, H.R. 1837 ignores years of scientific research on the health of California's watersheds. This bill pretends that science does not exist. We don't believe the Earth is flat, and we don't believe that thunder is made by bowling balls. We know better. Science has given us the answers to so many questions about the world in which we live.

We have used science and discovered the truth. H.R. 1837 will prevent the use of the best available science and adaptive management in the bay delta by permanently limiting agencies from acting on new scientific information developed since 1994.

The amendment before us would require us to use the scientific research that we have on California's natural resources. It would allow us to acknowledge what the research has shown us to be true. This amendment is critically important, not only to California, but to every State in this Union.

Mr. Chairman, lastly, I keep hearing that the Sacramento area supports this bill. I represent the Sacramento area, and I can tell you that both the city and county of Sacramento strongly oppose this bill.

I urge my colleagues to support this amendment and to reject the bill.

Mr. MARKEY. Would you be able to tell us, Mr. Chairman, who has the right to conclude debate?

The Acting CHAIR. The gentleman from California has the right to close.

Mr. MARKEY. And could you again tell me how much time I have remaining?

The Acting CHAIR. The gentleman from Massachusetts has 1 minute remaining.

Mr. MARKEY. I yield myself that 1 minute in order to just say this.

If we don't do anything else here, at least we should say that we're going to use science, we're going to use the best available knowledge about science to ensure that this legislation does not invoke the law of unintended consequences, that we understand what we're doing. And I don't know why the Republicans have this aversion to using modern science; but I will tell you this, that this is going to be a defining vote here on the House floor. Do the Republicans actually believe in science? Do they want modern science to be used, or do they want some science from two decades ago to be used?

The importance of using science is that it doesn't depend on one man. It relies on hundreds and thousands of scientists testing each other's works. The Republican bill would ignore 18 years of work by hundreds and thousands of scientists to reach today's consensus because they want that old science in order to take care of the special interests that cannot live within the advances made and the knowledge about the implications of what would happen under their bill.

Mr. McCLINTOCK. Mr. Chairman, the devastation of the Central Valley of California occurred because of the breaking of a Federal promise—a Federal agreement. The gentleman from California says, oh, it wasn't an agreement at all; it was just a suggestion. Well, that's not what the Interior Secretary said at the time. He said, a deal is a deal, and if it turns out there's a need for additional water, it will come at the expense of the Federal Government. The Senator who carried the conference report on the Senate floor said it was a deal, a temporary measure until additional water was brought online. This bill redeems that promise. The amendment offered by the gentleman from Massachusetts would have us break that promise forever.

As I stated earlier, we keep hearing, well, that was then and this is now. Science has changed and so should our policy. If that's the case, then the Federal Government's promises are worthless, and they mean nothing. That was a promise agreed to by all parties. It was broken by the Federal Government.

What they're referring to is not science. It is ideology masquerading as science, so has said the Federal court. Now we have news from the Klamath that one of the scientists involved in the reports is now charging that the Department subverted science for political ends.

It is time that the ideological zealotry that threw thousands of families into unemployment be replaced with practical and fact-based solutions that keep our promises. It's time that we placed a higher value on human lives than on the bureaucratic dictates of the environmental left. That's what this bill does, and that's what the gentleman's amendment would prevent.

Finally, the gentleman would insert a requirement that the act require the

best available science to move forward. Well, the gentleman knows that what is termed “best available science” was literally thrown out of court with the court saying not only was it not the best available science; it wasn’t science at all. The only practical effect of the provision is to provide employment for the only growth sector left in California’s economy—environmental lawsuits intended not to win, because ultimately they do lose, but rather to delay projects indefinitely and make them cost prohibitive to pursue. But I compliment the gentleman on his creativity.

With that, I yield back the balance of my time.

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

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

The Chair understands that amendment No. 9 will not be offered.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 112-405 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. THOMPSON of California.

Amendment No. 3 by Mr. MCNERNEY of California.

Amendment No. 4 by Mr. MCNERNEY of California.

Amendment No. 5 by Mr. GARAMENDI of California.

Amendment No. 6 by Mrs. NAPOLITANO of California.

Amendment No. 7 by Mr. GARAMENDI of California.

Amendment No. 8 by Mr. MARKEY of Massachusetts.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. THOMPSON OF CALIFORNIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. THOMPSON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 178, noes 239, not voting 16, as follows:

[Roll No. 83]

AYES—178

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carmahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inlee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lipinski
Loeb sack
Lofgren, Zoe
Lowey
Lujan
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)

NOES—239

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Bartletta
Bartlett
Barton (TX)
Bass (NH)
Benishak
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costa
Cravaack
Crawford
Crenshaw
Culberson
Denham
Dent
DesJarlais
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake

Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—16

Bass (CA)
Boustany
Cantor
Davis (KY)
Diaz-Balart
Gohmert
Lee (CA)
Nadler
Palazzo
Paul
Payne
Pelosi
Rangel
Rush
Schakowsky
Schmidt

□ 1737

Mr. GRIMM, Mrs. BLACKBURN, Messrs. FARENTHOLD, ROONEY, and HALL changed their vote from “aye” to “no.”

Ms. WATERS, Messrs. LIPINSKI and POLIS changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MR. MCNERNEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. MCNERNEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 178, noes 242, not voting 13, as follows:

Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth

[Roll No. 84]

AYES—178

Ackerman	Garamendi	Napolitano
Altmire	Gibson	Neal
Andrews	Gonzalez	Oliver
Baca	Green, Al	Owens
Baldwin	Green, Gene	Pallone
Barrow	Grijalva	Pascarell
Becerra	Gutierrez	Pastor (AZ)
Berkley	Hahn	Pelosi
Berman	Hanabusa	Perlmutter
Bishop (GA)	Hastings (FL)	Peters
Bishop (NY)	Heinrich	Pingree (ME)
Blumenauer	Higgins	Polis
Bonamici	Himes	Price (NC)
Boswell	Hinchev	Quigley
Brady (PA)	Hinojosa	Rahall
Braley (IA)	Hirono	Reyes
Brown (FL)	Hochul	Richardson
Butterfield	Holden	Richmond
Capps	Holt	Rothman (NJ)
Capuano	Honda	Royal-Allard
Carnahan	Hoyer	Ruppersberger
Carney	Inslee	Ryan (OH)
Carson (IN)	Israel	Sánchez, Linda
Castor (FL)	Jackson (IL)	T.
Chandler	Jackson Lee	Sanchez, Loretta
Chu	(TX)	Sarbanes
Cicilline	Johnson (GA)	Schiff
Clarke (MI)	Johnson, E. B.	Schrader
Clarke (NY)	Kaptur	Schwartz
Clay	Keating	Scott (VA)
Cleaver	Kildee	Scott, David
Clyburn	Kind	Serrano
Cohen	Kissell	Sewell
Connolly (VA)	Kucinich	Sherman
Conyers	Langevin	Shuler
Cooper	Larsen (WA)	Sires
Costello	Larson (CT)	Slaughter
Courtney	Levin	Smith (WA)
Critz	Lewis (GA)	Speier
Crowley	Lipinski	Stark
Cuellar	Loeb sack	Sutton
Cummings	Lofgren, Zoe	Thompson (CA)
Davis (IL)	Lowe y	Thompson (MS)
DeFazio	Luján	Tierney
DeGette	Lynch	Tonko
DeLauro	Maloney	Towns
Deutch	Markey	Tsongas
Dicks	Matsui	Van Hollen
Dingell	McCarthy (NY)	Velázquez
Doggett	McCollum	Visclosky
Donnelly (IN)	McDermott	Walz (MN)
Doyle	McGovern	Wasserman
Edwards	McIntyre	Schultz
Ellison	McNerney	Waters
Engel	Meeks	Watt
Eshoo	Michaud	Waxman
Farr	Miller (NC)	Welch
Fattah	Miller, George	Wilson (FL)
Filner	Moore	Woolsey
Frank (MA)	Moran	Yarmuth
Fudge	Murphy (CT)	

NOES—242

Adams	Calvert	Fitzpatrick
Aderholt	Camp	Flake
Akin	Campbell	Fleischmann
Alexander	Canseco	Fleming
Amash	Capito	Flores
Amodei	Cardoza	Forbes
Austria	Carter	Fortenberry
Bachmann	Cassidy	Fox
Bachus	Chabot	Franks (AZ)
Barletta	Chaffetz	Frelinghuysen
Bartlett	Coble	Gallegly
Barton (TX)	Coffman (CO)	Gardner
Bass (NH)	Cole	Garrett
Benishek	Conaway	Gerlach
Berg	Costa	Gibbs
Biggert	Cravaack	Gingrey (GA)
Billbray	Crawford	Goodlatte
Bilirakis	Crenshaw	Gosar
Bishop (UT)	Culberson	Gowdy
Black	Davis (KY)	Granger
Blackburn	Denham	Graves (GA)
Bonner	Dent	Graves (MO)
Bono Mack	DesJarlais	Griffin (AR)
Boren	Diaz-Balart	Griffith (VA)
Boustany	Dold	Grimm
Brady (TX)	Dreier	Guinta
Brooks	Duffy	Guthrie
Broun (GA)	Duncan (SC)	Hall
Buchanan	Duncan (TN)	Hanna
Bucshon	Ellmers	Harper
Buerkle	Emerson	Harris
Burgess	Farenthold	Hartzler
Burton (IN)	Fincher	Hastings (WA)

[Roll No. 85]

AYES—177

Ackerman	Garamendi	Murphy (CT)
Altmire	Gibson	Napolitano
Andrews	Gonzalez	Neal
Baca	Green, Al	Oliver
Baldwin	Green, Gene	Owens
Barrow	Grijalva	Pallone
Becerra	Gutierrez	Pascarell
Berkley	Hahn	Pastor (AZ)
Berman	Hanabusa	Pelosi
Bishop (NY)	Hastings (FL)	Peters
Blumenauer	Heinrich	Pingree (ME)
Bonamici	Higgins	Polis
Boswell	Himes	Price (NC)
Brady (PA)	Hinchev	Quigley
Braley (IA)	Hinojosa	Rahall
Brown (FL)	Hirono	Reyes
Butterfield	Hochul	Richardson
Capps	Holden	Richmond
Capuano	Holt	Rothman (NJ)
Carnahan	Honda	Royal-Allard
Carney	Hoyer	Ruppersberger
Carson (IN)	Inslee	Ryan (OH)
Castor (FL)	Israel	Sánchez, Linda
Chandler	Jackson (IL)	T.
Chu	Jackson Lee	Sanchez, Loretta
Cicilline	(TX)	Sarbanes
Clarke (MI)	Johnson (GA)	Schiff
Clarke (NY)	Johnson, E. B.	Schrader
Clay	Kaptur	Schwartz
Cleaver	Keating	Scott (VA)
Clyburn	Kildee	Scott, David
Cohen	Kind	Serrano
Connolly (VA)	Kissell	Sewell
Conyers	Kucinich	Sherman
Costello	Langevin	Shuler
Courtney	Larsen (WA)	Sires
Critz	Larson (CT)	Slaughter
Crowley	Levin	Smith (WA)
Cuellar	Lewis (GA)	Speier
Cummings	Lipinski	Stark
Davis (CA)	Loeb sack	Sutton
Davis (IL)	Lofgren, Zoe	Thompson (CA)
DeFazio	Lowe y	Thompson (MS)
DeGette	Luján	Tierney
DeLauro	Lynch	Tonko
Deutch	Maloney	Towns
Dicks	Markey	Tsongas
Dingell	Matsui	Van Hollen
Doggett	McCarthy (NY)	Velázquez
Donnelly (IN)	McCollum	Visclosky
Doyle	McDermott	Walz (MN)
Edwards	McGovern	Wasserman
Ellison	McIntyre	Schultz
Engel	McNerney	Waters
Eshoo	Meeks	Watt
Farr	Michaud	Waxman
Fattah	Miller (NC)	Welch
Filner	Miller, George	Wilson (FL)
Frank (MA)	Moore	Woolsey
Fudge	Moran	Yarmuth

NOES—243

Adams	Calvert	Fitzpatrick
Aderholt	Camp	Flake
Akin	Campbell	Fleischmann
Alexander	Canseco	Fleming
Amash	Capito	Flores
Amodei	Cardoza	Forbes
Austria	Carter	Fox
Bachmann	Cassidy	Franks (AZ)
Bachus	Chabot	Frelinghuysen
Barletta	Chaffetz	Gallegly
Bartlett	Coble	Gardner
Barton (TX)	Coffman (CO)	Garrett
Bass (NH)	Cole	Gerlach
Benishek	Conaway	Gibbs
Berg	Cooper	Gingrey (GA)
Biggert	Costa	Goodlatte
Billbray	Cravaack	Gosar
Bilirakis	Crawford	Gowdy
Bishop (GA)	Crenshaw	Granger
Bishop (UT)	Culberson	Graves (GA)
Black	Davis (KY)	Graves (MO)
Blackburn	Denham	Griffin (AR)
Bonner	Dent	Griffith (VA)
Bono Mack	DesJarlais	Grimm
Boren	Diaz-Balart	Guinta
Boustany	Dold	Guthrie
Brady (TX)	Dreier	Hall
Brooks	Duffy	Hanna
Broun (GA)	Duncan (SC)	Harper
Buchanan	Duncan (TN)	Harris
Bucshon	Ellmers	Hartzler
Buerkle	Emerson	Hastings (WA)
Burgess	Farenthold	Hayworth
Burton (IN)	Fincher	Heck

NOT VOTING—13

Bass (CA)	Nader	Rush
Cantor	Paul	Schakowsky
Davis (CA)	Payne	Tierney
Gohmert	Rangel	
Lee (CA)	Rogers	(KY)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1741

So the amendment was rejected. The result of the vote was announced as above recorded.

Stated for: Mrs. DAVIS of California. Mr. Chair, on roll-call No. 84, had I been present, I would have voted "aye."

AMENDMENT NO. 4 OFFERED BY MR. MCNERNEY
The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. MCNERNEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered. The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 177, noes 243, not voting 13, as follows:

Hensarling
 Herger
 Herrera Beutler
 Huelskamp
 Huizenga (MI)
 Hultgren
 Hunter
 Hurt
 Issa
 Jenkins
 Johnson (IL)
 Johnson (OH)
 Johnson, Sam
 Jones
 Jordan
 Kelly
 King (IA)
 King (NY)
 Kingston
 Kinzinger (IL)
 Kline
 Labrador
 Lamborn
 Lance
 Landry
 Lankford
 Latham
 LaTourette
 Latta
 Lewis (CA)
 LoBiondo
 Long
 Lucas
 Luetkemeyer
 Lummis
 Lungren, Daniel
 E.
 Mack
 Manzullo
 Marchant
 Marino
 Matheson
 McCarthy (CA)
 McCaul
 McClintock
 McCotter
 McHenry
 McKeon

NOT VOTING—13

Bass (CA)
 Cantor
 Fortenberry
 Gohmert
 Lee (CA)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
 There is 1 minute remaining.

□ 1744

So the amendment was rejected.
 The result of the vote was announced
 as above recorded.

PERSONAL EXPLANATION

Ms. SCHAKOWSKY. Mr. Chair, on rollcall Nos. 83—Thompson/Eshoo Amendment, 84—McNerney Amendment No. 3, and 85—McNerney Amendment No. 4, had I been present, I would have voted “aye.”

AMENDMENT NO. 5 OFFERED BY MR. GARAMENDI

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. GARAMENDI) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.
 The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 181, noes 243, not voting 9, as follows:

[Roll No. 86]
 AYES—181
 Ackerman
 Altmire
 Andrews
 Baca
 Baldwin
 Barrow
 Becerra
 Berkeley
 Berman
 Bishop (GA)
 Bishop (NY)
 Blumenauer
 Bonamici
 Hinchey
 Hinojosa
 Hirono
 Hochul
 Holden
 Holt
 Honda
 Hoyer
 Carnahan
 Inslee
 Israel
 Jackson (IL)
 Jackson Lee
 (TX)
 Johnson (GA)
 Johnson (IL)
 Johnson, E. B.
 Kaptur
 Keating
 Kildee
 Kind
 Kissell
 Kucinich
 Langevin
 Larsen (WA)
 Larson (CT)
 Levin
 Lewis (GA)
 Lipinski
 Loebsack
 Lofgren, Zoe
 Lowey
 Luján
 Lynch
 Maloney
 Markey
 Matsui
 McCarthy (NY)
 McCollum
 McDermott
 McGovern
 McIntyre
 McNeerney
 Meeks
 Michaud
 Miller (NC)
 Miller, George
 Moore
 Moran
 Murphy (CT)
 Napolitano

NOES—243

Adams
 Aderholt
 Akin
 Alexander
 Amash
 Amodei
 Austria
 Bachmann
 Bachus
 Bartletta
 Bartlett
 Barton (TX)
 Bass (NH)
 Benishek
 Berg
 Biggert
 Bilbray
 Bilirakis
 Bishop (UT)
 Black
 Blackburn
 Bonner
 Bono Mack
 Boren
 Boustany
 Brady (TX)
 Brooks
 Broun (GA)
 Buchanan
 Bucshon
 Buerkle
 Burgess

Harper
 Harris
 Hartzler
 Hastings (WA)
 Hayworth
 Heck
 Hensarling
 Herger
 Herrera Beutler
 Huelskamp
 Huizenga (MI)
 Hultgren
 Hunter
 Hurt
 Issa
 Jenkins
 Johnson (OH)
 Johnson, Sam
 Jones
 Richardson
 Richmond
 Rothman (NJ)
 Roybal-Allard
 Ruppberger
 Ryan (OH)
 Sánchez, Linda
 T.
 Sanchez, Loretta
 Sarbanes
 Schakowsky
 Schiff
 Schrader
 Schwartz
 Scott (VA)
 Scott, David
 Serrano
 Sewell
 Sherman
 Shuler
 Sires
 Slaughter
 Smith (WA)
 Speier
 Stark
 Sutton
 Thompson (CA)
 Thompson (MS)
 Tierney
 Tonko
 Towns
 Tsongas
 Van Hollen
 Velázquez
 Visclosky
 Walz (MN)
 Wasserman
 Schultz
 Waters
 Watt
 Waxman
 Welch
 Wilson (FL)
 Woolsey
 Yarmuth

McCotter
 McHenry
 McKeon
 McKinley
 McMorris
 Rodgers
 Meehan
 Mica
 Miller (FL)
 Miller (MI)
 Miller, Gary
 Mulvaney
 Murphy (PA)
 Myrick
 Neugebauer
 Noem
 Nugent
 Nunes
 Nunnelee
 Olson
 Palazzo
 Paulsen
 Pearce
 Perlmutter
 Peterson
 Price (GA)
 Quayle
 Reichert
 Renacci
 Ribble
 Rigell
 Rivera
 Roby
 Roe (TN)
 Rogers (AL)
 Rogers (KY)
 Rogers (MI)
 Rohrabacher
 Rokita
 Rooney
 Ros-Lehtinen
 Roskam
 Ross (AR)

Ross (AR)
 Ross (FL)
 Royce
 Runyan
 Ryan (WI)
 Scalise
 Schilling
 Schmidt
 Schock
 Schweikert
 Scott (SC)
 Scott, Austin
 Sensenbrenner
 Sessions
 Shimkus
 Shuster
 Simpson
 Smith (NE)
 Smith (NJ)
 Smith (TX)
 Southerland
 Stearns
 Stivers
 Stutzman
 Sullivan
 Terry
 Thompson (PA)
 Thornberry
 Tiberi
 Tipton
 Turner (NY)
 Turner (OH)
 Upton
 Walden
 Walsh (IL)
 Webster
 West
 Westmoreland
 Whitfield
 Wilson (SC)
 Wittman
 Wolf
 Womack
 Woodall
 Yoder
 Young (AK)
 Young (FL)
 Young (IN)

NOT VOTING—9

Bass (CA)
 Cantor
 Gohmert

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
 There is 1 minute remaining.

□ 1748

So the amendment was rejected.
 The result of the vote was announced
 as above recorded.

AMENDMENT NO. 6 OFFERED BY MRS. NAPOLITANO

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Mrs. NAPOLITANO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.
 The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 174, noes 250, not voting 9, as follows:

Emerson
 Farenthold
 Fincher
 Fitzpatrick
 Flake
 Fleischmann
 Fleming
 Flores
 Forbes
 Fortenberry
 Foxx
 Franks (AZ)
 Frelinghuysen
 Gallegly
 Gardner
 Cooper
 Gerlach
 Gibbs
 Gibson
 Gingrey (GA)
 Goodlatte
 Gosar
 Gowdy
 Granger
 DesJarlais
 Graves (GA)
 Graves (MO)
 Griffin (AR)
 Griffith (VA)
 Grimm
 Guinta
 Guthrie
 Hall

[Roll No. 87]

AYES—174

Ackerman Frank (MA) Murphy (CT)
Altmire Fudge Napolitano
Andrews Garamendi Neal
Baca Gonzalez Oliver
Baldwin Green, Al Owens
Barton (TX) Green, Gene Pallone
Becerra Grijalva Pascarell
Berkley Gutierrez Pastor (AZ)
Berman Hahn Pelosi
Bishop (NY) Hanabusa Peters
Blumenauer Hastings (FL) Pingree (ME)
Bonamici Heinrich Polis
Boswell Higgins Price (NC)
Brady (PA) Himes Quigley
Braley (IA) Hinchey Rahall
Brown (FL) Hinojosa Reyes
Butterfield Hirono Richardson
Capps Huchol Richmond
Capuano Holden Rothman (NJ)
Carnahan Holt Roybal-Allard
Carney Honda Ruppertsberger
Carson (IN) Hoyer Ryan (OH)
Castor (FL) Israel Sánchez, Linda
Chandler Jackson (IL) T.
Chu Jackson Lee Sanchez, Loretta
Ciilline (TX) Sarbanes
Clarke (MI) Johnson (GA) Schakowsky
Clarke (NY) Johnson, E. B. Schiff
Clay Kaptur Schrader
Cleaver Keating Schwartz
Clyburn Kildee Scott (VA)
Cohen Kind Scott, David
Connolly (VA) Kissell Serrano
Conyers Kucinich Sewell
Cooper Langevin Sherman
Costello Larsen (WA) Sires
Courtney Larson (CT) Slaugther
Critz Levin Smith (WA)
Crowley Lewis (GA) Speier
Cuellar Lipinski Stark
Cummings Loeb sack Sutton
Davis (CA) Lofgren, Zoe Thompson (CA)
Davis (IL) Lowey Thompson (MS)
DeFazio Lujan Tierney
DeGette Lynch Tonko
DeLauro Maloney Towns
Deutch Markey Tsongas
Dicks Matsui Van Hollen
Dingell McCarthy (NY) Velázquez
Doggett McCollum Visclosky
Donnelly (IN) McDermott Wasserman
Doyle McGovern Schultz
Edwards McIntyre Waters
Ellison Meeks Watt
Engel Michaud Waxman
Eshoo Miller (NC) Welch
Farr Miller, George Wilson (FL)
Fattah Moore Woolsey
Filner Moran Yarmuth

NOES—250

Adams Camp Fleming
Aderholt Campbell Flores
Akin Canseco Forbes
Alexander Capito Fortenberry
Amash Cardoza Foxx
Amodei Carter Franks (AZ)
Austria Cassidy Frelinghuysen
Bachmann Chabot Gallegly
Bachus Chaffetz Gardner
Barletta Coble Garrett
Barrow Coffman (CO) Gerlach
Bartlett Cole Gibbs
Bass (NH) Conaway Gibson
Benishkek Costa Gingrey (GA)
Berg Cravaack Goodlatte
Biggert Crawford Gosar
Bilbray Crenshaw Gowdy
Bilirakis Culberson Granger
Bishop (GA) Davis (KY) Graves (GA)
Bishop (UT) Denham Graves (MO)
Black Dent Griffin (AR)
Blackburn DesJarlais Griffith (VA)
Bonner Diaz-Balart Grimm
Bono Mack Dold Guinta
Boren Dreier Guthrie
Boustany Duffy Hall
Brady (TX) Duncan (SC) Hanna
Brooks Duncan (TN) Harper
Broun (GA) Ellmers Harris
Buchanan Emerson Hartzler
Bucshon Farenthold Hastings (WA)
Buerkle Fincher Hayworth
Burgess Fitzpatrick Heck
Burton (IN) Flake Hensarling
Calvert Fleischmann Herger

Herrera Beutler McNeerney Ryan (WI)
Huelskamp Meehan Scalise Bishop (NY)
Huizenga (MI) Mica Schilling Blumenauer
Hultgren Miller (FL) Schmidt Bonamici
Hunter Miller (MI) Schmitt Boswell
Hurt Miller, Gary Schock Brady (PA)
Inslee Mulvaney Schweikert Braley (IA)
Issa Murphy (PA) Scott (SC) Brown (FL)
Jenkins Myrick Scott, Austin Butterfield
Johnson (IL) Neugebauer Sessions Capps
Johnson (OH) Noem Sensenbrenner Capuano
Johnson, Sam Nugent Shimkus Carnahan
Jones Nunes Shuler Carney
Jordan Nunnelee Shuster Carson (IN)
Kelly Olson Simpson Castor (FL)
King (IA) Palazzo Smith (NE) Chandler
King (NY) Paulsen Smith (NJ) Chu
Kingston Pearce Smith (TX) Cicilline
Kinzinger (IL) Pence Southerland Clarke (MI)
Kline Klueh Stearns Clarke (NY)
Labrador Peterson Stivers Clay
Lamborn Petri Stivers Johnson, E. B.
Lance Lamborn Stutzman Kaptur
Landry Pitts Sullivan Keating
Lankford Poe (TX) Terry Cohen
Latham Pompeo Thompson (PA) Kildee
LaTourette Posey Thornberry Connelly (VA)
Latta Price (GA) Tiberi Conyers
Lewis (CA) Quayle Tipton Costello
LoBiondo Reed Turner (NY) Courtney
Long Rehberg Turner (OH) Critz
Lucas Reichert Towner (VA) Larson (CT)
Luetkemeyer Renacci Walberg Cummins
Lummis Ribble Walden Davis (CA)
Lungren, Daniel Rigell Walsh (IL) Davis (IL)
E. Rivera Walz (MN) DeFazio
Mack Roby Webster DeLauro
Manzullo Roe (TN) West Deutch
Marchant Rogers (AL) Westmoreland Dicks
Marino Rogers (KY) Whitfield Dingell
Matheson Rogers (MI) Wilson (SC) Doggett
McCarthy (CA) Rohrabacher Wittman Donnelly (IN)
McCaul Rokita Wolf Doyle
McClintock Rooney Womack Edwards
McCotter Ros-Lehtinen Woodall Ellison
McHenry McKeon Roskam Wodall Engel
McKeon Ross (AR) Yoder Eshoo
McKinley Ross (FL) Young (AK) Farr
McMorris Royce Young (FL) Fattah
Rodgers Runyan Young (IN) Filner

NOT VOTING—9

Bass (CA) Lee (CA) Payne
Cantor Nadler Rangel
Gohmert Paul Rush

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining.

□ 1752

So the amendment was rejected.
The result of the vote was announced
as above recorded.

AMENDMENT NO. 7 OFFERED BY MR. GARAMENDI
The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the amendment offered by the
gentleman from California (Mr.
GARAMENDI) on which further pro-
ceedings were postponed and on which
the noes prevailed by voice vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amend-
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.
The Acting CHAIR. This is a 2-
minute vote.

The vote was taken by electronic de-
vice, and there were—ayes 178, noes 247,
not voting 8, as follows:

[Roll No. 88]

AYES—178

Ackerman Baca Becerra
Altmire Baldwin Berkley
Andrews Barrow Berman

Bishop (NY) Hanabusa Pascarell
Blumenauer Hastings (FL) Pastor (AZ)
Bonamici Heinrich Pelosi
Boswell Higgins Perlmutter
Brady (PA) Himes Peters
Braley (IA) Hinchey Pingree (ME)
Brown (FL) Hinojosa Polis
Butterfield Hirono Price (NC)
Capps Huchol Holden Quigley
Capuano Holden Rahall
Carnahan Carnahan Holt Reyes
Carney Carney Honda
Carson (IN) Carson (IN) Hoyer
Castor (FL) Castor (FL) Inslee
Chandler Chandler Israel
Chu Jackson (IL) Jackson (IL)
Cicilline Jackson Lee Royal-Allard
Clarke (MI) (TX) Ruppertsberger
Clarke (NY) Johnson (GA) Ryan (OH)
Clay Johnson, E. B. Sánchez, Linda
Cleaver Kaptur T.
Clyburn Keating Sanchez, Loretta
Cohen Kildee Sarbanes
Connolly (VA) Kissell Schakowsky
Conyers Kucinich Schiff
Cooper Langevin Schrader
Costello Larsen (WA) Schwartz
Courtney Larson (CT) Scott (VA)
Critz Levin Scott, David
Crowley Lewis (GA) Serrano
Cuellar Lipinski Sewell
Cummings Loeb sack Sherman
Davis (CA) Lofgren, Zoe Shuler
Davis (IL) Lowey Slaugther
DeFazio Lujan Smith (WA)
DeGette Lynch Speier
DeLauro Maloney Stark
Deutch Markey Sutton
Dicks Matsui Thompson (CA)
Dingell McCarthy (NY) Tierney
Doggett McCollum Tonko
Donnelly (IN) McDermott Towns
Doyle McGovern Van Hollen
Edwards McIntyre Velázquez
Ellison Meeks Wasserman
Engel Michaud Schultz
Eshoo Miller (NC) Waters
Farr Miller, George Watt
Fattah Moore Waxman
Filner Moran Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—247

Adams Gallegly
Aderholt Carter Gardner
Akin Cassidy Garrett
Alexander Chabot Gerlach
Amash Chaffetz Gibbs
Amodei Coble Gibson
Austria Coffman (CO) Gingrey (GA)
Bachmann Bachmann Cole Gohmert
Bachus Conaway Goodlatte
Barletta Cooper Gosar
Bartlett Costa Gowdy
Barton (TX) Cravaack Granger
Bass (NH) Crawford Graves (GA)
Benishkek Crenshaw Graves (MO)
Berg Culberson Griffin (AR)
Biggert Davis (KY) Griffith (VA)
Bilbray Denham Grimm
Bilirakis Dent Guinta
Bishop (GA) DesJarlais Guthrie
Bishop (UT) Diaz-Balart Hall
Black Dold Hanna
Blackburn Dreier Harper
Blackburn Duffy Harris
Bonner Duncan (SC) Hartzler
Bono Mack Duncan (TN) Hastings (WA)
Boren Boren Hayworth
Boustany Ellmers Heck
Brady (TX) Emerson Farenthold
Brooks Farenthold Hensarling
Broun (GA) Fincher Herger
Buchanan Fitzpatrick Herrera Beutler
Bucshon Flake Huelkamp
Buerkle Buerkle Huizenga (MI)
Burgess Burgess Fleming Hultgren
Burton (IN) Burton (IN) Flores Hunter
Calvert Calvert Forbes Hurt
Camp Fortenberry Issa
Campbell Campbell Foxx Jenkins
Canseco Canseco Franks (AZ) Johnson (IL)
Capito Capito Frelinghuysen Johnson (OH)

MOTION TO RECOMMIT

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

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

Mr. GARAMENDI. I am.

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

The Clerk read as follows:

Mr. Garamendi moves to recommit the bill H.R. 1837 to the Committee on Natural Resources with instructions to report the same back to the House forthwith with the following amendment:

After section 2, insert the following:

SEC. 3. PROTECTING THE CONSTITUTION AND STATES' RIGHTS.

Consistent with the tenth amendment to the United States Constitution, nothing in this Act shall preempt or supersede State law, including State water law.

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

Mr. GARAMENDI. Mr. Speaker, I thank you for the opportunity to present this amendment. This amendment will not kill the bill nor send it back to committee, but it is an amendment that is important to every Representative in this House if you care about the 10th Amendment and you care about the ability of your State to set its own policies.

Mr. Speaker, every Member in this House should be paying attention to this bill. We read the Constitution the first day of this Congress. The 10th Amendment guarantees that the States have the ability to take care of their own water systems and many other issues that pertain to the States. This bill, this bill overrides State law in California. This bill sets aside numerous State laws in California. This bill overrides 150 years of California water law set in place by the legislature, the governors, by the courts of California, and the Federal courts. This bill destroys the ability of California to conduct and to manage its own water.

I put this map up of California so that you might contemplate for a few moments the impact and exactly what we're talking about. California is a big State, 38 million people, diverse, extraordinary water fights. There's a fellow who lived in California years ago, Mark Twain, and he said, "In California, whiskey's for drinking and water's for fighting." And it's been true ever since.

This is the Central Valley of California, the largest estuary on the West Coast of the Western Hemisphere. It's where the Sacramento River and the San Joaquin River join together in an inland estuary, one of the few in the world. And also, San Francisco Bay. This bill will lead to the destruction of the largest estuary on the West Coast of the Western Hemisphere, and it does so by overriding California law and the California Constitution.

The California Constitution holds the water of the State of California in trust. In trust. The State of California,

the government, is responsible for the care of that water so that it can be appropriately distributed, not only for the beneficial use of consumptive users, cities and farmers, but also, also for the environment.

This bill takes away the laws of the State of California that would provide for the protection of the environment. The California CEQA, Environmental Quality Act, the Air Quality Act, the Endangered Species Act of the State of California, are overridden by this bill. And by the way, the Federal laws also. It takes us back to 1994, to a period of time when we didn't know the science. We didn't understand what the full impact of water diversions and other contaminants and other species would be in the delta.

Since 1994, we have seen the collapse of the delta fisheries. We have seen thousands upon thousands of fishermen, both commercial and recreational, unable to fish. The loss of much. There is a much talk in this House about a manmade drought. That's baloney. It was a real drought. And yes, there were environmental considerations that further reduced water. That water was reduced under contracts that called for shortages in the case of drought.

So what are we talking about here with this bill? We're talking about the usurpation of power by the Federal Government, taking the basic ability of the State of California to regulate its water, to deal with its environmental issues, and causing this House, this Federal Government, to have that power.

Think closely all of you who have a reclamation project in your district, and there are some 18 States, ranging from the Pacific to the Mississippi. You have reclamation projects. Think deeply. Think about what happens when the Federal Government goes to California, the biggest State, and says: We don't care what your laws are; we're going to tell you what to do. Think what that might mean to you in the future when somebody in your State has the power to put before this House a law that runs over the top of your State laws.

If you care about the 10th Amendment, if you care about States' rights, you'd better be voting "no" because this is a precedent you don't want to ever see in your State, and we don't want to see it in California. Think deeply, Members of this House, think deeply about what's at stake here. I ask for this motion to pass.

I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

Mr. McCLINTOCK. Mr. Speaker, I rise in opposition to the motion to recommit.

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

Mr. McCLINTOCK. Mr. Speaker, it is odd, very odd to hear the argument

again in this Hall that a State's right to deny basic freedoms to its citizens trumps the 14th Amendment to our Constitution. The last time we heard this argument in this Hall, it involved citizens' civil rights. Now it is the citizens' water rights. But make no mistake: it is the same old saw.

The reason we have a 14th Amendment to our Constitution is because its Framers recognized that States could become abusive of the rights of their citizens, including their property rights, including their water rights, and the Federal Government had a responsibility and a duty to protect them. A responsibility and a duty specifically vested in this Congress, a responsibility and a duty that we exercise in the bill that the gentleman from California would have us gut.

Well, what does the Constitution actually say on the subject? It says:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.

And it grants Congress the power to enforce by appropriate legislation the provisions of this article.

Let us turn to the provisions of the bill that the gentleman objects to. It is Title IV. It directs the Interior Secretary, in the operation of the Central Valley Project, a Federal project, I might add, to strictly adhere to State water rights laws and priorities. It doesn't trample State water rights; it invokes and enforces them.

Title IV goes on further to direct the Secretary to strictly adhere to and honor water rights and priorities that were obtained or existed pursuant to various sections of California water code.

□ 1810

I repeat, it doesn't trample States' rights. It invokes them and enforces them. This sets no precedent for other States. California is the only State in the country with a coordinated operations agreement that combines a Federal project, the Central Valley Project, with a State project, the State Water Project, and does so, by the way, at California's request and with California's consent.

In fact, Congress has a long history of citing that Coordinated Operations Agreement to invoke preemptive authority over this coordinated Federal and State project. The Central Valley Project Improvement Act in 1992 is replete with such preemptions.

Mr. Speaker, fewer Americans are working today than were working the day that this administration was sworn into office. This administration's actions caused thousands and thousands of hardworking farm working families to lose their jobs. This measure solves that travesty. The same administration that is blocking the thousands of jobs that the Keystone pipeline would produce has also vowed to veto this measure. I think the American people are going to have a great deal to say about that in coming days.

Ironically, the provision that the gentleman would have us remove was specifically placed in the bill because he and his colleagues objected that its original provision might cause the State government to actively undermine the rights of its senior water rights holders. Now that was a legitimate concern. Senior water rights holders in northern California were scared to death that they might have the State undercut their water rights, and this bill specifically addresses that concern. To address that concern, this provision was placed in the bill, and now the gentleman objects to it.

The gentleman first attacked the bill because the bill lacked this protection, and now he attacks the bill because it has that protection. The gentleman knows what I'm talking about. The gentleman knows that I have great affection for him, but I must say he is becoming exceedingly hard to please.

I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded not to traffic the well while another Member is under recognition.

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 noes appeared to have it.

RECORDED VOTE

Mr. GARAMENDI. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 178, noes 248, not voting 7, as follows:

[Roll No. 90]

AYES—178

Ackerman	Clyburn	Fudge
Andrews	Cohen	Garamendi
Baca	Connolly (VA)	Gonzalez
Baldwin	Conyers	Green, Al
Barrow	Cooper	Green, Gene
Becerra	Costello	Grijalva
Berkley	Courtney	Gutiérrez
Berman	Critz	Hahn
Bishop (GA)	Crowley	Hanabusa
Bishop (NY)	Cuellar	Hastings (FL)
Blumenauer	Cummings	Heinrich
Bonamici	Davis (CA)	Higgins
Boswell	Davis (IL)	Himes
Brady (PA)	DeFazio	Hinchey
Bralley (IA)	DeGette	Hinojosa
Brown (FL)	DeLauro	Hirono
Butterfield	Deutch	Hochul
Capps	Dicks	Holden
Capuano	Dingell	Holt
Carnahan	Doggett	Honda
Carney	Donnelly (IN)	Hoyer
Carson (IN)	Doyle	Inslée
Castor (FL)	Edwards	Israel
Chandler	Ellison	Jackson (IL)
Chu	Engel	Jackson Lee
Cicilline	Eshoo	(TX)
Clarke (MI)	Farr	Johnson (GA)
Clarke (NY)	Fattah	Johnson, E. B.
Clay	Filner	Kaptur
Cleaver	Frank (MA)	Keating

Kildee	Neal	Scott, David
Kind	Oliver	Serrano
Kucinich	Owens	Sewell
Langevin	Pallone	Sherman
Larsen (WA)	Pascarella	Sires
Larson (CT)	Pastor (AZ)	Slaughter
Levin	Pelosi	Smith (WA)
Lewis (GA)	Perlmutter	Speier
Lipinski	Peters	Stark
Loeb	Pingree (ME)	Sutton
Lofgren, Zoe	Polis	Thompson (CA)
Lowe	Price (NC)	Thompson (MS)
Lujan	Quigley	Tierney
Lynch	Rahall	Tonko
Maloney	Reyes	Towns
Markey	Richardson	Tsongas
Matsui	Richmond	Van Hollen
McCarthy (NY)	Rothman (NJ)	Velázquez
McCollum	Roybal-Allard	Visclosky
McDermott	Ruppersberger	Rush
McGovern	Rush	Walz (MN)
McIntyre	Ryan (OH)	Wasserman
McNerney	Sánchez, Linda	Schultz
Meeks	T.	Waters
Michaud	Sanchez, Loretta	Watt
Miller (NC)	Sarbanes	Waxman
Miller, George	Schakowsky	Welch
Moore	Schiff	Wilson (FL)
Moran	Schrader	Woolsey
Murphy (CT)	Schwartz	Yarmuth
Napolitano	Scott (VA)	

NOES—248

Adams	Fincher	LaTourette
Aderholt	Fitzpatrick	Latta
Akin	Flake	Lewis (CA)
Alexander	Fleischmann	LoBiondo
Altmire	Fleming	Long
Amash	Flores	Lucas
Amodei	Forbes	Luetkemeyer
Austria	Portenberry	Lummis
Bachmann	Fox	Lungren, Daniel
Bachus	Franks (AZ)	E.
Barletta	Frelinghuysen	Mack
Bartlett	Gallegly	Manzullo
Barton (TX)	Gardner	Marchant
Bass (NH)	Garrett	Marino
Benishek	Gerlach	Matheson
Berg	Gibbs	McCarthy (CA)
Biggart	Gibson	McCaul
Bilbray	Gingrey (GA)	McClintock
Bilirakis	Gohmert	McCotter
Bishop (UT)	Goodlatte	McHenry
Black	Gosar	McKeon
Blackburn	Gowdy	McKinley
Bonner	Granger	McMorris
Bono Mack	Graves (GA)	Rodgers
Boren	Graves (MO)	Meehan
Boustany	Griffin (AR)	Mica
Brady (TX)	Griffith (VA)	Miller (FL)
Brooks	Grimm	Miller (MI)
Broun (GA)	Guinta	Miller, Gary
Buchanan	Guthrie	Mulvaney
Bucshon	Hall	Murphy (PA)
Buerkle	Hanna	Myrick
Burgess	Harper	Neugebauer
Burton (IN)	Harris	Noem
Calvert	Hartzler	Nugent
Camp	Hastings (WA)	Nunes
Campbell	Hayworth	Nunnelee
Canseco	Heck	Olson
Capito	Hensarling	Palazzo
Cardoza	Herger	Paulsen
Carter	Herrera Beutler	Pearce
Cassidy	Huelskamp	Pence
Chabot	Huitzenga (MI)	Peterson
Chaffetz	Hultgren	Petri
Coble	Hunter	Pitts
Coffman (CO)	Hurt	Platts
Cole	Issa	Poe (TX)
Conaway	Jenkins	Pompeo
Costa	Johnson (IL)	Posey
Cravaack	Johnson (OH)	Price (GA)
Crawford	Johnson, Sam	Quayle
Crenshaw	Jones	Reed
Culberson	Jordan	Rehberg
Davis (KY)	Kelly	Reichert
Dicks	King (IA)	Renacci
Dingell	King (NY)	Ribble
Doggett	Kingston	Rigell
Donnelly (IN)	Kinzinger (IL)	Rivera
Doyle	Kissell	Roby
Edwards	Kline	Roe (TN)
Ellison	Kludge	Rogers (AL)
Engel	Labrador	Rogers (KY)
Eshoo	Lamborn	Rogers (MI)
Farr	Lance	Rohrabacher
Fattah	Landry	Rokita
Filner	Lankford	Rooney
Frank (MA)	Latham	

Ros-Lehtinen	Shuster	Walberg
Roskam	Simpson	Walden
Ross (AR)	Smith (NE)	Walsh (IL)
Ross (FL)	Smith (NJ)	Webster
Royce	Smith (TX)	West
Runyan	Southerland	Westmoreland
Ryan (WI)	Stearns	Whitfield
Scalise	Stivers	Wilson (SC)
Schilling	Stutzman	Wittman
Schmidt	Sullivan	Wolf
Schock	Terry	Womack
Schweikert	Thompson (PA)	Woodall
Scott (SC)	Thornberry	Yoder
Scott, Austin	Tiberi	Young (AK)
Sensenbrenner	Tipton	Young (FL)
Sessions	Turner (NY)	Young (IN)
Shimkus	Turner (OH)	
Shuler	Upton	

NOT VOTING—7

Bass (CA)	Nadler	Rangel
Cantor	Paul	
Lee (CA)	Payne	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1830

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

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.

RECORDED VOTE

Mrs. NAPOLITANO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 246, noes 175, answered ‘present’ 1, not voting 11, as follows:

[Roll No. 91]

AYES—246

Adams	Cardoza	Garrett
Aderholt	Carter	Gerlach
Akin	Cassidy	Gibbs
Alexander	Chabot	Gibson
Altmire	Chaffetz	Gingrey (GA)
Amodei	Coble	Gohmert
Austria	Coffman (CO)	Goodlatte
Baca	Cole	Gosar
Bachmann	Conaway	Gowdy
Bachus	Costa	Granger
Barletta	Cravaack	Graves (GA)
Bartlett	Crawford	Graves (MO)
Barton (TX)	Crenshaw	Griffin (AR)
Bass (NH)	Culberson	Griffith (VA)
Benishek	Davis (KY)	Grimm
Berg	Denham	Guinta
Biggart	Dent	Guthrie
Bilbray	DesJarlais	Hall
Bilirakis	Diaz-Balart	Hanna
Bishop (GA)	Dold	Harper
Bishop (UT)	Dreier	Harris
Black	Duffy	Hartzler
Blackburn	Duncan (SC)	Hastings (WA)
Bonner	Duncan (TN)	Hayworth
Bono Mack	Ellmers	Heck
Boren	Emerson	Hensarling
Boustany	Farenthold	Herger
Brady (TX)	Fincher	Herrera Beutler
Brooks	Fitzpatrick	Huelskamp
Broun (GA)	Flake	Huizenga (MI)
Buchanan	Fleischmann	Hultgren
Bucshon	Fleming	Hunter
Buerkle	Flores	Hurt
Burgess	Forbes	Issa
Burton (IN)	Fortenberry	Jenkins
Calvert	Fox	Johnson (IL)
Camp	Franks (AZ)	Johnson (OH)
Campbell	Frelinghuysen	Johnson, Sam
Canseco	Gallegly	Jones
Capito	Gardner	Jordan

Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney

NOES—175

Ackerman
Amash
Andrews
Baldwin
Barrow
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Clever
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel

Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise

Schilling
Schmidt
Schmid
Noem
Schweikert
Nunes
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

McDermott
McGovern
McNerney
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schradler
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney

Tonko
Towns
Tsongas
Van Hollen
Velazquez
Visclosky

Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman

Welch
Wilson (FL)
Woolsey
Yarmuth

ANSWERED "PRESENT"—1

Shuler

NOT VOTING—11

Bass (CA)
Cantor
Lee (CA)
McIntyre
Meeks
Murphy (PA)
Nadler
Paul
Payne
Rangel
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

□ 1836

Ms. BROWN of Florida changed her vote from "aye" to "no."
So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:
Mr. MURPHY of Pennsylvania. Mr. Speaker, on rollcall No. 91, I was unavoidably detained.

Had I been present, I would have voted "aye."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1912

Mr. CICILLINE. Mr. Speaker, I ask unanimous consent that Congressman ED ROYCE be removed as a cosponsor of H.R. 1912.

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

There was no objection.

CRASH OF USCG MH-65C HELICOPTER

(Mr. BONNER asked and was given permission to address the House for 1 minute.)

Mr. BONNER. Mr. Speaker, it is with a heavy heart that I bring to the attention of the House the news that a United States Coast Guard helicopter crashed last night in Mobile Bay during a training mission.

Early this morning I spoke by phone to Coast Guard Sector Commander Captain Don Rose in Mobile, where he informed me that one crew member had lost his life, and three others are missing. Search efforts for the missing crew have been under way through last night and today, and they are ongoing at this time near the crash site off Point Clear, Alabama.

Naturally, I offered to Captain Rose the praise and heartfelt sympathies of the Congress, as well as our entire Nation, not only to those immediate families of those brave Coasties, but to the entire Coast Guard family.

Whether during a hurricane, an oil spill, or one of their daily encounters with danger when conducting a search and rescue mission, the United States Coast Guard plays a vital role that we too often take for granted.

It is at times like this when we are reminded of the dangers they face in

their service to our Nation. They are truly on the first line of protecting our country, and we can never thank them enough.

Mr. Speaker, I ask, at this time, that all Americans lift a prayer to the Good Lord for the loss of life that has occurred. May God's blessings and healing hand be on those left behind.

TORNADO IN HARRISBURG, ILLINOIS

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute.)

Mr. SHIMKUS. Mr. Speaker, I too come to the well to address a tragedy that happened this morning. Early this morning, an F-4 tornado hit the city of Harrisburg, Illinois, in my district. There was extensive damage, and six residents lost their lives.

Our thoughts and prayers are with those who lost family and friends, those who were injured, and those who lost their homes.

I plan to visit Harrisburg personally tomorrow and thank all those first responders who have been working tirelessly to care for the injured and to begin the long road back to clean up. The mutual aid provided by the surrounding communities is also very heartwarming.

I pledge to work with Mayor Eric Gregg and other local officials to rebuild the Harrisburg we all know and love.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DESJARLAIS). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

□ 1840

ST. CROIX RIVER CROSSING PROJECT AUTHORIZATION ACT

Mr. PETRI. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1134) to authorize the St. Croix River Crossing Project with appropriate mitigation measures to promote river values.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1134

SECTION 1. SHORT TITLE.

This Act may be cited as the "St. Croix River Crossing Project Authorization Act".

SEC. 2. AUTHORIZATION OF PROJECT WITH MITIGATION MEASURES.

Notwithstanding section 7(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1278(a)), the head of any Federal agency or department may authorize and assist in the construction of a new extradosed bridge crossing the St.