

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 1837)
TO ADDRESS CERTAIN WATER-RELATED CONCERNS ON
THE SAN JOAQUIN RIVER, AND FOR OTHER PURPOSES

FEBRUARY 28, 2012.—Referred to the House Calendar and ordered to be printed

Mr. BISHOP of Utah, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 566]

The Committee on Rules, having had under consideration House Resolution 566, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 1837, the San Joaquin Valley Water Reliability Act, under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources. The resolution waives all points of order against consideration of the bill. The resolution makes in order as original text for purpose of amendment an amendment in the nature of a substitute consisting of Rules Committee Print 112-15 and provides that it shall be considered as read. The resolution waives all points of order against the amendment in the nature of a substitute. The resolution makes in order only those amendments printed in this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this 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 in the House or in the Committee of the Whole. The resolution waives all points of order against the amendments printed in this report. Finally, the resolution provides one motion to recommit with or without instructions.

EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of the bill includes a waiver of Section 311 of the Congressional Budget Act, which prohibits consideration of legislation that would cause revenues to be less than the level of total revenues set forth in the concurrent resolution on the Budget.

Although the resolution waives all points of order against the amendment in the nature of a substitute made in order as original text, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendments printed in this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 196

Motion by Mr. McGovern to report an open rule. Defeated: 4–6.

Majority members	Vote	Minority members	Vote
Mr. Sessions	Nay	Ms. Slaughter	Yea
Mr. Woodall	Nay	Mr. McGovern	Yea
Mr. Nugent	Nay	Mr. Hastings of Florida	Yea
Mr. Scott of South Carolina	Nay	Mr. Polis	Yea
Mr. Webster	Nay		
Mr. Dreier, Chairman	Nay		

SUMMARY OF THE AMENDMENTS MADE IN ORDER

1. McClintock (CA): Manager's Amendment. Would make several technical and clarifying changes to the bill. (10 minutes)

2. Thompson, Mike (CA), Eshoo (CA): Would prevent several provisions of this Act from going into effect if any agriculture, agriculture-related, fishery, or fishery-related job is lost North of the Sacramento-San Joaquin River Delta. (10 minutes)

3. McNerney (CA): Would prevent several provisions of the Act from taking effect until it is determined that it will not harm the quality or safety of drinking water supplies for residents of California's Delta region (Contra Costa, Sacramento, San Joaquin, Solano, and Yolo Counties). (10 minutes)

4. McNerney (CA): Would prevent several provisions of the Act from taking effect until it is determined that it will not harm water quality or water availability for agricultural producers in California's Delta region (Contra Costa, Sacramento, San Joaquin, Solano, and Yolo Counties). (10 minutes)

5. Garamendi (CA): Would remove provisions of the bill that seek to privatize a public resource and restore the Secretary of the Interior's discretion over water contract renewals. (10 minutes)

6. Napolitano (CA): Would create a revenue stream through the elimination of a subsidy that allowed irrigators to repay project debt with no interest. (10 minutes)

7. Garamendi (CA): Would remove provisions of the bill that seek to decrease current supply of water to the Delta region. (10 minutes)

8. Markey, Edward (MA), Thompson, Mike (CA), Matsui (CA): Would replace provisions in H.R. 1837 that override state law with a provision upholding state law and requiring use of the best available science. (10 minutes)

9. Garamendi (CA): Would ensure that new water deliveries to Kettleman City can be met with existing water allocations. (10 minutes)

TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MCCLINTOCK OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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”.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE THOMPSON OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MCNERNEY OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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).

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MCNERNEY OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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).

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GARAMENDI OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Strike section 103.

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE NAPOLITANO OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

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 $\frac{1}{8}$ of 1 percent on the underpaid balance of the allocable project cost."

7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GARAMENDI OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Strike section 105.

8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MARKEY OF MASSACHUSETTS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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.

9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GARAMENDI OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 22, line 13, after "water" insert ", conserved from the San Luis Unit,".