

Representative POE, Representative WAGNER, and others, to combat this despicable crime.

This legislation, first passed in 2000, revolutionized U.S. efforts against trafficking here and abroad. It included language I offered targeting traffic on the demand side, which is very important and key to punishing the real criminals here: pimps, johns, and traffickers who buy and sell their victims.

This legislation makes improvements to programs and policies that combat trafficking here and around the world. It helps law enforcement in their efforts to prosecute, which is growing. It improves professional training to identify potential trafficking victims and provides services to enable survivors to rebuild their lives with dignity.

Perpetrators of modern-day slavery are profiting to the tune of \$150 billion a year. We need a coordinated, comprehensive approach to stop it.

I urge all of my colleagues to vote "yes." This bill saves lives. It is important. I am thrilled to be part of the effort to combat human trafficking in our world.

Mr. ROYCE of California. Mr. Speaker, I continue to reserve the balance of my time.

Ms. BASS. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, I thank my colleagues, CHRIS SMITH and KAREN BASS, for spearheading this important bill and for really putting tremendous energy into it.

Mr. Speaker, far too often, it is our children who fall victim to the horror of human trafficking. As you have heard this afternoon, we must do everything that we can to stop this injustice.

Often it has been said of human trafficking that it is hiding in plain sight. Advocates and survivors are always telling me that it is important to punish traffickers, but we also need to focus on prevention.

The reauthorization of the Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act strengthens what we need in this holistic approach. It includes my bill, the Empowering Educators to Prevent Trafficking Act. This language in the bill creates a training program that I think you have heard about that empowers educators to spot the signs of trafficking and, in turn, teach their students how to protect themselves from becoming victims.

With the passage of this bill, our schools can join the resistance in the fight against trafficking. Armed with knowledge, students and teachers can join the battle lines against the injustice of modern-day slavery.

I want to thank all those who have participated in this bill, and I urge my colleagues to support it.

□ 1630

Mr. ROYCE of California. Mr. Speaker, I continue to reserve the balance of my time.

Ms. BASS. Mr. Speaker, I thank the author of this important legislation, Mr. CHRIS SMITH; and I thank Chairman ROYCE for bringing it to the floor. I support this bill and I encourage my colleagues to do so as well.

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

Mr. ROYCE of California. Mr. Speaker, I yield myself such time as I may consume.

I would just mention, Mr. Speaker, that 20 years ago, human trafficking was unknown, I think, to most Americans and there was little public awareness of the severity of what we are calling here today modern-day slavery.

Seventeen years ago, Congress led on this issue by passing the Trafficking Victims Protection Act. We had very strong bipartisan support, and the rankings, the sanctions, the programs created by that law have been instrumental in building the momentum and awareness that exists out there today. And with each reauthorization, those laws have been fine-tuned, they have been strengthened. This bill continues that tradition. It is time to recommit ourselves to this noble fight against slave-like labor and sexual exploitation of underage children.

I have asked some of the victims why it is that so many of these criminal gangs move from drug running and other kinds of activity into this kind of behavior, and part of the response is: Because, you know, in a drug war, a gang member can get himself killed, but it is a lot easier to exploit a 14-year-old underage girl, it is a lot easier to be in that kind of business than it is in the more dangerous business.

We have got to overcompensate for this reality by passing legislation which allows these additional tools to be used to close down these criminal syndicates and to create real deterrence for those gang members who consider going into this line of work.

So I thank Mr. SMITH, Congresswoman KAREN BASS, and all my fellow cosponsors on this bill. It deserves our strong support.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and pass the bill, H.R. 2200, as amended.

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

A motion to reconsider was laid on the table.

#### GAINING RESPONSIBILITY ON WATER ACT OF 2017

##### GENERAL LEAVE

Mr. McCLINTOCK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 23.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 431 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. 23.

The Chair appoints the gentleman from Pennsylvania (Mr. PERRY) to preside over the Committee of the Whole.

□ 1634

##### 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. 23) to provide drought relief in the State of California, and for other purposes, with Mr. PERRY in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

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

The Chair recognizes the gentleman from California (Mr. McCLINTOCK).

Mr. McCLINTOCK. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, in California, 5 years of historic drought caused billions of dollars of damage to our economy, destroyed tens of thousands of jobs, and brought many communities within just months of literally running out of water, all because we couldn't store water from the wet years to assure plenty in the drought years.

Then back to back with this historic drought, we have just had one of the wettest winters on record. Massive torrents of water threatened entire communities on its way to be wasted in the Pacific Ocean, all because of the very same problem: we have few reservoirs to store this superabundance of water for the next drought.

Even before the drought, massive water diversions required by a growing tangle of laws and regulations had created devastating economic hardship in California's fertile Central Valley. Those same policies forced us to release what precious little water we had remaining behind our dams to adjust river temperatures for fish.

For three Congresses now, the House has acted to fix this folly. Today, H.R. 23, the GROW Act, by Congressman DAVID VALADAO, addresses the policy, regulatory, and administrative failures that have mismanaged our water supplies across the West.

The GROW Act includes both short-term and long-term provisions aimed at restoring water reliability and certainty to cities and farms. It includes seven titles that expand water storage, improve infrastructure, protect water rights, and create more abundant and reliable water resources to benefit both communities and the environment.

The GROW Act gives Federal agencies the tools they need to help safeguard communities from the hardship of future droughts. It codifies the historic Bay-Delta accord that provided an equitable balance between human and environmental needs and guaranteed the reliability and predictability of our water supplies.

It strengthens northern California area-of-origin water rights and prevents the Federal Government from demanding that people give up their water rights in order to operate on Federal land.

It streamlines the endlessly time-consuming and cost-prohibitive environmental permitting that is blocking new reservoir construction by coordinating Federal agencies and requiring transparency of the science behind its decisions.

It requires completion of studies for five new reservoirs that have dragged on for decades.

In the past, we have heard three objections from opponents. The first is it will decimate salmon fisheries. On the contrary, it saves those fisheries where the environmental policies of the past 40 years have utterly failed to protect them.

The GROW Act targets the nonnative predators that are responsible for 90 percent of salmon losses as the smolts try to make their way to the ocean. It encourages the use of fish hatcheries to assure that salmon populations will increase dramatically in future years.

The second objection is that it will preempt State water rights laws. Read section 302 of the bill. "The Secretary of the Interior is directed, in operation of the Central Valley Project, to adhere to California's water rights laws governing water rights priorities . . ."

It goes on to say that diversions "shall not be undertaken in a manner that alters the water rights priorities established by California law."

It does have provisions necessary to codify the Bay-Delta agreement and combat invasive predators, but this doesn't set a precedent for other States. California is unique among the States in the fact that it operates with a coordinated operating agreement that combines the Federal Central Valley Project and the California State water projects and runs them as a unified system. This was at the request of California and with its consent.

The third objection is that it rewards powerful agricultural interests at the expense of consumers. This is nonsense. An average consumer uses roughly 100 gallons a day to wash the dishes, water the lawn, everything else we do in our daily lives. But when you purchase a cheeseburger, you have just consumed 750 gallons of water because that is what it takes to grow the ingredients in that cheeseburger. Buy a pair of jeans, you have just used 1,800 gallons of water.

The fact is that all of this water benefits consumers and the tens of thousands of farm workers and others who

provide for their families from this water.

Droughts are nature's fault. Water shortages are our fault. They are a choice we made a generation ago when we chose to neglect our infrastructure and mismanage our water resources. It has led to increasingly severe water shortages, spiraling utility and grocery bills, and economic stagnation. The GROW Act chooses a brighter future of abundance and prosperity that can begin today with our vote.

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

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

Mr. Chairman, so much for regular order. The bill before us today has not received a hearing in committee where witnesses could have testified about its effects. It has not gone through the markup process so that the committee of jurisdiction could actually debate and offer amendments to improve it.

Moreover, we are about to vote on a bill with several provisions that no one has ever seen before last Wednesday, aside from a small group of Republican offices and special interests that have been working on the bill.

Now, this closed-door process not only ignores the changing conditions of drought in California and how the State has already been adapting to meet water conservation needs, but it also ignores all of California's water provisions that were included, albeit at the last minute, in the WIIN Act last year, which is now Federal law.

There has been no discussion, no hearing, no way to know how the provisions of this bill that overlap with the enacted law will actually be implemented by the Trump administration. This is legislating blind, and it is a bad idea.

On some level, I do understand my Republican colleagues' fear of regular order on this bill. The more sunlight and public scrutiny that this bill gets, the uglier it looks. Make no mistake, if enacted, this bill will hurt a lot of people.

This bill takes water away from fishermen, from tribes, the environment, Delta farmers, and others in order to redistribute it primarily to a small group of some of the Nation's biggest and most politically connected agribusiness interests.

My Republican colleagues often talk about States' rights, yet this bill repeatedly overrides State laws over the objection of that State. I am talking, of course, about California.

A letter of opposition to H.R. 23 recently came from Governor Jerry Brown, sent to the speaker of the house in the California Congressional Delegation attesting to this. Governor Brown writes: "This bill overrides California water law, ignoring our State's prerogative to oversee our waters. Commandeering our laws for purposes defined in Washington is not right."

This assault on California law and its values are why both California Senator

DIANNE FEINSTEIN and Senator KAMALA HARRIS oppose this bill as well.

Now, here are just a few examples of the sections in this bill that preempt State law. Section 108(d) begins with the words "California law is preempted" on page 21, paragraph 3. That section goes on to remove State protections for certain fisheries.

Section 113 of the bill preempts California law that requires the restoration of California's second longest river and that river's native salmon runs.

Section 108 of the bill tells the State of California that it is barred from managing the State's water in any way that would "protect, enhance, or restore . . . any public trust value." In other words, the broader public interest can't be considered by the State when it is managing the water that belongs to the people of California.

Additionally, this bill eliminates existing fishery protections, which could put many of California's native fisheries and the thousands of jobs they support on a path to extinction. That means that this is more than just a California problem, because fishing communities in Oregon and Washington also depend on California salmon runs.

There was a recent UC Davis report that found that if present trends continue, many of California's salmon runs are on a path to extinction in the decades ahead. This bill would hasten that prediction into reality.

This is not just an environmental impact. It is a human one as well. We have heard from fishermen who are struggling to pay their mortgages, boats are being scrapped because owners can't pay mooring fees, homes are being repossessed. We have heard about the struggles of small-business owners running restaurants, hotels, and other retail and service businesses. We have also heard from Indian Country, like the Hoopa Valley Tribe that I represent, and others about the danger that this bill poses to tribal fisheries, to tribal water, fishing, property, and other rights.

□ 1645

Rather than simply picking winners and losers, as this destructive bill does, Congress should be working together to grow water supplies for everyone without violating Tribal responsibilities or overriding State sovereignty. Congress could be supporting a range of modern water technologies like reuse, desalination, water use efficiency, storm water capture, and groundwater storage and remediation. These are the tools that have increased California's water supplies in recent years and are making our State more drought resilient, but this bill does none of that.

These are not controversial suggestions working on these modern water supply tools; in fact, it was the reclamation commissioner for President George W. Bush who described the water that we could tap through reuse as the next great river of the American

West. We should be focusing on those kind of noncontroversial consensus solutions.

I urge my colleagues to vote “no” on this bill, and I reserve the balance of my time.

Mr. MCCLINTOCK. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. NUNES), who has been a leader on this issue for more than two decades.

Mr. NUNES. Mr. Chairman, I thank Mr. MCCLINTOCK for yielding me the time and for his kind words.

Mr. Chairman, I am not going to respond to the other side of the aisle because some things that are said on this floor are so ridiculous that they don't deserve a response. So I just want to talk today, Mr. Chairman, about the facts that we face in the San Joaquin Valley.

So in the southern and central San Joaquin Valley, we have about 3 million acres of farm ground, land that is the most fertile farmland in the world—not just in the United States, in the world. We are in danger of losing about a third of that farmland largely because the leftwing government in California has overreached so far that they are now taking away people's private property rights.

So I want to talk first about our water shortage. So this is the shortage of water that we have in the valley. So it is about 2.6 million acre feet are what we need on average to farm all of the land that we have historically farmed in our area.

Now, these are farms that provide food for not only the people of the United States and all over the world but also for the families that work on these farms.

So we hear a lot about drought, and we have had supposedly a severe drought, and it was no question a severe drought, but what the left continues to not want to talk about is all the water that gets dumped out into the ocean every year. So just from October of last year to just a couple days ago, 46 million acre feet of water have gone out to the ocean. So if you go back to the chart I just had, we are only short 2.6 million acre feet. So of the water that has flown into the delta in the middle of California, 92 percent of that water has gone out to the ocean, and it has been wasted.

Now, some on the other side of the aisle, they continually talk about global warming, and they continually talk about how the oceans are rising. Well, if you believe the oceans are rising, why would you want more water to flow out into the ocean? I don't understand that.

So this is about a million acres of farmland that is going to come out of production if we don't do anything about it. About 1 million acres over the next decade will begin to come out of production. In fact, some this year is already out of production because none of the water was moved early enough so that it could get to farms in time.

So even though we have flooding—so this picture was taken just a couple days ago—this is water spilling over the top of the dam that is going to go all the way out into the ocean and be wasted, for an ocean that supposedly is rising because of global warming. So this is happening because, as Mr. MCCLINTOCK said, we are not building water storage projects.

So what this bill does is it reverts back to what the Founding Fathers of our State built, mostly Democrats, by the way. It was Democrats working with the Republicans who built this water system in California. So if we take the existing water system that we have, we add to that four or five facilities, like Mr. MCCLINTOCK is talking about, all the land gets farmed, all the species get saved, everybody goes to work.

What you will not hear from the left, and this is very disturbing, I only picked the least disturbing of all the pictures, but I think it is important for people here in Washington and all over the United States to understand this, this is just one family of many of thousands of families where their homes actually ran out of water. So this picture is not from Africa, it is not from somewhere in Southeast Asia. This is a picture from my area, from my district, from the central and southern San Joaquin Valley. These are people who are out of water.

So the left always talks about wanting to protect people, wanting people to be able to work, yet we have people with no water in their homes, and yet they are willing to see 92 percent of the water flush right out by the Golden Gate Bridge and be wasted for an ocean that supposedly is filling up.

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

We often hear about water that flows through the estuary of California's Bay-Delta system, we hear that sometimes described as wasted. There are some inconvenient facts that we have to bring up when that happens, like the fact that almost all of that water that flows out through the estuary is to prevent salt water intrusion so that the State and Federal water pumps aren't sending salty water to millions of Californians. That wouldn't work. In fact, if we shut down all of that outflow that my colleague just mentioned, that is exactly what you would see: massive salt water intrusion and a shutdown of the State and Federal water projects.

There is also incredible value in the water that flows through that estuary for downstream communities and farmers and senior water right holders, and others who have depended on it for decades. No one understands that better than my colleague who represents some of those communities in the estuary, in the delta, MIKE THOMPSON.

Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. Mr. Chairman, I rise in opposition to this

bill, and I rise on behalf of the fishermen, the landowners, the delta and north-of-delta farmers, the conservationists, the sportsmen, coastal communities, the counties in my district, and the water users across our State that will be harmed by this bill.

This is a disappointing effort to take care of the San Joaquin Valley's massive agro businesses at the expense of everyone else.

More times than I can count, I have stood on this floor with many of my colleagues from California to explain that our State's water system is complicated. It is because there are hundreds of stakeholders. There are decades of rules, laws, and court cases from every level of government and industry that regulate the delivery of water to users across our State.

Once again, this body is proposing to end-run that delicate balance to benefit one interest. That is wrong.

Once again, we are gutting Federal protections for fish and wildlife that support our State's \$3.5 billion hunting and angling industry and our \$1.5 billion salmon industry.

Once again, we are preempting California laws and regulations, telling States across America that we are okay with the Federal Government undermining State and local experts from coast to coast, but this time they are going further.

This bill isn't just about water anymore. It is about giving contractors a pass on their obligations to be good stewards of the resources they are using in the Central Valley of California; it is about reneging on this body's commitment to the restoration of wildlife and habitat that have suffered the consequences of water management plans that already put them last; it is about cutting stakeholders out of the picture and determining winners and losers in Federal statute; taking a blunt ax to our State's water system over the objections of our Governor, both of our Senators, and many of our colleagues in the House. This is wrong for California.

It won't alleviate water shortages, but it will kill jobs, and it will ruin drinking water for millions.

We need real solutions that are based on sound science and that work for everyone. This bill is not that solution. It is bad for California's economy, bad for our State sovereignty, and bad for our environment. I urge my colleagues to vote “no.”

Mr. MCCLINTOCK. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. VALADAO), the author of this legislation.

Mr. VALADAO. Mr. Chairman, the first slide that I wanted to present here is one that I think is very important when we talk about water going out into the ocean.

The first bar there, the dark blue one, is how much water was flowing through the estuary this past year.

The second bar is actually a little bit of an exaggeration. If we took every

single reservoir that we propose in this bill, multiplied it by ten—ten times the amount of storage that we are proposing—we still wouldn't use all that water. There would still be quite a bit of water flowing out into the ocean. So multiply every single project times ten, and we still don't use up all the water.

So there was a lot of water wasted this year alone that we had the opportunity to capture if this bill had been presented earlier or passed into law, and we had the opportunity to actually make a difference.

Why does that make a difference to so many folks? It makes a difference because the Central Valley is very important to the country. We feed the Nation. When you look at all the different commodities, and this is just a small sample, we produce over 400 different commodities, and a lot of these, a big majority, some of them as much as 99 percent of the different commodities that go through.

So everyone sitting at home around the country should pay attention, because this affects their food supply. Even here in the Capitol, when you make yourself a salad at the salad bar, those salads, all those different products are produced mostly in the Central Valley, and so that is why this legislation is so important.

The reason why it is important to my farmers to get this done, even in a year like this, where we had a 200 percent rainfall, with the amount of water that was flowing through that was, again, in my opinion, wasted, they didn't find out until it was too late. Planning decisions need to be made over at the beginning of this when the rain is coming down and they know that the water is there, not in March or in April, because the opportunity has passed.

Farmers are very optimistic people. They put stuff in the ground, cover it with dirt, and hope that it will grow so they can feed the world, but having them wait until April to make those decisions to plant those commodities and create those jobs is just way too late.

Now, this is the one that I think is the most important. This is Mendota, California. This is a farm worker. This is what happens when we allow water to flow out into the ocean that is wasted. People are living in shantytowns. These are people who want to work and people who want to feed the world, people who want to provide for their own families, and not wait for a check from the government. They just want to know when they are getting their water so that they can start to produce crops and feed the world, but this, because of the policies through Washington, D.C., is what we end up with.

Now all the folks who represent parts of my community in different ways, whether it is the water district, city, city councils, county governments, they have all sent in letters in support.

I include in the RECORD a list of all the folks who sent in letters in support of the legislation.

#### GROUPS SUPPORTING H.R. 23

Agricultural Retailers Association; ASV Wines; Blue Diamond Growers; California Cattlemen's Association; California Citrus Mutual; California Farm Bureau Federation; California Fresh Fruit Association; California Poultry Federation; California Water Alliance; City of Arvin; City of Atwater; City of Avenal; City of Clovis; City of Coalinga; City of Corcoran; City of Delano; City of Dinuba; City of Exeter; City of Farmersville; City of Firebaugh.

City of Fowler; City of Fresno; City of Hanford; City of Huron; City of Kerman; City of Kingsburg; City of Lemoore; City of Lindsay; City of McFarland; City of Mendota; City of Orange Cove; City of Parlier; City of Porterville; City of Reedley; City of San Joaquin; City of Sanger; City of Selma; City of Shafter; City of Tulare; City of Visalia; City of Wasco; City of Woodlake; Coalinga Chamber of Commerce; Corcoran Chamber of Commerce; Delano Chamber of Commerce.

Fresno Association of Realtors; Fresno Chamber of Commerce; Fresno County Board of Supervisors; Fresno County Farm Bureau; Fresno Economic Opportunities Commission; Fresno State; Friant Water Authority; Giumarra Vineyards; Gravelly Ford Water District; Greater Bakersfield Chamber of Commerce; Greater Reedley Chamber of Commerce; Hanford Chamber of Commerce; Kaweah Delta Water Conservation District; Kerman Chamber of Commerce; Kern County Board of Supervisors.

Kern County EDC; Kern County Farm Bureau; Kern County Hispanic Chamber of Commerce; Kern County Water Agency; Kern Ridge Growers, LLC; Kings County Board of Realtors; Kings County Board of Supervisors; Kings County Farm Bureau; Kings County Sheriff's Department; Kings River Conservation District/Water Association; Lakeside Irrigation Water District; Lemoore Chamber of Commerce; Madera County Farm Bureau; Merced County Farm Bureau.

Munger Farms; Municipal Water District of Orange County; National Milk Producers Federation; Nickel Family, LLC; Premier Valley Realty; San Joaquin River Exchange Contractors; San Joaquin Valley Water Infrastructure; Authority; Shafter Chamber of Commerce; South Valley Water Association.

Sunview Vineyards; Tipton Community Council; Tulare Chamber of Commerce; Tulare County Association of Governments; Tulare County Association of Realtors; Tulare County Board of Supervisors; Tulare County Farm Bureau; Tule River Association; Western Growers; Westlands Water District

Mr. VALADAO. Mr. Chairman, I think we need to have good, sound policy. I think it is time for the Governor and our Senators to play a role in this as well.

This bill has been passed. We have gotten some things passed, and I know that my friend across the aisle mentioned that earlier, but even after the WIIN Act was passed into law, we still had a delay in decisions made, because our farmers had no clue that they were getting their water.

So we have to pass legislation like this, this bill right here, and this is what can be helpful for us in the Central Valley in California and the Nation as a whole.

Mr. HUFFMAN. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. MATSUI).

Ms. MATSUI. Mr. Chairman, I thank my colleague for yielding.

Mr. Chairman, I rise in strong opposition to H.R. 23. Yet, again, it seems that instead of addressing the issues underlying California's water supply, some of my colleagues are more interested in fanning the flames of century-old water disputes.

The city of Sacramento, which I represent, sits at the confluence of two major rivers, the Sacramento and the American. Because there is no such thing as an average water year in California, living under the threat of drought and flood has become a way of life for Sacramento residents.

We are working with the Army Corps to invest billions of dollars in flood protection, and we are collaborating with the Bureau of Reclamation to build a groundwater bank and a water recycling facility to increase access to drinking water.

Congress should explore real solutions to drought challenges, as the Sacramento region is doing.

In the short term, we must be efficient about fixing leaks and waste while also continuing conservation efforts.

In the long-term, we should be taking advantage of new technologies to monitor our water use and making investments in wastewater cycling in above- and below-ground water storage.

Last Congress, I introduced a commonsense bill that removed barriers to wastewater cycling projects, making it possible for them to move forward more quickly and efficiently with Federal support. It ultimately became law. Yet instead of debating these types of solutions, we are wasting time on a bill that does not solve our underlying water supply problem.

□ 1700

I grew up on a farm in the Central Valley. My father, my uncles, and my grandfather were farmers. We raised peaches, plums, nectarines, and grapes. I recall living and understanding what water means to us, so I do understand the value and sensitivities about water.

Now, in the Sacramento region, where I now represent, we have tried to take a balanced approach, working to protect the environment while providing water for our farms and our cities.

It is misleading to claim that H.R. 23 will solve our drought problems. This legislation only prioritizes certain regions or industries instead of taking the comprehensive approach we need.

And by giving the Federal Government power to dictate the best uses of the State's water, H.R. 23 sets a disastrous precedent for other States across the country that should raise alarm on both sides of the aisle.

The bill we are discussing today undermines a State's autonomy. Ultimately, I am concerned that this bill will weaken environmental protections for the Sacramento-San Joaquin delta, and harm our State's ability to manage its own water.

That is why I join my district and the State of California in strongly opposing this bill. We cannot afford to

give up California's right to control its own water future. We must focus on an all-of-the-above strategy that puts us on the path to a sustainable water supply while protecting our environment.

Mr. Chairman, I strongly urge my colleagues to reject this legislation.

Mr. McCLINTOCK. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE of California. Mr. Chairman, the reason we are here today has to do with the drought in California that, frankly, could have been solved had we been allowed to move forward with the storage that we need. Because the process now is one of watching the rains come, watch the water run out to the ocean, and we do not have the ability to block the red tape that prevents us from building the storage that would hold that water so that we can use it during the drought.

What was the consequence of us not being able to address that? And why is it so important that we pass the GROW Act here that DAVID VALADAO from the Central Valley has introduced?

Well, the consequences were one of having thousands of jobs disappear. The consequences were having dead crops plowed under in hundreds of thousands of acres of farmland that had been left idle. The consequences were that billions of dollars were lost in the State. And, frankly, the State of California produces 400 commodities that are one-third of the country's vegetables. It is two-thirds of this country's fruit. It is two-thirds of the nuts produced. The industry brings in \$47 billion. When this happens, the consequences are felt by the farmers and by the people across California, by those thrown out of their jobs.

This is an incredibly important industry not only in California, but for the entire country. So, for years, we haven't gotten the water we paid for or contracted for.

But not to let us go forward with the additional storage and to put roadblocks in front of that, to absolutely block commonsense solutions, this has got to stop. This is why this legislation needs to be made into law.

Mr. HUFFMAN. Mr. Chairman, just to clarify, our environmental laws are not preventing new dams from being built. In fact, the Bureau of Reclamation, the GAO, and the Congressional Research Service have looked at this and haven't been able to identify a single—nor my colleagues across the aisle have been able to identify a single dam project that somehow was blocked because of environmental laws.

What has been stopping many of them—not all, but many of them—has been the financing challenge because many of these projects just don't make a lot of sense. It is important to realize that projects that do make sense have moved forward. They have secured financing. They haven't needed special shortcuts from the environmental laws. And they have happened, projects

like Diamond Valley, projects like Los Vaqueros, probably the coming expansion of Los Vaqueros.

Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from California (Mr. COSTA).

Mr. COSTA. Mr. Chairman, I thank the gentleman for yielding to me.

We, in the San Joaquin Valley, know that where food grows, water flows. That is not just a saying; that is the truth. It takes water to grow the food that we rely on to sustain ourselves.

Luckily, this year, we have been blessed with an abundance of rain and snow on the mountains—a record year. However, it is only because of the wettest year in California's historical record that the agricultural heartland of California, a place where half of our Nation's fruits and vegetables are grown, is, this year, free from drought.

Only 1 year ago, over 83 percent of California was in a moderate drought or worse. We know that the next drought is sure to come, threatening valley families and farm communities. It is either feast or famine. We measure water on 10-year averages. That is why we need solutions that solve this long-term challenge.

I commend Congressman VALADAO for continuing this effort. As I noted in a letter I wrote to him in February, though, I have concerns that this legislation, without some improvements, will fail to be that long-term solution that the valley and our State so desperately needs. This solution must be, at the end of the day, multifaceted, must not pick winners and losers, as California water policies in the past have so frequently done, to the detriment of both the agricultural economy, which we have felt, and California's ecosystems. Sadly, some of the provisions within this legislation, in my opinion, I think fail to meet this test.

Language within titles 1 and 3 would pose threats to the wetlands of Grasslands Ecological Area, the largest wetlands west of the Mississippi, a vital component of the Pacific Flyway, in an area that contributes nearly \$73 million a year alone to Merced County, which I represent.

Section 106 would drastically cut collections to the Central Valley Project Restoration Fund, which pays for refuge water conveyance—that is very important—and that would transfer oversight of the fund to other water users. It would also, I think, supersede State laws in some areas that, frankly, over the experience I have had, in many years, will create more problems than it solves.

In addition to these concerns, I know from having worked on water solutions for over 30 years that both here and in Sacramento, the only path to legislative success is through bipartisan, bicameral action, as we experienced in December with the passage of the WIIN Act that, by the way, authorized four reservoirs that was contained in the WIIN Act that Senator FEINSTEIN and I

and Republicans in the House worked on together in a very constructive way.

So, as always, I stand ready to work with my colleagues in both the House and the Senate on a bipartisan basis to improve this legislation and get solutions to fix California's broken water system to the President's desk.

I support moving this legislation forward to the Senate. But let's be clear, this is a work in progress, and much more work remains for this legislation, I think, to be successful.

Mr. McCLINTOCK. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from California (Mr. CALVERT), the dean of the Republican delegation to the House.

Mr. CALVERT. Mr. Chairman, I thank the gentleman for yielding.

Last winter, two miracles occurred 3,000 miles apart. Here in Washington, our Nation's Capital, Republicans and Democrats came together and passed a significant water bill that was signed into law. Back in California, we saw massive amounts of rainfall that came down in our drought-stricken State, quickly filling our depleted reservoirs.

But I think we can actually take another big step forward by passing H.R. 23, the GROW Act. This bill before us provides even more long-term water solutions for California by expediting the consideration of feasibility studies for water storage projects that have languished for periods of time that are longer than it took to actually build the Hoover Dam. The GROW Act also includes provisions that are critical to the Bay-Delta operations and help improve water reliability.

Last year, Mr. Chairman, you heard a lot of doomsday predictions from certain groups that said the language we passed would push threatened species towards extinction. That did not happen. Today you hear a lot of the same talk. But solutions to H.R. 23 are common sense and will bring reliability to the water supply of California.

Mr. Chairman, I encourage a "yes" vote.

Mr. HUFFMAN. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. MCNERNEY).

Mr. MCNERNEY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, we see this bill every Congress. That is, every 2 years we fight this thing out.

Let's talk about what it would do. It would weaken the Endangered Species Act—that has been a target of the Republican Party for decades. It will benefit one region while harming another. It will make a few people very wealthy. It will likely cause additional drainage problems for the Westlands and other water districts. It will cause ocean salt water to come farther inland in the California delta, poisoning farmland, destroying marinas, disrupting water supplies for cities along the delta, basically destroying the delta as we now know it. It will use precious limited water to plant evermore thirsty orchards in the desert. And it may expedite the creation of new dams with weakened environmental control.

So let's look at what it won't do. It won't create any new water.

So why do we have to go through this every 2 years?

It is good political theater for some colleagues, but it is not going to get through the Senate.

But all may not be lost. Here is a novel suggestion: work across party lines, work across northern versus southern California lines, and come to a compromise that will actually create new water and take all stakeholder interests into account.

We need to take a holistic approach.

It means actually funding recycling and above- and below-ground water storage that makes environmental sense. It means capturing stormwater, early leak detection, data collection, efficiency, and conservation. It is all of these things, all of which can be done in a cost-effective way that prepares us for the long-term.

There are countless recharge, recycling, desalinization projects, as well as other storage projects that are ready to go and could create or save enough water for thousands of families in California.

Instead of considering a bill that wastes water and that California opposes, we should be discussing how to most efficiently utilize the rain and snowpack we have, which can be done while protecting the environment.

Let's oppose this bill and start working on legislation that can be signed into law and benefit everyone.

Mr. McCLINTOCK. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona (Mr. GOSAR), the chairman of the bipartisan Western Caucus.

Mr. GOSAR. Mr. Chairman, I rise today in strong support of H.R. 23, legislation sponsored by my good friend and Western Caucus member, DAVID VALADAO.

For years, Western communities have suffered as a result of frivolous lawsuits, inefficient policies, and burdensome regulations that have prevented adoption of commonsense water solutions. These factors, coupled with a lack of rainfall, exacerbated a man-made drought that lasted for 5 years.

Rather than capturing precious water supplies, failed government policies that refused to put Americans first allowed billions of gallons to be funneled into the San Francisco Bay and Pacific Ocean. These deliberate diversions killed thousands of jobs, harmed our country's food supply, and led to local unemployment levels as high as 40 percent.

Today we have an opportunity to right these wrongs by passing the GROW Act, legislation that is supported by approximately 100 different cities, agriculture groups, water associations, irrigation districts, local chambers of commerce, and businesses throughout the country.

Most of the major provisions in this bill have been passed by this body numerous times. In fact, we have been working to enact similar legislation for nearly 5 years.

For example, title V includes Western Caucus member TOM McCLINTOCK's Water Supply Permitting Coordination Act, an excellent bill that will streamline the permitting process for important water storage projects.

Title VI includes Western Caucus member DAN NEWHOUSE's Bureau of Reclamation Water Project Streamlining Act, much-needed legislation that will result in increased storage of surface water.

Title VII includes Western Caucus Vice Chairman TIPTON's Water Rights Protection Act, an essential bill that protects private water rights from Federal takings.

I strongly support these titles and the underlying bill. It is far past time that we put our communities, families, and America first.

H.R. 23 addresses previous policy failures and adopts worthwhile water policies that will benefit future generations.

Mr. Chairman, I thank the gentleman from California for sponsoring this much-needed legislation, and I urge my colleagues to vote in support of this commonsense bill.

Mr. HUFFMAN. Mr. Chairman, I want to briefly respond to my friend's reference to a manmade drought.

What California just went through is what hydrologists, scientists, and historians tell us is the most significant drought the State has ever experienced—a natural one. I certainly knew that human activities were impacting the climate, but, wow, if human beings could actually cause the snowpack to be 5 percent of normal and cause a drought like that, that is taking human-induced climate change to a whole new level. We have got to be careful in this debate. We are beginning to give hyperbole a bad name.

□ 1715

Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. GARAMENDI), representing the Sacramento Valley.

Mr. GARAMENDI. Mr. Chairman, we have a serious case of legislative amnesia here. Apparently, the sponsors of this bill and those who are speaking in support of it have totally forgotten what we did last year. The WIIN Act last year addressed every single problem that has been presented here this afternoon: new reservoirs, four were authorized in the WIIN Act, which became law less than a year ago—7 months, to be exact; all of the issues of the outflows of water to the delta were addressed so that additional export of water from the delta could occur.

I am wondering: What are we doing here with this piece of legislation, aside from totally eviscerating the protections for the largest estuary on the West Coast, of the Western Hemisphere? The environmental protections are eviscerated.

What are we doing with this legislation besides—oh, you wanted to talk about private water rights? Those pri-

vate water rights are set in place by the laws of the State of California, which are overridden by this piece of legislation.

Yes, that is true. This legislation removes the water rights that the State of California has given to individuals as well as irrigation districts, but they are stripped away.

What is this all about?

Last year, a 2-year effort was completed and the WIIN Act was passed by this Congress, signed into law. It is in existence. Reservoirs can be built. Water conservation will take place. All of the things that we need to do are in place today.

So why are we fighting this fight? Because we don't know how to stop fighting? Because we don't know how to actually implement a law that we passed last year?

And, by the way, where is the funding for all you want to do here? There is no money in this. You want to do these things. You want water; you want reservoirs—put up the money. Don't just sit here and regurgitate what we have done for the last 5 years and totally ignore the progress that was made with the WIIN legislation.

We ought not do this. I am opposed to this, and, hopefully, we will find some sensible action.

Mr. McCLINTOCK. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Colorado (Mr. TIPTON).

Mr. TIPTON. Mr. Chairman, I would like to be able to address title VII of the Water Rights Protection Act in this bill.

Over many decades, Federal attempts to manipulate Federal permit, lease, and land management process to circumvent long-established State water law and hijack privately held water rights have sounded the alarm for all non-Federal water users that rely on these water rights for their livelihood.

The Federal Government's overreach and infringement on private property rights that led to the introduction of this original bill in the 113th Congress involved the U.S. Forest Service's attempt to require the transfer of privately held water rights to the Federal Government as a permit condition on National Forest System lands. With this permit condition, there is no compensation for the transfer of these privately held rights.

This Forest Service permit condition has already hurt a number of stakeholders in my home State of Colorado, including Powderhorn Ski Area in Grand Junction and the Breckenridge Ski Resort. The same nefarious tactic has been used in Utah, Nevada, and other Western States, where agencies have required the surrender of possession of water rights in exchange for approving the conditional use of grazing allotments. This Federal water grab has broad implications that have begun to extend beyond the recreation and the farming and ranching community and are now threatening municipalities and other businesses.



In 2014, the Forest Service proposed a groundwater directive that would have expanded the agency's reach over groundwater and established new bureaucratic hurdles to interfere with private water users' ability to be able to access their water. Though the Forest Service ultimately withdrew this controversial groundwater directive, there are no guarantees that the directive or something similar won't be back in the future.

The Water Rights Protection Act offers a sensible approach that preserves water rights and the ability to be able to develop water requisite to living in the arid West without interfering with water allocations for non-Federal parties or allocations that protect an environment that is cherished by all Westerners.

I look forward to continuing to work with my colleagues from other Western States to ensure that no State-recognized water right goes unprotected from the class of actions that this bill prohibits.

I appreciate the inclusion of this legislation and encourage its passage.

Mr. HUFFMAN. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. BERA), my colleague from the Sacramento area.

Mr. BERA. Mr. Chairman, here we go again. Today, we are debating a bill that many of my California colleagues and I have opposed time and time again on this House floor.

This bill allows Washington, D.C., politicians to pick winners and losers when it comes to California's water. Now, that is not right. This is a partisan bill that is opposed by both California Senators as well as our Governor.

Now, California water is complicated. It is a lot more complicated than healthcare. But it should be up to Californians to kind of decide how to use our water, what we ought to do with that water.

Water is incredibly critical to our State. This isn't about picking winners and losers. When we think about water, we have certainly got to have storage, we certainly know we are going to have conveyance, but we have got to do this in a California way.

Unfortunately, H.R. 23 is going to pit northern California against southern California while overriding California's own State laws. The bill is also going to gut environmental protections and threaten the critical Bay-Delta ecosystem.

I fish on the Sacramento River, and salmon fishing is incredibly important to the State of California as well as the States to the north of us. This bill is not going to be a good bill. It is going to devastate the fishing industry.

We also have to think about drinking water for northern California.

Folsom Dam is in my district and Folsom Lake is in my district. It provides not only flood protection, but Folsom Lake provides surface drinking water for a lot of my constituents. We

tried to put a simple amendment in here that would actually protect the quality of that drinking water. Unfortunately, H.R. 23 would mandate pumping levels that could negatively impact the Folsom Reservoir water supply. That is going to place many of my constituents at risk.

This isn't a good bill. Let's kill this bill. Let's step back. Let Californians decide the best way to handle California water. That is what we ought to do.

Again, this bill is dramatic overreach. It is the Federal Government stepping into something that the State should actually decide. I hope my colleagues will join me in opposing this bill.

Mr. MCCLINTOCK. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. ROHRBACHER).

Mr. ROHRBACHER. Mr. Chairman, I rise in support of H.R. 23.

Today we have seen pictures, horrible pictures of some of the best agricultural land in the world that has been totally destroyed by the policies of people who are now claiming that they like the environment too much and that that should have, perhaps, something more to do with their decision-making than what benefits people. Well, what happened is we have turned one of the most productive food-producing areas of the world into a catastrophe, a desert that produces nothing.

And who has been in charge of this? Who has been in charge of seeing this total destruction of what could be a garden for the people of the world? It has been, yes, the Obama administration appointees for the last year and, yes, in California, where we have had a leftwing liberal Democratic administration appointing radical environmentalists the same way Obama appointed radical environmentalists to determine policy.

And what does that mean to us? It means there is less food being produced. It means we have turned productive land into a horrible desert that even animals can't exist upon.

No, it makes a lot of sense right now. What makes sense is that now we have gone through this drought and seen this destruction that didn't need to happen. What we need to do is build dams. What we need to do is to make sure that the water that we now have is being stored properly so that the people of our State don't suffer, so that wealth that can be grown from the land in central California, which used to be the world's breadbasket, that that wealth doesn't just disappear from the face of the planet.

No, you can't really love nature unless you also love people, and right now the people of California deserve to have some planning done about storing water when we have it rather than suffering and having this type of destruction during our droughts.

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

Responding briefly to a bit of hyperbole just now that somehow environmental laws have created a "desert that produces nothing in California," we do need to remember the facts.

The truth is, even through this historic drought, farm employment rose statewide each year during the drought. The agricultural economy is thriving, and, thankfully, this year, even the most junior Federal contractors are enjoying a 100 percent allocation. They are fully realizing the vision of being the breadbasket of this country and the world. It is hardly a desert that produces nothing.

With that, I do need to contrast what has been happening on the other end of the system, many of the communities I represent, where fishing communities really do have nothing.

The California salmon season this year will be little or nothing. The Yurok Tribe that I represent that is dependent on fisheries, salmon fisheries in California since long before there was agriculture, will, for the second year in a row, close its Tribal fishery. We are seeing folks selling their boats. We are seeing fishing communities impacted in dramatic ways. There is real genuine hardship, much like what was just described by my friend. So the facts do matter.

I reserve the balance of my time.

Mr. MCCLINTOCK. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Bakersfield, California (Mr. MCCARTHY), the majority leader.

Mr. MCCARTHY. Mr. Chairman, I thank the gentleman for yielding, and I thank him for his work when it comes to water in California.

Mr. Chairman, water is not optional, not in my district, not in California, not anywhere. But over the past 5 years, my constituents have struggled to survive without life-giving water in the face of a catastrophic drought.

This past winter, heavy rains and snowfall have brought much-needed relief. In fact, there was so much water this past winter we ran out of room to store it.

But we cannot always expect a year to bring monsoon-level rains and record snow. What happens if next year's rain and snowfall is average, or below average, or we have another drought? The Federal and State regulations that keep us from pumping and storing water will come back to haunt us.

The water bill passed by this body and signed into law last year was a downpayment on California's future. Today's legislation is another major investment in our State's future.

So let's look at pumping. There is no reason—absolutely no reason—we should prioritize potential benefit to fish over real benefits to families. This legislation increases delta pumping and will bring immediate relief to two-thirds of California south of the delta.

But a long-term solution demands more pumping. While California's population has doubled since the 1970s, we

haven't completed a single major storage project in that time.

Now, that is worth restating. While California's population has doubled since the 1970s, we have not completed a single major storage project in that time. How can California grow and thrive in the future if we depend on inadequate infrastructure from nearly 50 years ago?

Currently, five reservoir projects have been stalled in regulatory and red tape for decades. If these reservoirs alone are built, we could store between 1 to 1.5 million acre-feet of additional water in our State. So we need to build more storage as soon as possible.

Last year's water bill jumpstarted the process for building new reservoirs in California and the West. It was a bipartisan bill, with the vote being hundreds of votes out of the House, more than 70 in the Senate.

Today's legislation builds on that by requiring the Federal Government to finally finish the feasibility studies for the five storage projects in California. Then we reform the permitting process so other projects aren't held up for years trying to get approval from a dozen different agencies.

So I want to thank Congressman DAVID VALADAO for his hard work, his persistence on this issue. Ultimately, American citizens haven't gotten the water they need because their government was failing them. Last year's bill was the start to change all that. Today, we take another major step to bring our communities the water they contract and pay for.

□ 1730

Now, Mr. Chairman, you are going to hear a lot of people on this side of the aisle talk about the need from California. Unfortunately, on the other side of the aisle, it looks like you will just hear from one. That should show you the need and desire of why this bill is so important.

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

Mr. Chairman, this debate is causing the fact checking machines to melt down, unfortunately. We just heard that there hasn't been a single major storage project in California since the 1970s. That is going to come as shocking news to the folks of the Metropolitan Water District which completed a huge storage project, Diamond Valley, during that period. It will certainly surprise the folks in Contra Costa, which completed Los Vaqueros without any special environmental shortcuts and with their own financing for the most part. It will surprise local water districts around the State, including my own Marin Municipal Water District, which completed two dam expansion projects in that same timeframe. It will surprise the folks at the current and semitropic groundwater banks that expanded significantly groundwater storage during that timeframe.

In fact, the truth is, California has added nearly 6 million acre feet of new

storage, surface and groundwater storage, over the past few decades in this timeframe we have been talking about. So facts really do matter.

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

Mr. MCCLINTOCK. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Mrs. MIMI WALTERS).

Mrs. MIMI WALTERS of California. Mr. Chairman, I rise today in support of H.R. 23, the GROW Act, which makes important and necessary regulatory reforms to allow for better management of water resources throughout the West.

My home State of California recently suffered its worst drought on record, which significantly affected the entire State. Families, communities, workers, and businesses all made significant sacrifices to conserve water and mitigate the drought's impact.

I applaud the water agencies and residents in my home district of Orange County for taking the necessary steps to adapt to the severe drought conditions. While substantial rainfall this winter effectively ended California's drought, the recent crisis was not just from a lack of rain. It is also the result of failed State and Federal policies that have mismanaged critical water resources throughout the West.

The GROW Act is a crucial step toward addressing these failed policies. H.R. 23 will help California recover from this devastating drought and ensure the State is better equipped to handle future water deficiencies.

In addition to addressing water delivery and water rights issues, the bill also facilitates the development of new water storage projects, which is a key water management tool for southern California water agencies. These projects are critical to a number of California communities, like Orange County, that lack the access to water even during nondrought conditions. The GROW Act removes regulatory barriers from streamlining the permitting and approval process for new infrastructure projects.

Under current law, new water storage construction projects require approval from a number of Federal, State, and local agencies. This bill provides for a consolidated permitting process that would require Federal agencies to conduct coordinated reviews of non-Federal storage projects.

The GROW Act will also expedite feasibility studies for much-needed Federal storage projects, some of which have been unnecessarily delayed for years.

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

Mr. MCCLINTOCK. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. KNIGHT).

Mr. KNIGHT. Mr. Chairman, I rise today in support of H.R. 23, the Gaining Responsibility on Water Act, or GROW Act, which I am a proud cosponsor.

This bill takes an important step in protecting the water security of Cali-

fornians and the food supply integrity of the United States.

As all of my colleagues from California know, the recent Western drought nearly crippled our State's agriculture industry and compromised the standard of living for all our constituents by raising prices at the grocery stores throughout the country. Mr. Chairman, while we can't control the weather, we can take steps to mitigate its potentially harmful effects.

I always like it when people say: Can we just scrap the bill? Or can we start over? Or can we work together on that?

That is just code for: please stop talking about water; please stop bringing issues to the floor where we can fix something. And that is what we hear today quite frequently.

One of the most baffling facets of this story is the fact that there were readily available water sources that could have been utilized but were held up by outdated regulations and red tape. Although we have received some relief from the drought this year, it would be a disgrace for us as lawmakers not to learn from this ordeal.

Mr. Chairman, we are blessed to live in the most developed Nation in the world where Americans only notice the absence of basic necessities, as opposed to other nations where people are found wanting of them.

Unfortunately, due to the misguided policies of the past, that is the situation so many families and businesses find themselves in.

Mr. Chairman, I want to thank my friend Mr. VALADAO for his continued leadership on this issue, and I urge my colleagues to support H.R. 23.

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

Mr. MCCLINTOCK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think it is time to fact check the fact checker.

The last major reservoir of over a million acre feet was in 1979. It was in New Melones, 2.3 million acre feet. The two reservoirs that the gentleman referenced combined are less than a million acre feet. They would fill New Melones to less than half of that amount.

With respect to water salinity, the Bay-Delta Accord, that is codified by this bill, guarantees the water necessary to combat salt water intrusion.

And finally, I would point out that, no, dams don't create water. Nature creates water. Dams store that water from wet years so that we have plenty of it in dry years. That is where we have fallen a generation behind in our needs precisely because of the laws that the gentleman from California doggedly defends.

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

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

Mr. Chairman, I do appreciate the redefinition of "major water storage



projects." It is not a definition that I think is recognized anywhere else other than just now on this floor, but I appreciate it.

Mr. Chair, there are many problems with this bill, and I do want to urge my colleagues to oppose it. I can't keep track of the number of times the State of California has come up in our debate here these last several minutes. So let's look to the State of California and see what the State of California says about this bill.

The Governor of the State of California opposes it in a hard-hitting letter that went out to the California delegation and others just a few days ago. The new attorney general of California, Xavier Becerra, wrote an equally critical letter opposing this bill. Both U.S. Senators from California oppose this bill.

It is going nowhere in the Senate and will not become law because of fundamental flaws that have been brought up each of the past several years that this bill has been introduced in this Congress.

It overrides California State sovereignty and State water laws in ways that are unacceptable to the people of California and to the government of California. So when we keep bringing up California, let's just be very clear that California doesn't want this bill. California opposes this bill.

Now, I represent the downstream end of some of these water systems that we are talking about. When we talk about people and fish and jobs, it is important to remember that fishing jobs matter, too. In the communities that I represent, and also communities throughout Oregon and Washington that depend on California salmon runs, they are hurting.

This summer we are going to probably see a closure, for all intents and purposes, of the commercial salmon season. We are certainly going to see a closure of the Yurok Tribal Salmon Fishery for the second year in a row. That is not only economically devastating to Tribal communities that I represent, it has an emotional impact as well. These are communities that are hurting. In fact, the Yurok are reporting suicide rates among young people that are alarmingly high. The closure of this sacred fishery that is their grocery store, that is a sacred part of their existence, is certainly not going to help, and I think could very well contribute to the very severe problems that they are experiencing.

Fishing jobs matter, the environment matters, downstream communities that depend on this water that would be redistributed and reallocated by Congress through this short-sighted bill, that all matters, too.

Mr. Chairman, I urge my colleagues to oppose this wrong-headed bill, and I urge my colleagues across the aisle to do what we have been inviting them to do each of the past several years, and that is to reach across the aisle on bipartisan, commonsense water solu-

tions. There is a lot that we could do together. Many of my colleagues served with me in the California State legislature. They know, because we did it together, that there is a different way. There is a better way.

We were able to pass landmark, bipartisan water legislation during our time together in Sacramento, and we did it because we didn't try to pick winners and losers. We found all sorts of low-hanging fruit and consensus solutions, and we came up with something that was supported across party lines, and in every region of the State. We can do that here, too, but we won't do it through this bill.

Mr. Chairman, I urge a "no" vote, and I yield back the balance of my time.

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

Abundance or shortage, that is the question. And I want to thank and salute Mr. VALADAO for his work on this issue and for putting that choice so clearly before the House today.

It is true, we can choose to continue down this sad road that we have been on. That means increasingly severe government-induced shortages. It means higher and higher water and grocery prices and a permanently declining quality of life for our children who will be required to stretch and ration every drop of water in their bleak and parched homes.

With this bill, we choose a different future. We choose abundance. We choose a future in which water flows again to the fertile fields of the Central Valley, providing full employment for families and affordable groceries from America's agricultural cornucopia. It is a future in which families need not watch their gardens shrivel and die, and towns and cities need not fear mandatory water rationing and uncertain and unpredictable supplies.

It is a future in which long-established water rights are safe and secure from the whims of politicians and bureaucrats. We choose a future in which thriving populations of young salmon can swim to the sea unmolested by the non-native predators that now kill 90 percent of them before they reach the ocean; a future in which new fish hatcheries assure the release of millions of additional salmon to supply a revived and rapidly expanding commercial fishing industry.

We choose a future in which great new reservoirs can store vast amounts of water in wet years to assure abundance in dry ones; a future in which families can enjoy the prosperity that abundant water and hydroelectricity and affordable groceries provide, and the quality of life that comes from that prosperity. Abundance or shortage? That is the question. We choose abundance.

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

Ms. ESHOO. Mr. Chair, I rise in strong opposition to H.R. 23 because it upends decades of State and federal water law and need-

lessly pits water users against one another. On the heels of the worst drought in California's history, this bill mandates that certain interests come out ahead of others.

California has just recently emerged from six years of a punishing drought that forced every resident to conserve water, caused millions of acres of agricultural land to be fallowed, and dramatically increased our State's risk of major wildfires. The drought was a massive disaster and Congress should respond by investing in long-term resilience against future droughts such as water conservation, recycling, groundwater recharge, and desalination. What Congress should not be doing is using the drought as an excuse to permanently upend a century of water law and countless protections for threatened and endangered wildlife.

H.R. 23 weakens or overrides decades of State and federal law, including the State and federal Endangered Species Acts; the National Environmental Policy Act; the Central Valley Project Improvement Act; and the San Joaquin River Settlement Act. This list should set off alarm bells for any proponent of States' rights or cooperative federalism. For over a century, the Federal Government has deferred to State water law whenever possible. The GROW Act unwinds that history entirely.

By discarding a century of water law and species protections, this bill will decimate the San Francisco Bay-Delta ecosystem, drive the Delta smelt to extinction, and accelerate the decline of the wild salmon and steelhead runs which have been an important part of the Northern California economy since the mid-19th century.

This irresponsible bill also overrides science-based management of the delicate Delta infrastructure and would gut several of our most bedrock environmental laws. For these reasons I strongly oppose this legislation and I urge my colleagues to join me in voting no.

The Acting CHAIR (Mr. HILL). All time for general debate has expired.

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

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 115-24. 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. 23

*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 "Gaining Responsibility on Water Act of 2017".*

#### **SEC. 2. TABLE OF CONTENTS.**

*The table of contents for this Act is as follows:*

*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. Regulatory streamlining.  
 Sec. 111. Additional emergency consultation.  
 Sec. 112. Applicants.  
 Sec. 113. San Joaquin River settlement.

#### TITLE II—CALFED STORAGE FEASIBILITY STUDIES

Sec. 201. Studies.  
 Sec. 202. Temperance Flat.  
 Sec. 203. Water storage project construction.

#### TITLE III—WATER RIGHTS PROTECTIONS

Sec. 301. Offset for State Water Project.  
 Sec. 302. Area of origin protections.  
 Sec. 303. No redirected adverse impacts.  
 Sec. 304. Allocations for Sacramento Valley contractors.  
 Sec. 305. Effect on existing obligations.

#### TITLE IV—MISCELLANEOUS

Sec. 401. Water supply accounting.  
 Sec. 402. Operations of the Trinity River Division.  
 Sec. 403. Report on results of water usage.  
 Sec. 404. Klamath project consultation applicants.  
 Sec. 405. CA State Water Resources Control Board.

#### TITLE V—WATER SUPPLY PERMITTING ACT

Sec. 501. Short title.  
 Sec. 502. Definitions.  
 Sec. 503. Establishment of lead agency and co-operating agencies.  
 Sec. 504. Bureau responsibilities.  
 Sec. 505. Cooperating agency responsibilities.  
 Sec. 506. Funding to process permits.

#### TITLE VI—BUREAU OF RECLAMATION PROJECT STREAMLINING

Sec. 601. Short title.  
 Sec. 602. Definitions.  
 Sec. 603. Acceleration of studies.  
 Sec. 604. Expedited completion of reports.  
 Sec. 605. Project acceleration.  
 Sec. 606. Annual report to Congress.  
 Sec. 607. Applicability of WIIN Act.

#### TITLE VII—WATER RIGHTS PROTECTION

Sec. 701. Short title.  
 Sec. 702. Definitions.  
 Sec. 703. Treatment of water rights.  
 Sec. 704. Policy development.  
 Sec. 705. Effect.

#### 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 part is replaced and provided to Central Valley Project water contractors by December 31, 2018, 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 CONTRACT 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.

“(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).

“(c) **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”; and

(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 submission 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.”; and

(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”;

(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, 2016, \$4 per megawatt-hour for Central Valley Project power sold to power contractors (October 2016 price levels)” after “\$12 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, 2018, and annually thereafter, to transmit to the Secretary and Congress recommendations required under subparagraph (A).

“(D) Not later than December 31, 2018, and biennially thereafter, to transmit to Congress a report that details the progress made in achieving the actions mandated under section 3406.

“(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)”;

(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 the Congress, a” and inserting “needs, the Secretary, on a priority basis and not later than September 30, 2018, 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, 2017 (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, 2017. 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, 2018, 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)”;

(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 or enter into an agreement 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 additional Federal funds are authorized for 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. However, each water storage project under sections 103(d)(1)(A)(i), 103(d)(1)(A)(ii), and 103(d)(1)(A)(iii) of Public Law 108–361 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 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 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. 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 therefrom 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.

#### **SEC. 111. ADDITIONAL EMERGENCY CONSULTATION.**

For adjustments to operating criteria other than under section 108 or to take urgent actions to address water supply shortages for the least amount of time or volume of diversion necessary as determined by the Commissioner of Reclamation, no mitigation measures shall be required during any year that the Sacramento Valley index is 6.5 or lower, or at the request of the State of California, and until two succeeding years following either of those events have been completed where the final Sacramento Valley Index is 7.8 or greater, and any mitigation measures imposed must be based on quantitative data and required only to the extent that such data demonstrates actual harm to species.

#### **SEC. 112. APPLICANTS.**

In the event that the Bureau of Reclamation or another Federal agency initiates or reinitiates consultation with the U.S. Fish and Wildlife Service or the National Marine Fisheries Service under section 7(a)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)(2)), with respect to construction or operation of the Central Valley Project and State Water Project, or any part thereof, the State Water Project contractors and the Central Valley Project contractors will be accorded all the rights and responsibilities extended to applicants in the consultation process.

#### **SEC. 113. SAN JOAQUIN RIVER SETTLEMENT.**

(a) **PURPOSE AND FINDINGS.**—

(1) **PURPOSE AND FINDINGS.**—Section 10002 of the San Joaquin River Restoration Settlement Act (Public Law 111–11) is amended to read as follows:

##### **“SEC. 10002. PURPOSE AND FINDINGS.**

“(a) **PURPOSE.**—The purpose of this part is to authorize implementation of the Settlement.

“(b) **FINDINGS.**—Congress finds that since the date of the enactment of this Act, the following conditions now persist with regard to implementation of the Settlement:

“(1) Millions of dollars of economic damages have occurred due to seepage from rivers flows and other impacts to third parties affected by the Settlement and San Joaquin River Restoration Program and such impacts will continue for the duration of the Settlement and Restoration Program implementation.

“(2) Estimated costs of implementing the Settlement have more than doubled from the initial estimates for implementing the Settlement, from a high-end estimate of \$800,000,000 to more than \$1,700,000,000, due to unrealistic initial cost estimates, additional, unanticipated cost increases related to damages to land from seepage and to infrastructure from subsidence, and from increased construction costs to complete channel improvements, and other improvements not originally identified, but anticipated in the Settlement as necessary to implement the Restoration Goal.

“(3) Achievement of the Settlement’s Water Management Goal, to reduce or avoid water supply impacts to Friant Division long-term contractors, including the Friant-Kern Canal and Madera Canal capacity restoration projects have not progressed and are likely impossible given available and likely future funding and regulatory constraints.

“(4) Implementation of the Settlement’s Restoration Goal has already fallen short of the schedule agreed to by the Settling Parties and Congress, which required the reintroduction of Spring-run and Fall-run Chinook salmon in the river by December 31, 2012, and the majority of Paragraph 11 improvements construction to be complete by December 31, 2013, with the remainder of the paragraph (11) improvements to be completed by December 31, 2016, neither of which deadlines have been met and the Secretary has now made findings that such im-

provements will not be completed until 2030 at the earliest and likely beyond that timeframe, which schedule assumes full funding of the Restoration Program, which has not occurred.

“(5) Catastrophic species declines in the Sacramento-San Joaquin Delta and other changed conditions have affected the Friant Division’s water supply in ways unimagined during the time of the Settlement’s signing, resulting in additional reductions in water supply for the Friant Division beyond what was agreed to in the Settlement.

“(6) Recent scientific assessments of likely future climate change suggest that no amount of additional flow in the San Joaquin River will sustain Spring-run Chinook salmon, one of the target species for maintaining a self-sustaining population below Friant Dam.

“(7) In consideration of existing conditions, it is not reasonable, prudent and feasible to implement the Settlement as originally authorized.”.

(2) **DEFINITIONS.**—Section 10003 of the San Joaquin River Restoration Settlement Act (Public Law 111–11) is amended by adding at the end the following:

“(4) The term ‘Exchange Contractors’ means San Joaquin River Exchange Contractors Water Authority, whose members are the Central California Irrigation District, Columbia Canal Company, the Firebaugh Canal Water District, and the San Luis Canal Company.

“(5) The term ‘Governor’ means the Governor of the State of California.

“(6) The term ‘Gravelly Ford’ means the Gravelly Ford gaging station in the San Joaquin River located at approximately River Mile 230.

“(7) The term ‘Restoration Area’ means the San Joaquin River between Friant Dam and the Merced River confluence, and generally within 1,500 feet of the centerline of the river.

“(8) The term ‘Restoration Flow’ means the hydrograph flows (as provided in paragraph 18 and exhibit B of the Settlement), buffer flows of up to 10 percent of the applicable hydrograph flows, and any additional water acquired by the Secretary of the Interior from willing sellers to meet the Restoration Goal of the Settlement.

“(9) The term ‘Restoration Fund’ means that fund established by this part.

“(10) The term ‘Sack Dam’ means a low-head earth and concrete structure with wooden flap gates that diverts San Joaquin River flows into the Arroyo Canal at approximately River Mile 182.1.

“(11) The term ‘Warm Water Fishery’ means a water system that has an environment suitable for species of fish other than salmon (including any subspecies) and trout (including all subspecies).

“(12) The term ‘third party’ means the Exchange Contractors or any member thereof, current or former members of the San Joaquin Tributaries Authority, and current or former members of the San Luis and Delta Mendota Water Authority.”; and

(3) **IMPLEMENTATION OF SETTLEMENT.**—Section 10004 of the San Joaquin River Restoration Settlement Act (Public Law 111–11) is amended—

(A) in subsection (f), by striking “pursuant to the Settlement and section 10011” and inserting “or other species for any reason”;

(B) in subsection (g), by inserting “or the implementation of the Settlement and the reintroduction of California Central Valley Spring Run Chinook salmon or any other species,” after “nothing in this part”;

(C) in subsection (h)—

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

(ii) in paragraph (1)—

(I) by striking “Interim Flows” and inserting “Flows” each place it appears;

(II) in subparagraph (C)(ii), by inserting “which shall be implemented” after “significant”;

(III) in subparagraph (E), by striking “as a result of the Interim Flows” and inserting “or State laws as a result of Flows.”; and

(iii) by striking paragraphs (2), (3), and (4) and inserting the following:

“(2) CONDITIONS FOR RELEASE.—The Secretary is authorized to release Flows—

“(A) if all improvements and mitigation measures are completed or implemented, including all actions necessary to mitigate impacts on landowners, water agencies, and water users; and

“(B) if such Flows will not exceed existing downstream channel capacities.

“(3) SEEPAGE IMPACTS.—(A) The Secretary, in implementing this Act, shall not cause material adverse impacts to third parties. The Secretary shall reduce Flows to the extent necessary to address any material adverse impacts to third parties from groundwater seepage or levee instability caused by such flows identified based on the monitoring program of the Secretary. Notwithstanding the foregoing, the Secretary shall not directly or indirectly cause groundwater to rise above 10 feet below ground surface and shall provide at least 10 feet below ground surface as a minimum threshold elevation for groundwater beneath any fields where permanent or other deep rooted crops are grown, and at least 6 feet below ground surface as a minimum threshold elevation for groundwater beneath any fields where annual or shallow rooted crops are grown. These minimum thresholds shall be adjusted yearly based upon information provided by individual landowners regarding the minimum threshold that they will need in order to grow their crop(s) that year. If during the course of the year the landowner informs the Secretary that detrimental seepage is being experienced or is reasonably likely to occur despite the adherence to the minimum threshold, the Secretary shall reduce Restoration Flows to a volume sufficient to reduce seepage impacts by reducing the occurrence of groundwater to a non-damaging level below ground surface.

“(B) If Flow reduction alone is not sufficient to mitigate for seepage impacts the Secretary shall mitigate by real estate transaction or installation of physical measures, whichever option is requested by the landowner.

“(C) Any water that seeps onto private property shall thereupon become the property of that landowner if the landowner takes control of the water including by re-diverting it to the San Joaquin River. If seepage water is returned to the San Joaquin River it shall meet applicable water quality requirements.

“(4) TEMPORARY FISH BARRIER PROGRAM.—Using funds otherwise available from the San Joaquin River Restoration Fund if necessary, the Secretary is authorized to make improvements to the Hills Ferry Barrier or any replacement thereof in order to prevent upstream migration of any protected species to the restoration area. The Secretary is further authorized to work with the California Department of Fish and Wildlife for the improvement or replacement of the Hills Ferry Barrier in order to prevent the upstream migration of any protected species. If third parties south of the confluence with the Merced River are required to install their screens or fish bypass facilities in order to comply with the Endangered Species Act of 1973, the Secretary shall bear the costs of such screens or facilities, except to the extent that such costs are already or are further willingly borne by the State of California or by the third parties. Expenditures by Reclamation are non-reimbursable. Any protected species recovered at the Hills Ferry Barrier or in the Restoration Area or any river or false pathways thereto that is to be relocated outside of the Restoration Area shall only be relocated to an area where there is an established self-sustaining population of that same genotype or phenotype.”; and

(D) by amending subsection (j) to read as follows:

“(j) SAN JOAQUIN RIVER EXCHANGE CONTRACT AND RELATED.—Subject to section 10006(b), nothing in this part shall modify or amend the rights and obligations under the Purchase Contract between Miller and Lux and the United States including without exclusion of others, any right to enforce the power contracts identi-

fied in the Purchase Contract, the Second Amended Exchange Contract between the United States, Department of the Interior Bureau of Reclamation and Central California Irrigation District, San Luis Canal Company, Firebaugh Canal Water District, and Columbia Canal Company. Prior to releasing any restoration flow, the Secretary shall determine that such release will not affect its contractual obligations to the Exchange Contractors.”.

(4) ACQUISITION OF PROPERTY.—Section 10005 of the San Joaquin River Restoration Settlement Act (Public Law 111-11) is amended by striking subsections (b) and (c) and inserting the following:

“(b) ACQUISITION OF PROPERTY.—The Secretary is authorized to acquire property solely through purchase from willing sellers any property, interests in property, or options to acquire real property needed to implement the Settlement authorized by this part. The Secretary shall not acquire property through the exercise of eminent domain unless the owner of said property does not object to an eminent domain action.

“(c) DISPOSAL OF PROPERTY.—Any property or interests therein acquired by the Secretary and for which the Secretary determines that the property or interest therein is no longer needed to be held by the United States for the furtherance of the Settlement, shall be first offered for repurchase to the prior owner of the property from whom the United States acquired the property and at the same price for which the United States acquired the property unless it is demonstrated that the property has decreased in value in which case the Secretary shall sell the property back to the prior owner at the decreased price. If the prior owner does not want the property, the Secretary shall sell the property on the open market.”.

(5) COMPLIANCE WITH APPLICABLE LAW.—Section 10006 of the San Joaquin River Restoration Settlement Act (Public Law 111-11) is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking “as necessary” and inserting “as necessary, as provided for in this part and in a manner that does not conflict with the intent of Congress as expressed in this title which intent shall be afforded the greatest deference and any difference or ambiguity shall be resolved in favor of said intent” before the period at the end; and

(ii) in paragraph (2), by adding at the end the following: “Any statutory exemptions from conducting environmental review or consultation are not applicable.”;

(B) in subsection (b)—

(i) by striking “Nothing” and inserting “Except as provided in subsection (e) below, nothing”; and

(ii) by striking “State law.” and inserting “State law, except as otherwise provided for herein or would conflict with achieving the purposes or intent of this title.”; and

(C) by adding at the end the following:

“(e) IN GENERAL.—Sections 5930 through 5948 of the California Fish and Game Code and all applicable Federal laws, including this part, as amended by the Gaining Responsibility on Water Act of 2017, and 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), shall be satisfied by implementation of the Settlement as provided in section 10014(b) or the plan provided in section 10014(a) of the Gaining Responsibility on Water Act of 2017.

“(f) COMPLIANCE WITH EXISTING FRIANT DIVISION CONTRACTS.—Congress hereby finds and declares that compliance with the provisions of this Act by Friant Division Contractors shall fulfill all requirements for compliance with this part, contained in contracts between the Secretary and Friant Division Contractors.”.

(6) NO PRIVATE RIGHT OF ACTION.—Section 10008(a) of the San Joaquin River Restoration Settlement Act (Public Law 111-11) is amended

by striking “the Settlement” and inserting “the Settlement or a third party”.

(7) SETTLEMENT FUND.—Section 10009 of the San Joaquin River Restoration Settlement Act (Public Law 111-11) is amended—

(A) in subsection (a), by amending paragraph (3) to read as follows:

“(3) LIMITATION.—Except as provided in the Settlement, to the extent that costs incurred solely to implement this Settlement would not otherwise have been incurred by any entity or public or local agency or subdivision of the State of California, such costs shall not be borne by any such entity, agency, or subdivision of the State of California, unless such costs are incurred on a voluntary basis. Any appropriations by Congress to implement this part shall be on the basis of line item authorizations and appropriations and shall not be part of the programmatic funding for the Secretary or the Bureau of Reclamation.”; and

(B) by striking subsection (f) and inserting the following:

“(f) REACH 4B.—No Restoration Flows released shall be routed through section 4B of the San Joaquin River. The Secretary shall seek to make use of modified and/or existing conveyance facilities such as flood control channels in order to provide conveyance for the restoration flows. Congress finds that such use of multi-use facilities is more economical and cost-effective than seeking to restore certain sections of the San Joaquin River. The Secretary shall provide non-reimbursable funding for the incremental increase in maintenance costs for use of the flood control channels.

“(g) NO IMPACT ON WATER SUPPLIES.—Re-introduction or migration of species to the San Joaquin River upstream of the confluence with the Merced River made possible by or aided by the existence of restoration flows or any improvements to the river made hereunder shall not result in water supply reductions, additional storage releases, or bypass flows on unwilling third parties due to such re-introduction.

“(h) NO TRANSFERENCE OF LIABILITY.—Congress finds that the Federal interest in the restoration of the San Joaquin River upstream of the confluence with the Merced River has been satisfied with regard to the development of the Friant Division, Delta Mendota canal, the continued performance of and compliance with the terms of agreements of the United States to purchase water rights and for exchange of water, its Agreements with the entities that comprise the Exchange Contractors to deliver their water rights in the San Joaquin River pursuant to the terms of the agreements. The enactment of the San Joaquin River Restoration Settlement Act, together with findings in this legislation including the Settling Parties and agencies of the State of California tried to implement the Restoration Program for ten years and the Bureau of Reclamation has stated it will take at least another 15 years to implement assuming full funding is provided, even though that full funding has never been provided since the Settlement was executed or the Restoration Act enacted, and that absent implementation of that funding, there is no possibility of establishing a viable self-sustaining salmonid population and the restoration of the upper San Joaquin River has proven infeasible on terms originally conceived by the parties to the Settlement and Congress in the Restoration Act. Therefore, notwithstanding that the United States and water users and agencies within the Friant Division are released of any existing or future obligations with regard to the Restoration Program, or any similar program, no responsibility for achieving the goals of the Restoration Program, including the provision of flows and the re-introduction of salmon, or other fish species to the San Joaquin River, shall be imposed on the United States, upon the Exchange Contractors or any of its members nor shall the rights to delivery of water reserved to the Exchange Contractors by any agency of the

United States or the State of California be abridged or impaired.

“(i) ABSENCE OF AGREEMENT.—In the absence of an agreement with Friant Division long-term contractors, in the event the State of California, acting through the State Water Resources Control Board or otherwise, or any other party requires the flow of the San Joaquin River below Friant Dam to exceed the amounts stated in Exhibit B of the Settlement, then the authorization to implement the Settlement as provided in this Act shall terminate and the Secretary of the Interior shall cease any action to implement this part and the Stipulation of Settlement (Natural Resources Defense Council, et al. v. Kirk Rodgers, et al., Eastern District of California, No. Civ-S-88-1658 LLK/GGH); provided, further, the Secretary shall also cease to collect or expend any funds from the San Joaquin River Restoration Fund.”

(b) REVIEW AND DETERMINATION.—San Joaquin River Restoration Settlement Act (Public Law 111-11 et seq.) is amended by adding at the end the following:

**“SEC. 10012. REVIEW AND DETERMINATION.**

“(a) DETERMINATION REQUIRED.—The Governor and the Secretary, shall determine, in consideration of the overall public interest of both the State of California and the Nation, if it is reasonable, prudent, and feasible to implement the Settlement as provided in section 10014(b) and shall submit a joint report to Congress not later than 1 year after the date of the enactment of this Act, stating their findings and recommended action, including—

“(1) financial considerations;

“(2) available scientific evidence;

“(3) water temperature in the lower reaches of the upper San Joaquin River; and

“(4) alternative uses for the funds required to implement the Settlement.

“(b) ABSENCE OF TIMELY DETERMINATION.—If the Governor and the Secretary, do not provide a joint recommendation within the time specified in subsection (a), then it shall be deemed that implementing the Settlement consistent with section 10014(b) is not reasonable, prudent, and feasible, and the Secretary shall proceed to implement the Settlement consistent with section 10014(a).

**“SEC. 10013. INTERIM OPERATIONS.**

“Beginning on the date of the enactment of the Gaining Responsibility on Water Act of 2017 and continuing until a determination and final plan has been developed and approved by the Secretary and Governor as provided under section 10014(b), and if applicable, the warm water fishery plan developed under section 10014(a), the Secretary shall only take the following actions to implement the Settlement according to the this Act:

“(1) Implementation of the Restoration Goal and the Water Management Goal of the Settlement only to the extent consistent with section 10014(b).

“(2) No Restoration Flow releases shall be permitted on the San Joaquin River downstream of Sack Dam to the confluence with the Merced River.

“(3) No salmonids shall be placed into or allowed to migrate to the Restoration Area. If any salmonids are caught at the Hills Ferry Barrier, they shall be salvaged to the extent feasible and returned to an area where there is a viable sustainable salmonid population of substantially the same genotype or phenotype.

“(4) Implementation of a plan to recirculate, recapture, reuse, exchange and transfer Restoration Flows for the purpose of reducing or avoiding impacts to water deliveries to all Friant Division long-term contractors caused by the Restoration Flows, to the greatest extent feasible.

**“SEC. 10014. ALTERNATE LONG-TERM ACTIONS.**

“(a) GRAVELLY FORD—WARM WATER FISH-ERY.—

“(1) If it is determined under section 10012(a) that the Settlement should not be implemented

as provided in subsection (b), then not later than 1 year after such determination, the Secretary and the Governor shall develop and approve a reasonable, prudent, and feasible plan for maintaining a warm water fishery on the San Joaquin River below Friant Dam, but upstream of Gravelly Ford, consistent with the following:

“(A) No water shall be released into the San Joaquin River for fishery purposes downstream of Gravelly Ford.

“(B) Existing and future contributions to the Restoration Fund shall be expended for the purposes of—

“(i) warm water fishery improvements within the San Joaquin River channel upstream of Gravelly Ford; and

“(ii) water and fishery improvements in the San Joaquin River channel downstream of the confluence with the Merced River and other areas for benefit of fall run salmon.

“(C) The Secretary shall establish a fund to be jointly administered by the Friant Water Authority, Exchange Contractors, San Joaquin Tributaries Authority, and San Luis Delta Mendota Water Authority to fund restoration actions along the San Joaquin River and its tributaries that achieve water quality objectives for the protection of fish and wildlife. The Secretary shall transfer the following into the fund:

“(i) All funds in the San Joaquin River Restoration Fund authorized by this part.

“(ii) All future payments by Friant Division long-term contractors pursuant to section 3406(c)(1) of the Reclamation Projects, Authorization and Adjustment Act of 1992 (Public Law 102-575; 106 Stat. 4721) as provided in the Settlement.

“(D) In the absence of an agreement with Friant Division long-term contractors, in the event the State of California, acting through the State Water Resources Control Board or otherwise, or any other party requires the flow of the San Joaquin River to continue below Gravelly Ford for fish and wildlife purposes then—

“(i) all funding specified for transfer under this subsection shall cease, and any funds remaining in the San Joaquin River Basin Restoration Fund shall be transferred to the Friant Water Authority for implementing conveyance improvements on the Friant Kern Canal and Madera Canal to mitigate for subsidence impacts since their original construction; and

“(ii) the authorization to implement the Settlement as provided in this part, as amended by the Gaining Responsibility on Water Act of 2017, shall terminate and the Secretary shall cease any action to implement this part and the Stipulation of Settlement (Natural Resources Defense Council, et al. v. Kirk Rodgers, et al., Eastern District of California, No. Civ-S-88-1658 LLK/GGH); provided, further, the Secretary shall also cease to collect or expend any funds from the San Joaquin River Restoration Fund.

“(b) CONTINUED IMPLEMENTATION.—If, in the decision required by section 10012(a), it is determined that the Settlement should continue to be implemented as provided in section 10014(b), then the following terms are required for Continued Implementation of Settlement and no funds shall be expended to implement the Settlement other than as provided for herein:

“(1) IMPROVEMENTS.—The improvements described in paragraph (11) of the Settlement and any additional improvements identified in the Framework for Implementation published in 2015 and any successors thereto shall be completed before any Restoration Flows are released to the San Joaquin River.

“(2) PRIORITY PROJECTS.—The improvements shall be constructed in the following order:

“(A) Mendota Pool bypass and fish screen.

“(B) Arroyo Canal fish screen and Sack Dam fish passage facilities.

“(C) Seepage mitigation actions to allow Restoration Flows of up to 4500 CFS such that there will be no involuntarily incurred damage to private property and no damage to levees.

“(3) OTHER IMPROVEMENTS.—The remainder of the Improvements shall be constructed in an order deemed appropriate by the Secretary after the foregoing projects are completed.

“(4) CONSTRUCTION ASSISTANCE.—If agreed to by the Exchange Contractors or any of its members, the Secretary shall enter into an agreement with the Exchange Contractors or any of its members to assume construction responsibility from initial design through completion of such improvements as the Exchange Contractors or any of its members may agree to, provided that the Secretary shall retain financial responsibility for such improvements and shall reimburse the Exchange Contractors or any of its members for costs incurred by them and their contractors, if any, expended in the construction of the improvements. The Secretary shall enter into a construction agreement with the Exchange Contractors or its members, as applicable, and subject to their approval, consistent with the terms of this title.

“(5) TECHNICAL ADVISORY COMMITTEE AND RESTORATION ADMINISTRATOR.—The Secretary shall add to the Technical Advisory Committee (TAC), established pursuant to the Settlement, one representative from the Exchange Contractors and one representative from the San Luis & Delta-Mendota Water Authority. Any decisions and/or recommendations made by the Restoration Administrator shall be first discussed with the TAC and made on the basis of consensus to maximum extent possible. Any recommendations made by the Restoration Administrator are advisory only, shall be in writing, shall include references to the science relied on and specify the benefits to fish in the river, and include the level of consensus reached by the TAC. The Secretary's final decision on any action, including flows, can deviate from the Restoration Administrator's recommendation provided that the Secretary's final decision is based upon sound and objective science, and is otherwise consistent with this title.

“(6) RESTORATION FLOWS.—The appropriate level of Restoration Flows under any circumstance shall be no greater than that set forth in the hydrographs attached as exhibit B to the Settlement, and shall be no greater than the real-time fishery needs required to meet the Restoration Goal. The Secretary shall make the final decision as to the appropriate level of Restoration Flows and other actions regarding implementation of the Restoration Program. The appropriate level of Restoration Flows shall at a minimum not exceed channel capacity, cause seepage damage, or be inconsistent with any other requirements in this section. The Secretary's decisions and those of the Secretary of Commerce shall be fully supported by the best commercial and scientific information available, shall be made in an open and transparent manner, and shall be based on objective information capable of replication.

“(7) FISH REINTRODUCTION.—No fishery shall be introduced or placed for any reason in to the San Joaquin River upstream of the Merced River, until Reclamation has released Restoration Flows down the San Joaquin River in each hydrologic year type: wet, above normal, below normal, dry, and critically dry and determined that the improvements are fully functional and that seepage impacts have been fully mitigated. At least 180 days before the introduction of spring run Chinook salmon the Bureau of Reclamation shall submit a report to Congress that provides a critical examination of the impact of Restoration Flows on seepage and the improvements, and the likelihood of success in restoring a salmon fishery that is viable, sustainable and capable of volitional passage.

“(8) PROTECTED SPECIES.—Any protected species migrating into the Restoration Area shall be deemed to be a nonessential experimental population. Congress finds that due to human-caused physical changes to the pathways of the San Joaquin River upstream of the confluence of the Merced River the San Joaquin River is



deemed a distinct and separate geographic area and no agency shall take any action pursuant to any authority or requirement of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or any other Federal or State species protection law that will have an adverse impact on landowners or water agencies within the Restoration Area unless such impacts are incurred on a voluntary basis.

“(9) **SUBSIDENCE.**—Prior to implementing any other actions, the Secretary shall work with local water districts and landowners to ensure the actions include appropriate solutions to past and likely future subsidence. Without resolution to the subsidence issue, the improvements described in the Settlement and the San Joaquin River and/or the flood control system will continue to be irreparably damaged. Any costs incurred by the Secretary, including but not limited to acquisition of property from willing sellers shall be non-reimbursable.

“(10) **FULL FUNDING.**—Prior to commencing construction of any Improvement, the Secretary shall approve a funding plan that demonstrates that the United States has obtained all authorizations for appropriations combined with other authorized and reasonably foreseeable funding sources necessary for the orderly completion of all improvements described in paragraph (11) of the Settlement and any additional improvements identified in the Framework for Implementation published in 2015, including any amendments thereto.

“(11) **MITIGATION OF IMPACTS.**—Prior to the implementation of decisions or agreements to construct, improve, operate, or maintain Improvements, or facilities that the Secretary determines are needed to implement the Settlement, the Secretary shall—

“(A) identify the impacts associated with such actions;

“(B) identify the actions that the Secretary must implement to mitigate any impacts on water users and landowners in the Restoration Area; and

“(C) shall implement all of the mitigation actions so as to eliminate or reduce to an immaterial effect any adverse impacts on water users and landowners.”

## **TITLE II—CALFED STORAGE FEASIBILITY STUDIES**

### **SEC. 201. STUDIES.**

The Secretary of the Interior, through the Commissioner of Reclamation, shall—

(1) complete the feasibility studies described in clauses (i)(I) and (ii)(II) of section 103(d)(1)(A) of Public Law 108–361 (118 Stat. 1684) and submit such studies to the appropriate committees of the House of Representatives and the Senate not later than November 30, 2018;

(2) complete the feasibility study described in clause (i)(II) of section 103(d)(1)(A) of Public Law 108–361 and submit such study to the appropriate committees of the House of Representatives and the Senate not later than November 30, 2018;

(3) complete a publicly available draft of the feasibility study described in clause (ii)(I) of section 103(d)(1)(A) of Public Law 108–361 and submit such study to the appropriate committees of the House of Representatives and the Senate not later than November 30, 2018;

(4) complete the feasibility study described in clause (ii)(I) of section 103(d)(1)(A) of Public Law 108–361 and submit such study to the appropriate committees of the House of Representatives and the Senate not later than November 30, 2019;

(5) complete the feasibility study described in section 103(f)(1)(A) of Public Law 108–361 (118 Stat. 1694) and submit such study to the appropriate committees of the House of Representatives and the Senate not later than December 31, 2019;

(6) in conducting any feasibility study under this Act, the reclamation laws, the Central Valley Project Improvement Act (title XXXIV of

Public Law 102–575; 106 Stat. 4706), the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and other applicable law, for the purposes of determining feasibility the Secretary shall document, delineate, and publish costs directly relating to the engineering and construction of a water storage project separately from the costs resulting from regulatory compliance or the construction of auxiliary facilities necessary to achieve regulatory compliance; and

(7) communicate, coordinate and cooperate with public water agencies that contract with the United States for Central Valley Project water and that are expected to participate in the cost pools that will be created for the projects proposed in the feasibility studies under this section.

### **SEC. 202. TEMPERANCE FLAT.**

(a) **DEFINITIONS.**—For the purposes of this section:

(1) **PROJECT.**—The term “Project” means the Temperance Flat Reservoir Project on the Upper San Joaquin River.

(2) **RMP.**—The term “RMP” means the document titled “Bakersfield Field Office, Record of Decision and Approved Resource Management Plan”, dated December 2014.

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

(b) **APPLICABILITY OF RMP.**—The RMP and findings related thereto shall have no effect on or applicability to the Secretary’s determination of feasibility of, or on any findings or environmental review documents related to—

(1) the Project; or

(2) actions taken by the Secretary pursuant to section 103(d)(1)(A)(ii)(II) of the Bay-Delta Authorization Act (title I of Public Law 108–361).

(c) **DUTIES OF SECRETARY UPON DETERMINATION OF FEASIBILITY.**—If the Secretary finds the Project to be feasible, the Secretary shall manage the land recommended in the RMP for designation under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.) in a manner that does not impede any environmental reviews, preconstruction, construction, or other activities of the Project, regardless of whether or not the Secretary submits any official recommendation to Congress under the Wild and Scenic Rivers Act.

(d) **RESERVED WATER RIGHTS.**—Effective December 22, 2017, there shall be no Federal reserved water rights to any segment of the San Joaquin River related to the Project as a result of any designation made under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.).

### **SEC. 203. WATER STORAGE PROJECT CONSTRUCTION.**

The Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation, may partner or enter into an agreement 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 those projects.

## **TITLE III—WATER RIGHTS PROTECTIONS**

### **SEC. 301. OFFSET FOR STATE WATER PROJECT.**

(a) **IMPLEMENTATION IMPACTS.**—The Secretary of the Interior shall confer with the California Department of Fish and Wildlife in connection with the implementation of this title on potential impacts to any consistency determination for operations of the State Water Project issued pursuant to California Fish and Game Code section 2080.1.

(b) **ADDITIONAL YIELD.**—If, as a result of the application of this title, the California Department of Fish and Wildlife—

(1) revokes the consistency determinations pursuant to California Fish and Game Code section 2080.1 that are applicable to the State Water Project;

(2) amends or issues one or more new consistency determinations pursuant to California Fish and Game Code section 2080.1 in a manner that directly or indirectly results in reduced water supply to the State Water Project as compared with the water supply available under the smelt biological opinion and the salmonid biological opinion; or

(3) requires take authorization under California Fish and Game Code section 2081 for operation of the State Water Project in a manner that directly or indirectly results in reduced water supply to the State Water Project as compared with the water supply available under the smelt biological opinion and the salmonid biological opinion, and as a consequence of the Department’s action, Central Valley Project yield is greater than it would have been absent the Department’s actions, then that additional yield shall be made available to the State Water Project for delivery to State Water Project contractors to offset losses resulting from the Department’s action.

(c) **NOTIFICATION RELATED TO ENVIRONMENTAL PROTECTIONS.**—The Secretary of the Interior shall immediately notify the Director of the California Department of Fish and Wildlife in writing if the Secretary of the Interior determines that implementation of the smelt biological opinion and the salmonid biological opinion consistent with this title reduces environmental protections for any species covered by the opinions.

### **SEC. 302. AREA OF ORIGIN PROTECTIONS.**

(a) **IN GENERAL.**—The Secretary of the Interior is directed, in the operation of the Central Valley Project, to adhere to California’s water rights laws governing water rights priorities and to honor water rights senior to those held by the United States for operation of the Central Valley Project, regardless of the source of priority, including any appropriate water rights initiated prior to December 19, 1914, as well as water rights and other priorities perfected or to be perfected pursuant to California Water Code Part 2 of Division 2. Article 1.7 (commencing with section 1215 of chapter 1 of part 2 of division 2, sections 10505, 10505.5, 11128, 11460, 11461, 11462, and 11463, and sections 12200 through 12220, inclusive).

(b) **DIVERSIONS.**—Any action undertaken by the Secretary of the Interior and the Secretary of Commerce pursuant to both this title and section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) that requires that diversions from the Sacramento River or the San Joaquin River watersheds upstream of the Delta be bypassed shall not be undertaken in a manner that alters the water rights priorities established by California law.

### **SEC. 303. NO REDIRECTED ADVERSE IMPACTS.**

(a) **IN GENERAL.**—The Secretary of the Interior shall ensure that, except as otherwise provided for in a water service or repayment contract, actions taken in compliance with legal obligations imposed pursuant to or as a result of this title, including such actions under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and other applicable Federal and State laws, shall not directly or indirectly—

(1) result in the involuntary reduction of water supply or fiscal impacts to individuals or districts who receive water from either the State Water Project or the United States under water rights settlement contracts, exchange contracts, water service contracts, repayment contracts, or water supply contracts; or

(2) cause redirected adverse water supply or fiscal impacts to those within the Sacramento River watershed, the San Joaquin River watershed or the State Water Project service area.

(b) **COSTS.**—To the extent that costs are incurred solely pursuant to or as a result of this title and would not otherwise have been incurred by any entity or public or local agency or subdivision of the State of California, such costs shall not be borne by any such entity, agency,

or subdivision of the State of California, unless such costs are incurred on a voluntary basis.

(c) **RIGHTS AND OBLIGATIONS NOT MODIFIED OR AMENDED.**—Nothing in this title shall modify or amend the rights and obligations of the parties to any existing—

(1) water service, repayment, settlement, purchase, or exchange contract with the United States, including the obligation to satisfy exchange contracts and settlement contracts prior to the allocation of any other Central Valley Project water; or

(2) State Water Project water supply or settlement contract with the State.

**SEC. 304. ALLOCATIONS FOR SACRAMENTO VALLEY CONTRACTORS.**

(a) **ALLOCATIONS.**—

(1) **IN GENERAL.**—Subject to paragraph (2) and subsection (b), the Secretary of the Interior 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:

(A) Not less than 100 percent of their contract quantities in a “Wet” year.

(B) Not less than 100 percent of their contract quantities in an “Above Normal” year.

(C) Not less than 100 percent of their contract quantities in a “Below Normal” year that is preceded by an “Above Normal” or a “Wet” year.

(D) Not less than 50 percent of their contract quantities in a “Dry” year that is preceded by a “Below Normal”, an “Above Normal”, or a “Wet” year.

(E) In all other years not identified herein, the allocation percentage for existing Central Valley Project agricultural water service contractors within the Sacramento River Watershed shall not be less than twice the allocation percentage to south-of-Delta Central Valley Project agricultural water service contractors, up to 100 percent; provided, that nothing herein shall preclude an allocation to existing Central Valley Project agricultural water service contractors within the Sacramento River Watershed that is greater than twice the allocation percentage to south-of-Delta Central Valley Project agricultural water service contractors.

(2) **CONDITIONS.**—The Secretary’s actions under paragraph (1) shall be subject to—

(A) the priority of individuals or entities with Sacramento River water rights, including those with Sacramento River Settlement Contracts, that have priority to the diversion and use of Sacramento River water over water rights held by the United States for operations of the Central Valley Project;

(B) the United States obligation to make a substitute supply of water available to the San Joaquin River Exchange Contractors; and

(C) the Secretary’s obligation to make water available to managed wetlands pursuant to section 3406(d) of the Central Valley Project Improvement Act (Public Law 102-575).

(b) **PROTECTION OF MUNICIPAL AND INDUSTRIAL SUPPLIES.**—Nothing in subsection (a) shall be deemed to—

(1) modify any provision of a water service contract that addresses municipal and industrial water shortage policies of the Secretary;

(2) affect or limit the authority of the Secretary to adopt or modify municipal and industrial water shortage policies;

(3) affect or limit the authority of the Secretary to implement municipal and industrial water shortage policies; or

(4) 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, the operations of the Central Valley Project’s American River Division or any deliveries from that Division, its units or facilities.

(c) **NO EFFECT ON ALLOCATIONS.**—This section shall not—

(1) affect the allocation of water to Friant Division contractors; or

(2) result in the involuntary reduction in contract water allocations to individuals or entities with contracts to receive water from the Friant Division.

(d) **PROGRAM FOR WATER RESCHEDULING.**—The Secretary of the Interior shall develop and implement a program, not later than 1 year after the date of the enactment of this Act, to provide for the opportunity for existing Central Valley Project agricultural, municipal, and industrial water service contractors within the Sacramento River Watershed to reschedule water, provided for under their Central Valley Project water service contracts, from one year to the next.

(e) **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. 305. EFFECT ON EXISTING OBLIGATIONS.**

Nothing in this title preempts or modifies any existing obligation of the United States under Federal reclamation law to operate the Central Valley Project in conformity with State law, including established water rights priorities.

**TITLE IV—MISCELLANEOUS**

**SEC. 401. WATER SUPPLY ACCOUNTING.**

(a) **IN GENERAL.**—All Central Valley Project water, except Central Valley Project water released pursuant to U.S. Department of the Interior Record of Decision, Trinity River Mainstem Fishery Restoration Final Environmental Impact Statement/Environmental Impact Report dated December 2000 used to implement an action undertaken for a fishery beneficial purpose that was not 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, shall be credited to the quantity of Central Valley Project yield dedicated and managed under this section; provided, that nothing herein shall affect the Secretary of the Interior’s duty to comply with any otherwise lawful requirement imposed on operations of the Central Valley Project under any provision of Federal or State law.

(b) **RECLAMATION POLICIES AND ALLOCATIONS.**—Reclamation policies and allocations shall not be based upon any premise or assumption that Central Valley Project contract supplies are supplemental or secondary to any other contractor source of supply.

**SEC. 402. OPERATIONS OF THE TRINITY RIVER DIVISION.**

The Secretary of the Interior, in the operation of the Trinity River Division of the Central Valley Project, shall not make releases from Lewiston Dam in excess of the volume for each water-year type required by the U.S. Department of the Interior Record of Decision, Trinity River Mainstem Fishery Restoration Final Environmental Impact Statement/Environmental Impact Report dated December 2000.

(1) A maximum of 369,000 acre-feet in a “Critically Dry” year.

(2) A maximum of 453,000 acre-feet in a “Dry” year.

(3) A maximum of 647,000 acre-feet in a “Normal” year.

(4) A maximum of 701,000 acre-feet in a “Wet” year.

(5) A maximum of 815,000 acre-feet in an “Extremely Wet” year.

**SEC. 403. REPORT ON RESULTS OF WATER USAGE.**

The Secretary of the Interior, in consultation with the Secretary of Commerce and the Secretary of Natural Resources of the State of California, shall publish an annual report detailing instream flow releases from the Central Valley Project and California State Water Project, their explicit purpose and authority, and all measured environmental benefit as a result of the releases.

**SEC. 404. KLAMATH PROJECT CONSULTATION APPLICANTS.**

If the Bureau of Reclamation initiates or reinitiates consultation with the U.S. Fish and Wildlife Service or the National Marine Fisheries Service under section 7(a)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)(2)), with respect to construction or operation of the Klamath Project (or any part thereof), Klamath Project contractors shall be accorded all the rights and responsibilities extended to applicants in the consultation process. Upon request of the Klamath Project contractors, they may be represented through an association or organization.

**SEC. 405. CA STATE WATER RESOURCES CONTROL BOARD.**

(a) **IN GENERAL.**—In carrying out this Act, the Secretaries shall—

(1) recognize Congressional opposition to the violation of private property rights by the California State Water Resources Control Board in their proposal to require a minimum percentage of unimpaired flows in the main tributaries of the San Joaquin River; and

(2) recognize the need to provide reliable water supplies to municipal, industrial, and agricultural users across the State.

**TITLE V—WATER SUPPLY PERMITTING ACT**

**SEC. 501. SHORT TITLE.**

This title may be cited as the “Water Supply Permitting Coordination Act”.

**SEC. 502. DEFINITIONS.**

In this title:

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

(2) **BUREAU.**—The term “Bureau” means the Bureau of Reclamation.

(3) **QUALIFYING PROJECTS.**—The term “qualifying projects”—

(A) means new surface water storage projects in the States covered under the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.) constructed on lands administered by the Department of the Interior or the Department of Agriculture, exclusive of any easement, right-of-way, lease, or any private holding, unless the project applicant elects not to participate in the process authorized by this Act; and

(B) includes State-led storage projects (as defined in section 4007(a)(2) of the WIN Act) for new surface water storage projects in the States covered under the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.) constructed on lands administered by the Department of the Interior or the Department of Agriculture, exclusive of any easement, right-of-way, lease, or any private holding, unless the project applicant elects not to participate in the process authorized by this Act.

(4) **COOPERATING AGENCIES.**—The term “cooperating agency” means a Federal agency with jurisdiction over a review, analysis, opinion, statement, permit, license, or other approval or decision required for a qualifying project under applicable Federal laws and regulations, or a State agency subject to section 503(c).

**SEC. 503. ESTABLISHMENT OF LEAD AGENCY AND COOPERATING AGENCIES.**

(a) **ESTABLISHMENT OF LEAD AGENCY.**—The Bureau of Reclamation is established as the lead agency for purposes of coordinating all reviews,

analyses, opinions, statements, permits, licenses, or other approvals or decisions required under Federal law to construct qualifying projects.

(b) **IDENTIFICATION AND ESTABLISHMENT OF COOPERATING AGENCIES.**—The Commissioner of the Bureau shall—

(1) identify, as early as practicable upon receipt of an application for a qualifying project, any Federal agency that may have jurisdiction over a review, analysis, opinion, statement, permit, license, approval, or decision required for a qualifying project under applicable Federal laws and regulations; and

(2) notify any such agency, within a reasonable timeframe, that the agency has been designated as a cooperating agency in regards to the qualifying project unless that agency responds to the Bureau in writing, within a timeframe set forth by the Bureau, notifying the Bureau that the agency—

(A) has no jurisdiction or authority with respect to the qualifying project;

(B) has no expertise or information relevant to the qualifying project or any review, analysis, opinion, statement, permit, license, or other approval or decision associated therewith; or

(C) does not intend to submit comments on the qualifying project or conduct any review of such a project or make any decision with respect to such project in a manner other than in cooperation with the Bureau.

(c) **STATE AUTHORITY.**—A State in which a qualifying project is being considered may choose, consistent with State law—

(1) to participate as a cooperating agency; and

(2) to make subject to the processes of this title all State agencies that—

(A) have jurisdiction over the qualifying project;

(B) are required to conduct or issue a review, analysis, or opinion for the qualifying project; or

(C) are required to make a determination on issuing a permit, license, or approval for the qualifying project.

#### **SEC. 504. BUREAU RESPONSIBILITIES.**

(a) **IN GENERAL.**—The principal responsibilities of the Bureau under this title are to—

(1) serve as the point of contact for applicants, State agencies, Indian tribes, and others regarding proposed qualifying projects;

(2) coordinate preparation of unified environmental documentation that will serve as the basis for all Federal decisions necessary to authorize the use of Federal lands for qualifying projects; and

(3) coordinate all Federal agency reviews necessary for project development and construction of qualifying projects.

(b) **COORDINATION PROCESS.**—The Bureau shall have the following coordination responsibilities:

(1) **PRE-APPLICATION COORDINATION.**—Notify cooperating agencies of proposed qualifying projects not later than 30 days after receipt of a proposal and facilitate a preapplication meeting for prospective applicants, relevant Federal and State agencies, and Indian tribes to—

(A) explain applicable processes, data requirements, and applicant submissions necessary to complete the required Federal agency reviews within the timeframe established; and

(B) establish the schedule for the qualifying project.

(2) **CONSULTATION WITH COOPERATING AGENCIES.**—Consult with the cooperating agencies throughout the Federal agency review process, identify and obtain relevant data in a timely manner, and set necessary deadlines for cooperating agencies.

(3) **SCHEDULE.**—Work with the qualifying project applicant and cooperating agencies to establish a project schedule. In establishing the schedule, the Bureau shall consider, among other factors—

(A) the responsibilities of cooperating agencies under applicable laws and regulations;

(B) the resources available to the cooperating agencies and the non-Federal qualifying project sponsor, as applicable;

(C) the overall size and complexity of the qualifying project;

(D) the overall schedule for and cost of the qualifying project; and

(E) the sensitivity of the natural and historic resources that may be affected by the qualifying project.

(4) **ENVIRONMENTAL COMPLIANCE.**—Prepare a unified environmental review document for each qualifying project application, incorporating a single environmental record on which all cooperating agencies with authority to issue approvals for a given qualifying project shall base project approval decisions. Help ensure that cooperating agencies make necessary decisions, within their respective authorities, regarding Federal approvals in accordance with the following timelines:

(A) Not later than one year after acceptance of a completed project application when an environmental assessment and finding of no significant impact is determined to be the appropriate level of review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) Not later than one year and 30 days after the close of the public comment period for a draft environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), when an environmental impact statement is required under the same.

(5) **CONSOLIDATED ADMINISTRATIVE RECORD.**—Maintain a consolidated administrative record of the information assembled and used by the cooperating agencies as the basis for agency decisions.

(6) **PROJECT DATA RECORDS.**—To the extent practicable and consistent with Federal law, ensure that all project data is submitted and maintained in generally accessible electronic format, compile, and where authorized under existing law, make available such project data to cooperating agencies, the qualifying project applicant, and to the public.

(7) **PROJECT MANAGER.**—Appoint a project manager for each qualifying project. The project manager shall have authority to oversee the project and to facilitate the issuance of the relevant final authorizing documents, and shall be responsible for ensuring fulfillment of all Bureau responsibilities set forth in this section and all cooperating agency responsibilities under section 505.

#### **SEC. 505. COOPERATING AGENCY RESPONSIBILITIES.**

(a) **ADHERENCE TO BUREAU SCHEDULE.**—Upon notification of an application for a qualifying project, all cooperating agencies shall submit to the Bureau a timeframe under which the cooperating agency reasonably considers it will be able to complete its authorizing responsibilities. The Bureau shall use the timeframe submitted under this subsection to establish the project schedule under section 504, and the cooperating agencies shall adhere to the project schedule established by the Bureau.

(b) **ENVIRONMENTAL RECORD.**—Cooperating agencies shall submit to the Bureau all environmental review material produced or compiled in the course of carrying out activities required under Federal law consistent with the project schedule established by the Bureau.

(c) **DATA SUBMISSION.**—To the extent practicable and consistent with Federal law, the cooperating agencies shall submit all relevant project data to the Bureau in a generally accessible electronic format subject to the project schedule set forth by the Bureau.

#### **SEC. 506. FUNDING TO PROCESS PERMITS.**

(a) **IN GENERAL.**—The Secretary, after public notice in accordance with subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the “Administrative Procedure Act”), may accept and expend

funds contributed by a non-Federal public entity to expedite the evaluation of a permit of that entity related to a qualifying project.

(b) **EFFECT ON PERMITTING.**—

(1) **IN GENERAL.**—In carrying out this section, the Secretary shall ensure that the use of funds accepted under subsection (a) will not impact impartial decisionmaking with respect to permits, either substantively or procedurally.

(2) **EVALUATION OF PERMITS.**—In carrying out this section, the Secretary shall ensure that the evaluation of permits carried out using funds accepted under this section shall—

(A) be reviewed by the Regional Director of the Bureau, or the Regional Director’s designee, of the region in which the qualifying project or activity is located; and

(B) use the same procedures for decisions that would otherwise be required for the evaluation of permits for similar projects or activities not carried out using funds authorized under this section.

(3) **IMPARTIAL DECISIONMAKING.**—In carrying out this section, the Secretary and the cooperating agencies receiving funds under this section for qualifying projects shall ensure that the use of the funds accepted under this section for such projects shall not—

(A) impact impartial decisionmaking with respect to the issuance of permits, either substantively or procedurally; or

(B) diminish, modify, or otherwise affect the statutory or regulatory authorities of such agencies.

(c) **LIMITATION ON USE OF FUNDS.**—None of the funds accepted under this section shall be used to carry out a review of the evaluation of permits required under subsection (a)(2)(A).

(d) **PUBLIC AVAILABILITY.**—The Secretary shall ensure that all final permit decisions carried out using funds authorized under this section are made available to the public, including on the Internet.

### **TITLE VI—BUREAU OF RECLAMATION PROJECT STREAMLINING**

#### **SEC. 601. SHORT TITLE.**

This title may be cited as the “Bureau of Reclamation Project Streamlining Act”.

#### **SEC. 602. DEFINITIONS.**

In this title:

(1) **ENVIRONMENTAL IMPACT STATEMENT.**—The term “environmental impact statement” means the detailed statement of environmental impacts of a project required to be prepared pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) **ENVIRONMENTAL REVIEW PROCESS.**—

(A) **IN GENERAL.**—The term “environmental review process” means the process of preparing an environmental impact statement, environmental assessment, categorical exclusion, or other document under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for a project study.

(B) **INCLUSIONS.**—The term “environmental review process” includes the process for and completion of any environmental permit, approval, review, or study required for a project study under any Federal law other than the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(3) **FEDERAL JURISDICTIONAL AGENCY.**—The term “Federal jurisdictional agency” means a Federal agency with jurisdiction delegated by law, regulation, order, or otherwise over a review, analysis, opinion, statement, permit, license, or other approval or decision required for a project study under applicable Federal laws (including regulations).

(4) **FEDERAL LEAD AGENCY.**—The term “Federal lead agency” means the Bureau of Reclamation.

(5) **PROJECT.**—The term “project” means a surface water project, a project under the purview of title XVI of Public Law 102–575, or a rural water supply project investigated under Public Law 109–451 to be carried out, funded or

operated in whole or in part by the Secretary pursuant to the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

(6) **PROJECT SPONSOR.**—The term “project sponsor” means a State, regional, or local authority or instrumentality or other qualifying entity, such as a water conservation district, irrigation district, water conservancy district, joint powers authority, mutual water company, canal company, rural water district or association, or any other entity that has the capacity to contract with the United States under Federal reclamation law.

(7) **PROJECT STUDY.**—The term “project study” means a feasibility study for a project carried out pursuant to the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

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

(9) **SURFACE WATER STORAGE.**—The term “surface water storage” means any surface water reservoir or impoundment that would be owned, funded or operated in whole or in part by the Bureau of Reclamation or that would be integrated into a larger system owned, operated or administered in whole or in part by the Bureau of Reclamation.

#### SEC. 603. ACCELERATION OF STUDIES.

(a) **IN GENERAL.**—To the extent practicable, a project study initiated by the Secretary, after the date of enactment of this Act, under the Reclamation Act of 1902 (32 Stat. 388), and all Acts amendatory thereof or supplementary thereto, shall—

(1) result in the completion of a final feasibility report not later than 3 years after the date of initiation;

(2) have a maximum Federal cost of \$3,000,000; and

(3) ensure that personnel from the local project area, region, and headquarters levels of the Bureau of Reclamation concurrently conduct the review required under this section.

(b) **EXTENSION.**—If the Secretary determines that a project study described in subsection (a) will not be conducted in accordance with subsection (a), the Secretary, not later than 30 days after the date of making the determination, shall—

(1) prepare an updated project study schedule and cost estimate;

(2) notify the non-Federal project cost-sharing partner that the project study has been delayed; and

(3) provide written notice to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate as to the reasons the requirements of subsection (a) are not attainable.

(c) **EXCEPTION.**—

(1) **IN GENERAL.**—Notwithstanding the requirements of subsection (a), the Secretary may extend the timeline of a project study by a period not to exceed 3 years, if the Secretary determines that the project study is too complex to comply with the requirements of subsection (a).

(2) **FACTORS.**—In making a determination that a study is too complex to comply with the requirements of subsection (a), the Secretary shall consider—

(A) the type, size, location, scope, and overall cost of the project;

(B) whether the project will use any innovative design or construction techniques;

(C) whether the project will require significant action by other Federal, State, or local agencies;

(D) whether there is significant public dispute as to the nature or effects of the project; and

(E) whether there is significant public dispute as to the economic or environmental costs or benefits of the project.

(3) **NOTIFICATION.**—Each time the Secretary makes a determination under this subsection, the Secretary shall provide written notice to the Committee on Natural Resources of the House of

Representatives and the Committee on Energy and Natural Resources of the Senate as to the results of that determination, including an identification of the specific one or more factors used in making the determination that the project is complex.

(4) **LIMITATION.**—The Secretary shall not extend the timeline for a project study for a period of more than 7 years, and any project study that is not completed before that date shall no longer be authorized.

(d) **REVIEWS.**—Not later than 90 days after the date of the initiation of a project study described in subsection (a), the Secretary shall—

(1) take all steps necessary to initiate the process for completing federally mandated reviews that the Secretary is required to complete as part of the study, including the environmental review process under section 805;

(2) convene a meeting of all Federal, tribal, and State agencies identified under section 605(d) that may—

(A) have jurisdiction over the project;

(B) be required by law to conduct or issue a review, analysis, opinion, or statement for the project study; or

(C) be required to make a determination on issuing a permit, license, or other approval or decision for the project study; and

(3) take all steps necessary to provide information that will enable required reviews and analyses related to the project to be conducted by other agencies in a thorough and timely manner.

(e) **INTERIM REPORT.**—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate and make publicly available a report that describes—

(1) the status of the implementation of the planning process under this section, including the number of participating projects;

(2) a review of project delivery schedules, including a description of any delays on those studies initiated prior to the date of the enactment of this Act; and

(3) any recommendations for additional authority necessary to support efforts to expedite the project.

(f) **FINAL REPORT.**—Not later than 4 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate and make publicly available a report that describes—

(1) the status of the implementation of this section, including a description of each project study subject to the requirements of this section;

(2) the amount of time taken to complete each project study; and

(3) any recommendations for additional authority necessary to support efforts to expedite the project study process, including an analysis of whether the limitation established by subsection (a)(2) needs to be adjusted to address the impacts of inflation.

#### SEC. 604. EXPEDITED COMPLETION OF REPORTS.

The Secretary shall—

(1) expedite the completion of any ongoing project study initiated before the date of enactment of this Act; and

(2) if the Secretary determines that the project is justified in a completed report, proceed directly to preconstruction planning, engineering, and design of the project in accordance with the Reclamation Act of 1902 (32 Stat. 388), and all Acts amendatory thereof or supplementary thereto.

#### SEC. 605. PROJECT ACCELERATION.

(a) **APPLICABILITY.**—

(1) **IN GENERAL.**—This section shall apply to—

(A) each project study that is initiated after the date of enactment of this Act and for which an environmental impact statement is prepared

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

(B) the extent determined appropriate by the Secretary, to other project studies initiated before the date of enactment of this Act and for which an environmental review process document is prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(C) any project study for the development of a nonfederally owned and operated surface water storage project for which the Secretary determines there is a demonstrable Federal interest and the project—

(i) is located in a river basin where other Bureau of Reclamation water projects are located;

(ii) will create additional water supplies that support Bureau of Reclamation water projects; or

(iii) will become integrated into the operation of Bureau of Reclamation water projects.

(2) **FLEXIBILITY.**—Any authority granted under this section may be exercised, and any requirement established under this section may be satisfied, for the conduct of an environmental review process for a project study, a class of project studies, or a program of project studies.

(3) **LIST OF PROJECT STUDIES.**—

(A) **IN GENERAL.**—The Secretary shall annually prepare, and make publicly available, a list of all project studies that the Secretary has determined—

(i) meets the standards described in paragraph (1); and

(ii) does not have adequate funding to make substantial progress toward the completion of the project study.

(B) **INCLUSIONS.**—The Secretary shall include for each project study on the list under subparagraph (A) a description of the estimated amounts necessary to make substantial progress on the project study.

(b) **PROJECT REVIEW PROCESS.**—

(1) **IN GENERAL.**—The Secretary shall develop and implement a coordinated environmental review process for the development of project studies.

(2) **COORDINATED REVIEW.**—The coordinated environmental review process described in paragraph (1) shall require that any review, analysis, opinion, statement, permit, license, or other approval or decision issued or made by a Federal, State, or local governmental agency or an Indian tribe for a project study described in subsection (b) be conducted, to the maximum extent practicable, concurrently with any other applicable governmental agency or Indian tribe.

(3) **TIMING.**—The coordinated environmental review process under this subsection shall be completed not later than the date on which the Secretary, in consultation and concurrence with the agencies identified under section 705(d), establishes with respect to the project study.

(c) **LEAD AGENCIES.**—

(1) **JOINT LEAD AGENCIES.**—

(A) **IN GENERAL.**—Subject to the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the requirements of section 1506.8 of title 40, Code of Federal Regulations (or successor regulations), including the concurrence of the proposed joint lead agency, a project sponsor may serve as the joint lead agency.

(B) **PROJECT SPONSOR AS JOINT LEAD AGENCY.**—A project sponsor that is a State or local governmental entity may—

(i) with the concurrence of the Secretary, serve as a joint lead agency with the Federal lead agency for purposes of preparing any environmental document under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(ii) prepare any environmental review process document under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) required in support of any action or approval by the Secretary if—

(I) the Secretary provides guidance in the preparation process and independently evaluates that document;

(II) the project sponsor complies with all requirements applicable to the Secretary under—

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

(bb) any regulation implementing that Act; and

(cc) any other applicable Federal law; and

(III) the Secretary approves and adopts the document before the Secretary takes any subsequent action or makes any approval based on that document, regardless of whether the action or approval of the Secretary results in Federal funding.

(2) DUTIES.—The Secretary shall ensure that—

(A) the project sponsor complies with all design and mitigation commitments made jointly by the Secretary and the project sponsor in any environmental document prepared by the project sponsor in accordance with this subsection; and

(B) any environmental document prepared by the project sponsor is appropriately supplemented to address any changes to the project the Secretary determines are necessary.

(3) ADOPTION AND USE OF DOCUMENTS.—Any environmental document prepared in accordance with this subsection shall be adopted and used by any Federal agency making any determination related to the project study to the same extent that the Federal agency could adopt or use a document prepared by another Federal agency under—

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

(B) parts 1500 through 1508 of title 40, Code of Federal Regulations (or successor regulations).

(4) ROLES AND RESPONSIBILITY OF LEAD AGENCY.—With respect to the environmental review process for any project study, the Federal lead agency shall have authority and responsibility—

(A) to take such actions as are necessary and proper and within the authority of the Federal lead agency to facilitate the expeditious resolution of the environmental review process for the project study; and

(B) to prepare or ensure that any required environmental impact statement or other environmental review document for a project study required to be completed under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) is completed in accordance with this section and applicable Federal law.

(d) PARTICIPATING AND COOPERATING AGENCIES.—

(1) IDENTIFICATION OF JURISDICTIONAL AGENCIES.—With respect to carrying out the environmental review process for a project study, the Secretary shall identify, as early as practicable in the environmental review process, all Federal, State, and local government agencies and Indian tribes that may—

(A) have jurisdiction over the project;

(B) be required by law to conduct or issue a review, analysis, opinion, or statement for the project study; or

(C) be required to make a determination on issuing a permit, license, or other approval or decision for the project study.

(2) STATE AUTHORITY.—If the environmental review process is being implemented by the Secretary for a project study within the boundaries of a State, the State, consistent with State law, may choose to participate in the process and to make subject to the process all State agencies that—

(A) have jurisdiction over the project;

(B) are required to conduct or issue a review, analysis, opinion, or statement for the project study; or

(C) are required to make a determination on issuing a permit, license, or other approval or decision for the project study.

(3) INVITATION.—

(A) IN GENERAL.—The Federal lead agency shall invite, as early as practicable in the environmental review process, any agency identified under paragraph (1) to become a participating

or cooperating agency, as applicable, in the environmental review process for the project study.

(B) DEADLINE.—An invitation to participate issued under subparagraph (A) shall set a deadline by which a response to the invitation shall be submitted, which may be extended by the Federal lead agency for good cause.

(4) PROCEDURES.—Section 1501.6 of title 40, Code of Federal Regulations (as in effect on the date of enactment of the Bureau of Reclamation Project Streamlining Act), shall govern the identification and the participation of a cooperating agency.

(5) FEDERAL COOPERATING AGENCIES.—Any Federal agency that is invited by the Federal lead agency to participate in the environmental review process for a project study shall be designated as a cooperating agency by the Federal lead agency unless the invited agency informs the Federal lead agency, in writing, by the deadline specified in the invitation that the invited agency—

(A)(i) has no jurisdiction or authority with respect to the project;

(ii) has no expertise or information relevant to the project; or

(iii) does not have adequate funds to participate in the project; and

(B) does not intend to submit comments on the project.

(6) ADMINISTRATION.—A participating or cooperating agency shall comply with this section and any schedule established under this section.

(7) EFFECT OF DESIGNATION.—Designation as a participating or cooperating agency under this subsection shall not imply that the participating or cooperating agency—

(A) supports a proposed project; or

(B) has any jurisdiction over, or special expertise with respect to evaluation of, the project.

(8) CONCURRENT REVIEWS.—Each participating or cooperating agency shall—

(A) carry out the obligations of that agency under other applicable law concurrently and in conjunction with the required environmental review process, unless doing so would prevent the participating or cooperating agency from conducting needed analysis or otherwise carrying out those obligations; and

(B) formulate and implement administrative, policy, and procedural mechanisms to enable the agency to ensure completion of the environmental review process in a timely, coordinated, and environmentally responsible manner.

(e) NON-FEDERAL PROJECTS INTEGRATED INTO RECLAMATION SYSTEMS.—The Federal lead agency shall serve in that capacity for the entirety of all non-Federal projects that will be integrated into a larger system owned, operated or administered in whole or in part by the Bureau of Reclamation.

(f) NON-FEDERAL PROJECT.—If the Secretary determines that a project can be expedited by a non-Federal sponsor and that there is a demonstrable Federal interest in expediting that project, the Secretary shall take such actions as are necessary to advance such a project as a non-Federal project, including, but not limited to, entering into agreements with the non-Federal sponsor of such project to support the planning, design and permitting of such project as a non-Federal project.

(g) PROGRAMMATIC COMPLIANCE.—

(1) IN GENERAL.—The Secretary shall issue guidance regarding the use of programmatic approaches to carry out the environmental review process that—

(A) eliminates repetitive discussions of the same issues;

(B) focuses on the actual issues ripe for analyses at each level of review;

(C) establishes a formal process for coordinating with participating and cooperating agencies, including the creation of a list of all data that are needed to carry out an environmental review process; and

(D) complies with—

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

(ii) all other applicable laws.

(2) REQUIREMENTS.—In carrying out paragraph (1), the Secretary shall—

(A) as the first step in drafting guidance under that paragraph, consult with relevant Federal, State, and local governmental agencies, Indian tribes, and the public on the appropriate use and scope of the programmatic approaches;

(B) emphasize the importance of collaboration among relevant Federal, State, and local governmental agencies, and Indian tribes in undertaking programmatic reviews, especially with respect to including reviews with a broad geographical scope;

(C) ensure that the programmatic reviews—

(i) promote transparency, including of the analyses and data used in the environmental review process, the treatment of any deferred issues raised by Federal, State, and local governmental agencies, Indian tribes, or the public, and the temporal and special scales to be used to analyze those issues;

(ii) use accurate and timely information in the environmental review process, including—

(I) criteria for determining the general duration of the usefulness of the review; and

(II) the timeline for updating any out-of-date review;

(iii) describe—

(I) the relationship between programmatic analysis and future tiered analysis; and

(II) the role of the public in the creation of future tiered analysis; and

(iv) are available to other relevant Federal, State, and local governmental agencies, Indian tribes, and the public;

(D) allow not fewer than 60 days of public notice and comment on any proposed guidance; and

(E) address any comments received under subparagraph (D).

(h) COORDINATED REVIEWS.—

(1) COORDINATION PLAN.—

(A) ESTABLISHMENT.—The Federal lead agency shall, after consultation with and with the concurrence of each participating and cooperating agency and the project sponsor or joint lead agency, as applicable, establish a plan for coordinating public and agency participation in, and comment on, the environmental review process for a project study or a category of project studies.

(B) SCHEDULE.—

(i) IN GENERAL.—As soon as practicable but not later than 45 days after the close of the public comment period on a draft environmental impact statement, the Federal lead agency, after consultation with and the concurrence of each participating and cooperating agency and the project sponsor or joint lead agency, as applicable, shall establish, as part of the coordination plan established in subparagraph (A), a schedule for completion of the environmental review process for the project study.

(ii) FACTORS FOR CONSIDERATION.—In establishing a schedule, the Secretary shall consider factors such as—

(I) the responsibilities of participating and cooperating agencies under applicable laws;

(II) the resources available to the project sponsor, joint lead agency, and other relevant Federal and State agencies, as applicable;

(III) the overall size and complexity of the project;

(IV) the overall schedule for and cost of the project; and

(V) the sensitivity of the natural and historical resources that could be affected by the project.

(iii) MODIFICATIONS.—The Secretary may—

(I) lengthen a schedule established under clause (i) for good cause; and

(II) shorten a schedule only with concurrence of the affected participating and cooperating agencies and the project sponsor or joint lead agency, as applicable.

(iv) DISSEMINATION.—A copy of a schedule established under clause (i) shall be—

(I) provided to each participating and cooperating agency and the project sponsor or joint lead agency, as applicable; and

(II) made available to the public.

(2) COMMENT DEADLINES.—The Federal lead agency shall establish the following deadlines for comment during the environmental review process for a project study:

(A) DRAFT ENVIRONMENTAL IMPACT STATEMENTS.—For comments by Federal and State agencies and the public on a draft environmental impact statement, a period of not more than 60 days after publication in the Federal Register of notice of the date of public availability of the draft environmental impact statement, unless—

(i) a different deadline is established by agreement of the Federal lead agency, the project sponsor or joint lead agency, as applicable, and all participating and cooperating agencies; or

(ii) the deadline is extended by the Federal lead agency for good cause.

(B) OTHER ENVIRONMENTAL REVIEW PROCESSES.—For all other comment periods established by the Federal lead agency for agency or public comments in the environmental review process, a period of not more than 30 days after the date on which the materials on which comment is requested are made available, unless—

(i) a different deadline is established by agreement of the Federal lead agency, the project sponsor, or joint lead agency, as applicable, and all participating and cooperating agencies; or

(ii) the deadline is extended by the Federal lead agency for good cause.

(3) DEADLINES FOR DECISIONS UNDER OTHER LAWS.—In any case in which a decision under any Federal law relating to a project study, including the issuance or denial of a permit or license, is required to be made by the date described in subsection (i)(5)(B), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate—

(A) as soon as practicable after the 180-day period described in subsection (i)(5)(B), an initial notice of the failure of the Federal agency to make the decision; and

(B) every 60 days thereafter until such date as all decisions of the Federal agency relating to the project study have been made by the Federal agency, an additional notice that describes the number of decisions of the Federal agency that remain outstanding as of the date of the additional notice.

(4) INVOLVEMENT OF THE PUBLIC.—Nothing in this subsection reduces any time period provided for public comment in the environmental review process under applicable Federal law (including regulations).

(5) TRANSPARENCY REPORTING.—

(A) REPORTING REQUIREMENTS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish and maintain an electronic database and, in coordination with other Federal and State agencies, issue reporting requirements to make publicly available the status and progress with respect to compliance with applicable requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other Federal, State, or local approval or action required for a project study for which this section is applicable.

(B) PROJECT STUDY TRANSPARENCY.—Consistent with the requirements established under subparagraph (A), the Secretary shall make publicly available the status and progress of any Federal, State, or local decision, action, or approval required under applicable laws for each project study for which this section is applicable.

(i) ISSUE IDENTIFICATION AND RESOLUTION.—

(1) COOPERATION.—The Federal lead agency, the cooperating agencies, and any participating agencies shall work cooperatively in accordance with this section to identify and resolve issues

that could delay completion of the environmental review process or result in the denial of any approval required for the project study under applicable laws.

(2) FEDERAL LEAD AGENCY RESPONSIBILITIES.—

(A) IN GENERAL.—The Federal lead agency shall make information available to the cooperating agencies and participating agencies as early as practicable in the environmental review process regarding the environmental and socioeconomic resources located within the project area and the general locations of the alternatives under consideration.

(B) DATA SOURCES.—The information under subparagraph (A) may be based on existing data sources, including geographic information systems mapping.

(3) COOPERATING AND PARTICIPATING AGENCY RESPONSIBILITIES.—Based on information received from the Federal lead agency, cooperating and participating agencies shall identify, as early as practicable, any issues of concern regarding the potential environmental or socioeconomic impacts of the project, including any issues that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project study.

(4) ACCELERATED ISSUE RESOLUTION AND ELEVATION.—

(A) IN GENERAL.—On the request of a participating or cooperating agency or project sponsor, the Secretary shall convene an issue resolution meeting with the relevant participating and cooperating agencies and the project sponsor or joint lead agency, as applicable, to resolve issues that may—

(i) delay completion of the environmental review process; or

(ii) result in denial of any approval required for the project study under applicable laws.

(B) MEETING DATE.—A meeting requested under this paragraph shall be held not later than 21 days after the date on which the Secretary receives the request for the meeting, unless the Secretary determines that there is good cause to extend that deadline.

(C) NOTIFICATION.—On receipt of a request for a meeting under this paragraph, the Secretary shall notify all relevant participating and cooperating agencies of the request, including the issue to be resolved and the date for the meeting.

(D) ELEVATION OF ISSUE RESOLUTION.—If a resolution cannot be achieved within the 30-day period beginning on the date of a meeting under this paragraph and a determination is made by the Secretary that all information necessary to resolve the issue has been obtained, the Secretary shall forward the dispute to the heads of the relevant agencies for resolution.

(E) CONVENTION BY SECRETARY.—The Secretary may convene an issue resolution meeting under this paragraph at any time, at the discretion of the Secretary, regardless of whether a meeting is requested under subparagraph (A).

(5) FINANCIAL PENALTY PROVISIONS.—

(A) IN GENERAL.—A Federal jurisdictional agency shall complete any required approval or decision for the environmental review process on an expeditious basis using the shortest existing applicable process.

(B) FAILURE TO DECIDE.—

(i) IN GENERAL.—

(1) TRANSFER OF FUNDS.—If a Federal jurisdictional agency fails to render a decision required under any Federal law relating to a project study that requires the preparation of an environmental impact statement or environmental assessment, including the issuance or denial of a permit, license, statement, opinion, or other approval by the date described in clause (ii), the amount of funds made available to support the office of the head of the Federal jurisdictional agency shall be reduced by an amount of funding equal to the amount specified in item (aa) or (bb) of subclause (II), and those funds shall be made available to the division of the Federal jurisdictional agency charged with rendering the

decision by not later than 1 day after the applicable date under clause (ii), and once each week thereafter until a final decision is rendered, subject to subparagraph (C).

(II) AMOUNT TO BE TRANSFERRED.—The amount referred to in subclause (I) is—

(aa) \$20,000 for any project study requiring the preparation of an environmental assessment or environmental impact statement; or

(bb) \$10,000 for any project study requiring any type of review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) other than an environmental assessment or environmental impact statement.

(ii) DESCRIPTION OF DATE.—The date referred to in clause (i) is the later of—

(I) the date that is 180 days after the date on which an application for the permit, license, or approval is complete; and

(II) the date that is 180 days after the date on which the Federal lead agency issues a decision on the project under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(C) LIMITATIONS.—

(i) IN GENERAL.—No transfer of funds under subparagraph (B) relating to an individual project study shall exceed, in any fiscal year, an amount equal to 1 percent of the funds made available for the applicable agency office.

(ii) FAILURE TO DECIDE.—The total amount transferred in a fiscal year as a result of a failure by an agency to make a decision by an applicable deadline shall not exceed an amount equal to 5 percent of the funds made available for the applicable agency office for that fiscal year.

(iii) AGGREGATE.—Notwithstanding any other provision of law, for each fiscal year, the aggregate amount of financial penalties assessed against each applicable agency office under this title and any other Federal law as a result of a failure of the agency to make a decision by an applicable deadline for environmental review, including the total amount transferred under this paragraph, shall not exceed an amount equal to 9.5 percent of the funds made available for the agency office for that fiscal year.

(D) NOTIFICATION OF TRANSFERS.—Not later than 10 days after the last date in a fiscal year on which funds of the Federal jurisdictional agency may be transferred under subparagraph (B)(5) with respect to an individual decision, the agency shall submit to the appropriate committees of the House of Representatives and the Senate written notification that includes a description of—

(i) the decision;

(ii) the project study involved;

(iii) the amount of each transfer under subparagraph (B) in that fiscal year relating to the decision;

(iv) the total amount of all transfers under subparagraph (B) in that fiscal year relating to the decision; and

(v) the total amount of all transfers of the agency under subparagraph (B) in that fiscal year.

(E) NO FAULT OF AGENCY.—

(i) IN GENERAL.—A transfer of funds under this paragraph shall not be made if the applicable agency described in subparagraph (A) notifies, with a supporting explanation, the Federal lead agency, cooperating agencies, and project sponsor, as applicable, that—

(I) the agency has not received necessary information or approvals from another entity in a manner that affects the ability of the agency to meet any requirements under Federal, State, or local law;

(II) significant new information, including from public comments, or circumstances, including a major modification to an aspect of the project, requires additional analysis for the agency to make a decision on the project application; or

(III) the agency lacks the financial resources to complete the review under the scheduled timeframe, including a description of the number of



full-time employees required to complete the review, the amount of funding required to complete the review, and a justification as to why not enough funding is available to complete the review by the deadline.

(ii) **LACK OF FINANCIAL RESOURCES.**—If the agency provides notice under clause (i)(III), the Inspector General of the agency shall—

(I) conduct a financial audit to review the notice; and

(II) not later than 90 days after the date on which the review described in subclause (I) is completed, submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate the results of the audit conducted under subclause (I).

(F) **LIMITATION.**—The Federal agency from which funds are transferred pursuant to this paragraph shall not reprogram funds to the office of the head of the agency, or equivalent office, to reimburse that office for the loss of the funds.

(G) **EFFECT OF PARAGRAPH.**—Nothing in this paragraph affects or limits the application of, or obligation to comply with, any Federal, State, local, or tribal law.

(j) **MEMORANDUM OF AGREEMENTS FOR EARLY COORDINATION.**—

(1) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(A) the Secretary and other Federal agencies with relevant jurisdiction in the environmental review process should cooperate with each other, State and local agencies, and Indian tribes on environmental review and Bureau of Reclamation project delivery activities at the earliest practicable time to avoid delays and duplication of effort later in the process, prevent potential conflicts, and ensure that planning and project development decisions reflect environmental values; and

(B) the cooperation referred to in subparagraph (A) should include the development of policies and the designation of staff that advise planning agencies and project sponsors of studies or other information foreseeably required for later Federal action and early consultation with appropriate State and local agencies and Indian tribes.

(2) **TECHNICAL ASSISTANCE.**—If requested at any time by a State or project sponsor, the Secretary and other Federal agencies with relevant jurisdiction in the environmental review process, shall, to the maximum extent practicable and appropriate, as determined by the agencies, provide technical assistance to the State or project sponsor in carrying out early coordination activities.

(3) **MEMORANDUM OF AGENCY AGREEMENT.**—If requested at any time by a State or project sponsor, the Federal lead agency, in consultation with other Federal agencies with relevant jurisdiction in the environmental review process, may establish memoranda of agreement with the project sponsor, Indian tribes, State and local governments, and other appropriate entities to carry out the early coordination activities, including providing technical assistance in identifying potential impacts and mitigation issues in an integrated fashion.

(k) **LIMITATIONS.**—Nothing in this section preempts or interferes with—

(1) any obligation to comply with the provisions of any Federal law, including—

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

(B) any other Federal environmental law;

(2) the reviewability of any final Federal agency action in a court of the United States or in the court of any State;

(3) any requirement for seeking, considering, or responding to public comment; or

(4) any power, jurisdiction, responsibility, duty, or authority that a Federal, State, or local governmental agency, Indian tribe, or project sponsor has with respect to carrying out a project or any other provision of law applicable to projects.

(l) **TIMING OF CLAIMS.**—

(1) **TIMING.**—

(A) **IN GENERAL.**—Notwithstanding any other provision of law, a claim arising under Federal law seeking judicial review of a permit, license, or other approval issued by a Federal agency for a project study shall be barred unless the claim is filed not later than 3 years after publication of a notice in the Federal Register announcing that the permit, license, or other approval is final pursuant to the law under which the agency action is taken, unless a shorter time is specified in the Federal law that allows judicial review.

(B) **APPLICABILITY.**—Nothing in this subsection creates a right to judicial review or places any limit on filing a claim that a person has violated the terms of a permit, license, or other approval.

(2) **NEW INFORMATION.**—

(A) **IN GENERAL.**—The Secretary shall consider new information received after the close of a comment period if the information satisfies the requirements for a supplemental environmental impact statement under title 40, Code of Federal Regulations (including successor regulations).

(B) **SEPARATE ACTION.**—The preparation of a supplemental environmental impact statement or other environmental document, if required under this section, shall be considered a separate final agency action and the deadline for filing a claim for judicial review of the action shall be 3 years after the date of publication of a notice in the Federal Register announcing the action relating to such supplemental environmental impact statement or other environmental document.

(m) **CATEGORICAL EXCLUSIONS.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall—

(A) survey the use by the Bureau of Reclamation of categorical exclusions in projects since 2005;

(B) publish a review of the survey that includes a description of—

(i) the types of actions that were categorically excluded or could be the basis for developing a new categorical exclusion; and

(ii) any requests previously received by the Secretary for new categorical exclusions; and

(C) solicit requests from other Federal agencies and project sponsors for new categorical exclusions.

(2) **NEW CATEGORICAL EXCLUSIONS.**—Not later than 1 year after the date of enactment of this Act, if the Secretary has identified a category of activities that merit establishing a categorical exclusion that did not exist on the day before the date of enactment this Act based on the review under paragraph (1), the Secretary shall publish a notice of proposed rulemaking to propose that new categorical exclusion, to the extent that the categorical exclusion meets the criteria for a categorical exclusion under section 1508.4 of title 40, Code of Federal Regulations (or successor regulation).

(n) **REVIEW OF PROJECT ACCELERATION REFORMS.**—

(1) **IN GENERAL.**—The Comptroller General of the United States shall—

(A) assess the reforms carried out under this section; and

(B) not later than 5 years and not later than 10 years after the date of enactment of this Act, submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes the results of the assessment.

(2) **CONTENTS.**—The reports under paragraph (1) shall include an evaluation of impacts of the reforms carried out under this section on—

(A) project delivery;

(B) compliance with environmental laws; and

(C) the environmental impact of projects.

(o) **PERFORMANCE MEASUREMENT.**—The Secretary shall establish a program to measure and

report on progress made toward improving and expediting the planning and environmental review process.

(p) **CATEGORICAL EXCLUSIONS IN EMERGENCIES.**—For the repair, reconstruction, or rehabilitation of a Bureau of Reclamation surface water storage project that is in operation or under construction when damaged by an event or incident that results in a declaration by the President of a major disaster or emergency pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Secretary shall treat such repair, reconstruction, or rehabilitation activity as a class of action categorically excluded from the requirements relating to environmental assessments or environmental impact statements under section 1508.4 of title 40, Code of Federal Regulations (or successor regulations), if the repair or reconstruction activity is—

(1) in the same location with the same capacity, dimensions, and design as the original Bureau of Reclamation surface water storage project as before the declaration described in this section; and

(2) commenced within a 2-year period beginning on the date of a declaration described in this subsection.

**SEC. 606. ANNUAL REPORT TO CONGRESS.**

(a) **IN GENERAL.**—Not later than February 1 of each year, the Secretary shall develop and submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate an annual report, to be entitled “Report to Congress on Future Water Project Development”, that identifies the following:

(1) **PROJECT REPORTS.**—Each project report that meets the criteria established in subsection (c)(1)(A).

(2) **PROPOSED PROJECT STUDIES.**—Any proposed project study submitted to the Secretary by a non-Federal interest pursuant to subsection (b) that meets the criteria established in subsection (c)(1)(A).

(3) **PROPOSED MODIFICATIONS.**—Any proposed modification to an authorized water project or project study that meets the criteria established in subsection (c)(1)(A) that—

(A) is submitted to the Secretary by a non-Federal interest pursuant to subsection (b); or

(B) is identified by the Secretary for authorization.

(4) **EXPEDITED COMPLETION OF REPORT AND DETERMINATIONS.**—Any project study that was expedited and any Secretarial determinations under section 804.

(b) **REQUESTS FOR PROPOSALS.**—

(1) **PUBLICATION.**—Not later than May 1 of each year, the Secretary shall publish in the Federal Register a notice requesting proposals from non-Federal interests for proposed project studies and proposed modifications to authorized projects and project studies to be included in the annual report.

(2) **DEADLINE FOR REQUESTS.**—The Secretary shall include in each notice required by this subsection a requirement that non-Federal interests submit to the Secretary any proposals described in paragraph (1) by not later than 120 days after the date of publication of the notice in the Federal Register in order for the proposals to be considered for inclusion in the annual report.

(3) **NOTIFICATION.**—On the date of publication of each notice required by this subsection, the Secretary shall—

(A) make the notice publicly available, including on the Internet; and

(B) provide written notification of the publication to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(c) **CONTENTS.**—

(1) **PROJECT REPORTS, PROPOSED PROJECT STUDIES, AND PROPOSED MODIFICATIONS.**—

(A) **CRITERIA FOR INCLUSION IN REPORT.**—The Secretary shall include in the annual report

only those project reports, proposed project studies, and proposed modifications to authorized projects and project studies that—

- (i) are related to the missions and authorities of the Bureau of Reclamation;
- (ii) require specific congressional authorization, including by an Act of Congress;
- (iii) have not been congressionally authorized;
- (iv) have not been included in any previous annual report; and
- (v) if authorized, could be carried out by the Bureau of Reclamation.

(B) DESCRIPTION OF BENEFITS.—

(i) DESCRIPTION.—The Secretary shall describe in the annual report, to the extent applicable and practicable, for each proposed project study and proposed modification to an authorized water resources development project or project study included in the annual report, the benefits, as described in clause (ii), of each such study or proposed modification.

(ii) BENEFITS.—The benefits (or expected benefits, in the case of a proposed project study) described in this clause are benefits to—

- (I) the protection of human life and property;
- (II) improvement to domestic irrigated water and power supplies;
- (III) the national economy;
- (IV) the environment; or
- (V) the national security interests of the United States.

(C) IDENTIFICATION OF OTHER FACTORS.—The Secretary shall identify in the annual report, to the extent practicable—

(i) for each proposed project study included in the annual report, the non-Federal interest that submitted the proposed project study pursuant to subsection (b); and

(ii) for each proposed project study and proposed modification to a project or project study included in the annual report, whether the non-Federal interest has demonstrated—

(I) that local support exists for the proposed project study or proposed modification to an authorized project or project study (including the surface water storage development project that is the subject of the proposed feasibility study or the proposed modification to an authorized project study); and

(II) the financial ability to provide the required non-Federal cost share.

(2) TRANSPARENCY.—The Secretary shall include in the annual report, for each project report, proposed project study, and proposed modification to a project or project study included under paragraph (1)(A)—

(A) the name of the associated non-Federal interest, including the name of any non-Federal interest that has contributed, or is expected to contribute, a non-Federal share of the cost of—

- (i) the project report;
- (ii) the proposed project study;
- (iii) the authorized project study for which the modification is proposed; or
- (iv) construction of—
  - (I) the project that is the subject of—
    - (aa) the water report;
    - (bb) the proposed project study; or
    - (cc) the authorized project study for which a modification is proposed; or
  - (II) the proposed modification to a project;

(B) a letter or statement of support for the water report, proposed project study, or proposed modification to a project or project study from each associated non-Federal interest;

(C) the purpose of the feasibility report, proposed feasibility study, or proposed modification to a project or project study;

(D) an estimate, to the extent practicable, of the Federal, non-Federal, and total costs of—

- (i) the proposed modification to an authorized project study; and
- (ii) construction of—
  - (I) the project that is the subject of—
    - (aa) the project report; or
    - (bb) the authorized project study for which a modification is proposed, with respect to the change in costs resulting from such modification; or

(II) the proposed modification to an authorized project; and

(E) an estimate, to the extent practicable, of the monetary and nonmonetary benefits of—

- (i) the project that is the subject of—
  - (I) the project report; or
  - (II) the authorized project study for which a modification is proposed, with respect to the benefits of such modification; or
- (ii) the proposed modification to an authorized project.

(3) CERTIFICATION.—The Secretary shall include in the annual report a certification stating that each feasibility report, proposed feasibility study, and proposed modification to a project or project study included in the annual report meets the criteria established in paragraph (1)(A).

(4) APPENDIX.—The Secretary shall include in the annual report an appendix listing the proposals submitted under subsection (b) that were not included in the annual report under paragraph (1)(A) and a description of why the Secretary determined that those proposals did not meet the criteria for inclusion under such paragraph.

(d) SPECIAL RULE FOR INITIAL ANNUAL REPORT.—Notwithstanding any other deadlines required by this section, the Secretary shall—

(1) not later than 60 days after the date of enactment of this Act, publish in the Federal Register a notice required by subsection (b)(1); and

(2) include in such notice a requirement that non-Federal interests submit to the Secretary any proposals described in subsection (b)(1) by not later than 120 days after the date of publication of such notice in the Federal Register in order for such proposals to be considered for inclusion in the first annual report developed by the Secretary under this section.

(e) PUBLICATION.—Upon submission of an annual report to Congress, the Secretary shall make the annual report publicly available, including through publication on the Internet.

(f) DEFINITION.—In this section, the term “project report” means a final feasibility report developed under the Reclamation Act of 1902 (32 Stat. 388), and all Acts amendatory thereof or supplementary thereto.

**SEC. 607. APPLICABILITY OF WIIN ACT.**

Sections 4007 and 4009 of the WIIN Act (Public Law 114-322) shall not apply to any project (as defined in section 602 of this Act).

**TITLE VII—WATER RIGHTS PROTECTION**

**SEC. 701. SHORT TITLE.**

This title may be cited as the “Water Rights Protection Act of 2017”.

**SEC. 702. DEFINITIONS.**

In this title:

(1) SECRETARY.—The term “Secretary” means, as applicable—

- (A) the Secretary of Agriculture; or
- (B) the Secretary of the Interior.

(2) WATER RIGHT.—The term “water right” means any surface, groundwater, or storage use filed, permitted, certificated, confirmed, decreed, adjudicated, or otherwise recognized by a judicial proceeding or by the State in which the user acquires possession of the water or puts it to beneficial use. Such term shall include water rights for federally recognized Indian Tribes

**SEC. 703. TREATMENT OF WATER RIGHTS.**

The Secretary shall not—

- (1) condition the issuance, renewal, amendment, or extension of any permit, approval, license, lease, allotment, easement, right-of-way, or other land use or occupancy agreement on the transfer of any water right (including joint and sole ownership) directly or indirectly to the United States, or on any impairment of title or interest, in whole or in part, granted or otherwise recognized under State law, by Federal or State adjudication, decree, or other judgment, or pursuant to any interstate water compact; or
- (2) require any water user (including any federally recognized Indian Tribe) to apply for or

acquire a water right in the name of the United States under State law as a condition of the issuance, renewal, amendment, or extension of any permit, approval, license, lease, allotment, easement, right-of-way, or other land use or occupancy agreement.

**SEC. 704. POLICY DEVELOPMENT.**

In developing any rule, policy, directive, management plan, or similar Federal action relating to the issuance, renewal, amendment, or extension of any permit, approval, license, lease, allotment, easement, right-of-way, or other land use or occupancy agreement, the Secretary—

(1) shall—

(A) recognize the longstanding authority of the States relating to evaluating, protecting, allocating, regulating, permitting, and adjudicating water use; and

(B) coordinate with the States to ensure that any rule, policy, directive, management plan, or similar Federal action is consistent with, and imposes no greater restriction or regulatory requirement, than applicable State water law; and

(2) shall not—

(A) adversely affect—

- (i) the authority of a State in—
  - (I) permitting the beneficial use of water; or
  - (II) adjudicating water rights;
- (ii) any definition established by a State with respect to the term “beneficial use”, “priority of water rights”, or “terms of use”; or
- (iii) any other right or obligation of a State established under State law; or

(B) assert any connection between surface and groundwater that is inconsistent with such a connection recognized by State water laws.

**SEC. 705. EFFECT.**

(a) EXISTING AUTHORITY.—Nothing in this title limits or expands any existing legally recognized authority of the Secretary to issue, grant, or condition any permit, approval, license, lease, allotment, easement, right-of-way, or other land use or occupancy agreement on Federal land that is subject to the jurisdiction of the Secretary.

(b) RECLAMATION CONTRACTS.—Nothing in this title in any way interferes with any existing or future Bureau of Reclamation contract entered into pursuant to Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act).

(c) ENDANGERED SPECIES ACT.—Nothing in this title affects the implementation of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(d) FEDERAL RESERVED WATER RIGHTS.—Nothing in this title limits or expands any existing reserved water rights of the Federal Government on land administered by the Secretary.

(e) FEDERAL POWER ACT.—Nothing in this title limits or expands authorities pursuant to sections 4(e), 10(j), or 18 of the Federal Power Act (16 U.S.C. 797(e), 803(j), 811).

(f) INDIAN WATER RIGHTS.—Nothing in this title limits or expands any existing reserved water right or treaty right of any federally recognized Indian Tribe.

(g) FEDERALLY HELD STATE WATER RIGHTS.—Nothing in this title limits the ability of the Secretary, through applicable State procedures, to acquire, use, enforce, or protect a State water right owned by the United States.

The Acting CHAIR. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part C of House Report 115-212. Each such further amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered as 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.

□ 1745

AMENDMENT NO. 1 OFFERED BY MR. LAMALFA

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in part C of House Report 115-212.

Mr. LAMALFA. Mr. Chair, 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 63, strike line 19 through page 64, line 2 and insert the following:

(d) PROGRAM FOR WATER RESCHEDULING.—The Secretary of the Interior shall develop and implement a program, not later than 1 year after the date of the enactment of this Act, to provide the opportunity for individuals or districts that receive Central Valley Project Water under water service or repayment contracts or water rights settlement contracts within the American River, Sacramento River, Shasta and Trinity River Divisions to reschedule water, provided for under their Central Valley Project water service, repayment or settlement contracts, within the same year or from one year to the next.

Page 64, strike lines 3 through 12, and insert the following:

(e) DEFINITION.—In this section, the year type terms used in subsection (a)

The Acting CHAIR. Pursuant to House Resolution 431, the gentleman from California (Mr. LAMALFA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. LAMALFA. Mr. Chair, I thank Mr. MCCLINTOCK for managing this bill and for his help on this.

I am pleased to support the bill, the GROW Act, which, contrary to some claims, protects northern California water rights and keeps more water in the north than the status quo. I should know because I represent the source of the overwhelming majority of California's usable water.

The underlying bill improves water efficiency by allowing junior water contractors in the Sacramento Valley to carry over water supplies from one year to the next in Lake Shasta, retaining access to those supplies the following year, which promotes efficiency when you are banking that additional water for future use.

This amendment improves the bill by ensuring that all Federal water contractors in the Sacramento Valley have the same ability to reschedule their water supplies.

Mr. Chair, under the current system, water contractors are forced to use it or lose it. If water allocations are not fully used each year, the ability to access that water is lost.

Now, around Washington, D.C., that use-it-or-lose-it attitude usually means a lot of money that sits in certain agencies' bank accounts or in their pots, it is just used up. Why would we want to do that kind of thing with

water? We need to be banking it and saving it, where practical, to be usable in the next year or to pass to others who could use it as well.

During wet years, farms and ranches may choose to reschedule a portion of their water for the following year. This bill and this amendment will significantly improve planning and delivery of water supplies by ensuring maximum flexibility, flexibility which we need, and allowing water to be accessed when it is needed most.

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

Mr. HUFFMAN. Mr. Chair, I claim the time in opposition.

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

Mr. HUFFMAN. Mr. Chairman, I also represent northern California. My friend, Mr. LAMALFA, just said that this bill fully protects northern California's water. Well, we represent the two districts right next to each other that are the northernmost districts in California, and I can tell you, my part of northern California doesn't do so well under this bill.

In fact, the only way we have been able to prevent a repeat of a catastrophic fish kill disaster in the Klamath River system each of the last several years has been by releasing cold water in the Trinity River, which is a major tributary to the lower Klamath River. That has been a lifesaver for the communities downstream that depend on those salmon runs. This bill would legislatively prohibit the Bureau of Reclamation from ever doing that again.

So this is not a bill that is good for northern California, certainly, my part of northern California. And I think the same goes for the other northern California colleagues that we heard testify in opposition earlier.

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

Mr. LAMALFA. Mr. Chairman, providing flexibility for more parts of California does not, indeed, punish any other part of northern California. With that, we have to dispel some of these notions about what the end goal is for this legislation and for my amendment.

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

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

Mr. COSTA. Mr. Chair, I thank the gentleman for yielding me this time.

This amendment is about rescheduled water, and this is a technical term that, for people who aren't familiar with water use in California and other parts of the country, it allows people with water rights, whether they be senior or junior water rights, to reserve that water, in other words, to reschedule it, to hold it off for another time when it might be more valuable to use. And so this is an important tool.

I agree with Congressman LAMALFA that water users throughout California

should have flexibility to use their water supplies in ways that are most beneficial to be able to reschedule it.

I do have some concerns that this amendment may have unintended consequences with other water users downstream should it become law without changes. Specifically, it is critical that those with more junior water rights, like some of the areas I represent south of the California delta, are not negatively impacted when they reschedule their water from senior water rights holders.

Water is precious. You have water shortages. So if I want to reserve it for later in the year or for the next water year, that means rescheduled water. So for these water users, we want to protect that ability.

Additionally, in the event that a future wet year causes spilling of rescheduled water, it is critical that the priority of the water spilling is addressed in a fair and equitable manner.

I would like to work with the gentleman to address these concerns. And I thank him, and I thank the gentleman for yielding me the time.

Mr. LAMALFA. Mr. Chair, I am very pleased to be able to work with my colleague, Mr. COSTA, to ensure that these concerns are met and addressed as the bill moves through the Senate.

I believe the ability to reschedule water deliveries for these periods when they are needed should be offered as widely as possible, and I appreciate the support in that goal.

Indeed, the opportunity that we can help the Central Valley with this, I relish that opportunity to do so. More facilities to store more water is, indeed, very important so we have more flexibility for Mr. COSTA and his neighbors, constituents.

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

Mr. MCCLINTOCK. Mr. Chair, I just want to say that this is a very good amendment. The committee supports it, and it is essential to providing the flexibility that is necessary.

I might point out to my colleague from California, when we originally developed this bill more than 5 years ago, we consulted more than 60 water agencies throughout northern and central California, including many in Democratic congressional districts. Senior water rights are essential to northern California. This bill strengthens them, and Mr. LAMALFA's amendment adds the management flexibility that is long overdue.

Mr. COSTA. Will the gentleman yield?

Mr. MCCLINTOCK. I yield to the gentleman from California.

Mr. COSTA. I thank the gentleman for yielding.

That is correct. I know this was offered 5 years ago. I would like to point out, though, in the last 5 years of the drought conditions, we have learned a whole lot more about the flexibility and how you can and cannot use rescheduled water and, of course, how valuable it is.

So I respect and thank the gentleman, Congressman LAMALFA, for working together on this to ensure that we protect all of the water users in their ability to have flexibility, especially during drought times.

Mr. LAMALFA. Mr. Chair, indeed, whether it is a drought period where we have to work even harder to spread that water around or in a year of abundance like what we had, we have to be wise about storing it where we can and having the flexibility to put it where we need to and having additional facilities in the future to store farther into the drought years that, no doubt, will come. This is what we are looking for in this legislation and what I am trying to promote for my particular area in northern California with this amendment.

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

Mr. HUFFMAN. Mr. Chair, I am prepared to close. How much time do I have remaining?

The Acting CHAIR. The gentleman from California (Mr. LAMALFA) has 45 seconds remaining, and the gentleman from California (Mr. HUFFMAN) has 2 minutes remaining.

Mr. HUFFMAN. Mr. Chair, I reserve the balance of my time.

Mr. LAMALFA. Mr. Chairman, indeed, the water battles in California have been very difficult for many, many years, but what I hear from the other side of the aisle is a whole lot of "no." What I hear from normal Californians who aren't in positions of elected leadership who seem to be more interested in catering to a few environmental groups instead of the needs of Californians, especially on the heels of drought, what these Californians are saying is: Get this stuff done. Get these projects done. Help us out. Help us to have jobs in our State and not cater to just a handful of interests here that will help us through another election.

Mr. Chair, I am pleased to present the amendment and proud to work with these folks, and I yield back the balance of my time.

Mr. HUFFMAN. Mr. Chairman, I actually have no problem with my colleague's attempt to make a clarification to this bill. That clarification is needed, I am sure, but it is important to realize that the reason it is needed is because we haven't gone through regular order. We are talking about provisions that have not had the benefit of hearings, of markups, of witness testimony, clarifications that would have been made in the regular order process.

The underlying bill, it is important to remember, does enormous damage to California water law. That is why it is opposed by the Governor, by our attorney general, by our two U.S. Senators, and by many members of the California delegation.

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

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

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. COSTA

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in part C of House Report 115-212.

Mr. COSTA. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title II, add the following:

**SEC. 204. GEOPHYSICAL SURVEY.**

The Bureau of Reclamation, in cooperation with the United States Geological Survey, the State of California, and local and State water agencies, may conduct detailed geophysical characterization activities of subsurface aquifer systems and groundwater vulnerability in California, which has experienced a critical, multi-year drought that resulted in severe groundwater overdraft in some areas, followed by less than optimal recharge during the 2016-2017 winter season. This geophysical survey should include data pertaining to the following:

(1) Subsurface system framework: occurrence and geometry of aquifer and non-aquifer zones.

(2) Aquifer storage and transmission characteristics.

(3) Areas of greatest recharge potential.

The Acting CHAIR. Pursuant to House Resolution 431, the gentleman from California (Mr. COSTA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. COSTA. Mr. Chair, I yield myself such time as I may consume.

I would like to first thank the Rules Committee chairman, and the ranking member, Ms. SLAUGHTER, for making my amendment in order.

Mr. Chair, groundwater storage is a central element of drought resilience in the San Joaquin Valley and throughout California. Recharging our groundwater that has been overdrafted is critical in terms of our overall strategy to use all the water tools in our water management toolbox.

California's hydrological cycle is varied, with each year's intense rainfall and flooding like this year followed by prolonged periods of droughts like the previous 5 years. As a matter of fact, in California, it is either feast or famine. We don't have enough or we have too much water.

This varied hydrological cycle means that regions like the San Joaquin Valley rely heavily on groundwater to supply regional water needs during the dry years, and that is how the overdraft takes place. An attempt to refill that pumped water during wet years comes all too infrequently.

The recent record drought, coupled with previous droughts and policy changes that have led to shifting of water supplies from agriculture water uses to environmental uses over the last 25 years, has literally resulted in ground sinking beneath the feet of the people of the San Joaquin Valley.

These depletions led the State of California to pass a law in 2014 that

regulates the use of groundwater, with the objective of creating groundwater balance over time. It is called the Sustainable Groundwater Management Act, otherwise referred to as SGMA.

Obviously, we ought to make our groundwater sustainable, and there are a lot of different ways in which we can do so in terms of that water strategy. This amendment purports to address part of that.

Many groundwater basins have been overdrafted for long periods of time. Twenty-one of California's 515 groundwater basins now are considered critically overdrafted. That is a real, real serious crisis.

It is critical that efforts are taken to recharge these groundwater aquifers so that the water is available during the dry years, which we know will surely come. This is all about sustainability. We know that the performance of any projected groundwater recharge and recovery project is reliant on a thorough understanding of how the surface and subsurface waters interact with a geographical region.

Without thoroughly developed and field-verified information about the geophysical characteristics of California's groundwater aquifer systems and best areas for groundwater recharge projects, compliance with California's recently enacted Sustainable Groundwater Management Act—it is simply infeasible for us to expect that we are going to do that without having all of the information together.

What we are trying to do in this legislation is provide the opportunity to ensure that we have a reliable water supply so that we have food security. After all, food security, I believe, is a national security issue for America. It doesn't get looked at that way, but it is.

California's Department of Water Resources has identified a number of gaps in the scientific body of knowledge that need to be filled in order to effectively recharge groundwater aquifers. Some of these studies show that simply irrigating lands in the Central Valley with right soil conditions for groundwater percolation could lead to an additional 2 million to 6 million acre-feet of groundwater infiltration. That would double the level of recovery rate in a post-drought winter like 2017.

This amendment would authorize the Bureau of Reclamation, partnered with scientific agencies, the United States Geological Survey, and the University of California, to conduct surveys for groundwater aquifers to identify, one, subsurface aquifer systems framework, including the geometry of areas where water can move more easily; two, aquifer storage and transmission characteristics; and three, land areas of greatest recharge potential.

I urge my colleagues to support this amendment.

□ 1800

Mr. MCCLINTOCK. Will the gentleman yield?

Mr. COSTA. I yield to the gentleman from California.

Mr. McCLINTOCK. Mr. Chairman, I have no objection to this amendment. I thank the gentleman from Fresno, California, for his constructive contribution to this process.

Mr. COSTA. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. HUFFMAN), who is from Marin County.

Mr. HUFFMAN. Mr. Chairman, I just want to quickly offer my support for my colleague's amendment. This is a commonsense amendment that recognizes the tremendous potential that groundwater storage represents. This is one of the most important tools in our water management toolbox. We know that our future hydrology will be less certain because of climate change. It is going to make droughts across our country more frequent and severe.

This amendment will help make sure we are taking the appropriate steps to prepare. So I want to thank my colleague for this forward-thinking amendment, and I support its adoption.

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

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

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. COSTA

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in part C of House Report 115-212.

Mr. COSTA. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title II, add the following:

**SEC. 204. HEADWATER-RESTORATION SCOPING STUDY.**

The Bureau of Reclamation may partner with academia, specifically the University of California, and State and local water agencies, to develop a study to enhance mountain runoff to Central Valley Project reservoirs from headwater restoration with the following aims:

(1) Estimate forest biomass density and annual evapotranspiration (ET) across the Shasta Lake watershed for the past decade using satellite and other available spatial data.

(2) Identify areas on public and private land that have high biomass densities and ET, and assess potential changes in ET that would ensue from forest restoration.

(3) Assess role of subsurface storage in providing drought resilience of forests, based on long-term historical estimates of precipitation, drought severity and stream discharge.

(4) Assess role of snowpack in annual water balance across the watersheds.

The Acting CHAIR. Pursuant to House Resolution 431, the gentleman from California (Mr. COSTA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. COSTA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to first, again, thank the Rules Committee

chair and Ranking Member SLAUGHTER for making my amendment in order, as well as acknowledge my colleague from California, Congressman LAMALFA, for his work on this amendment.

Mr. Chairman, a record drought and the most destructive wildfire seasons on record have brought renewed attention to California's headwaters. These forests, meadows, and other source waters play a vital role in California's water supply and management system, and they are under threat from a host of factors, including wildfires, climate change impacts, and poor management policies.

More effective forest and headwaters management practices, such as increased use of forest thinning and watershed restoration, have demonstrated the potential to provide a measurable increase in water supply to the Central Valley Project reservoirs that receive runoff generated by these headwaters in the Sierra Nevadas, the beautiful mountains that we have in California.

The Sierra Nevada mountain range, many people don't realize, generates nearly 60 percent of California's developed water supply—60 percent. And that is why the abundance of snow on the mountains during the wintertime is so critical.

Some estimates indicate that simply by instituting more effective headwaters management policies, that up to 300,000 acre-feet of additional water supplies—300,000 acre-feet—could be generated each year.

Now, that is a significant yield of water when you look at the overdraft crop problems that we have and some of the other authorization of surface storage that we have made last year during the WIIN Act.

As a matter of fact, the Bureau of Reclamation has analyzed that some of the projects that I support, such as raising Shasta Dam 18 feet, would generate anywhere from 75 to over 100,000 acre-feet of water annually. So if we can generate an additional 300,000 acre-feet by better managing our headwaters, this is almost three times that yield.

Simply managing our forests better could, in many instances, quadruple our water supply and better produce environmental outcomes for our forest ecosystems.

To put this in context, this is enough water to irrigate over 100,000 acres, of which we have significant overdraft of land, or provide daily water for an additional 500,000 homes in California for an entire year.

My amendment would authorize the Bureau of Reclamation to enter into partnerships to determine the amount of water that could be untapped by doing these kinds of efforts.

Fixing California's broken water system, as I have said repeatedly, means using all of the water tools in our water management toolbox. Included in this amendment, we would be having the opportunity to improve our headwater management in an integrated

and multidisciplinary approach that is responsive to the changing conditions that we face as we know that will continue to occur.

Mr. Chairman, I urge my colleagues to support this amendment.

Mr. Chairman, I yield 1 minute to the gentleman from northern California (Mr. HUFFMAN).

Mr. HUFFMAN. Mr. Chairman, I want to express my support for this amendment as well.

The headwaters of our watersheds play a crucial role in ensuring the reliability and the quality of water supplies throughout our State. Our water supply depends not just on artificial reservoirs, but also on natural reservoirs of snowpack and groundwater retention in the forests of these headwater areas.

Healthy, vibrant forests provide multiple benefits, including carbon capture and shade to reduce rapid snowmelt. When they are properly protected, forest soils act like sponges to absorb rainfall and slowly release it back into rivers and streams throughout the year.

This amendment is one of the many ways that we can ensure that the Bureau of Reclamation is building a 21st century water supply system for California and the West, so I strongly encourage support for it.

Mr. COSTA. Mr. Chairman, this is a commonsense amendment that has bipartisan support. Frankly, I think as we learned so much more about how the hydrology of California's water systems develop, we need to take advantage of that knowledge. And this amendment will allow us to do so in a way that makes this so valuable resource that we sometimes take for granted—that is our water supply—to allow us to use it in a way that makes sense and will provide the water needs for all Californians.

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

The Acting CHAIR (Mr. CARTER of Georgia). The question is on the amendment offered by the gentleman from California (Mr. COSTA).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. DENHAM

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in part C of House Report 115-212.

Mr. DENHAM. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title IV, insert the following:

**SEC. 406. NEW MELONES RESERVOIR.**

The authority under section 4006 of the WIIN Act shall expire 7 years after the date of the enactment of this Act.

**SEC. 407. ACTIONS TO BENEFIT THREATENED AND ENDANGERED SPECIES AND OTHER WILDLIFE.**

None of the funds made available under section 4010(b) of the WIIN Act may be used for the acquisition or leasing of land, water for in-stream purposes if the water is already

committed to in-stream purposes, or interests in land or water from willing sellers if the land, water, or interests are already designated for environmental purposes by a court adopted decree or order or cooperative agreement.

**SEC. 408. NON-FEDERAL PROGRAM TO PROTECT NATIVE ANADROMOUS FISH IN STANISLAUS RIVER.**

The program established under section 4010(d) of the WIIN Act shall not sunset before January 1, 2023.

The Acting CHAIR. Pursuant to House Resolution 431, the gentleman from California (Mr. DENHAM) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. DENHAM. Mr. Chairman, I rise in support of my amendment to H.R. 23.

This amendment updates a small portion of the Water Infrastructure Improvements for the Nation Act, or the WIIN Act, to protect endangered species and assess water storage opportunities.

First, it sets a reasonable timeframe for the completion of expanded water storage opportunities at the New Melones Reservoir. These opportunities can increase available storage for conservation, transfers, and rescheduled water projects to allow for maximum storage within the reservoir. Conservative estimates of increased water storage have been at 100,000 acre-feet, which will provide water for over 400,000 people for a year.

With such a precious resource, we must ensure our water storage capacity is being used responsibly. This timeline of 7 years is consistent with other provisions of the WIIN Act, and will ensure the study will be completed so we can make best use of our water storage capacity.

Additionally, this amendment helps protect our threatened and endangered species.

In Western States, water users can buy and sell water rights. This provision prevents individuals from using funding set aside for species conservation to buy water rights and sell them back to the government.

Funding in section 4010(b) of the WIIN Act was allocated to benefit endangered species populations through habitat restoration, improved monitoring, and conservation fish hatcheries. This policy has been in effect for the Central Valley Project Improvement Act for over a decade and needs to be applied to this section as well. This ensures funding will be used for its intended purposes to help endangered species, not to buy and resell water rights.

Finally, this amendment extends a program to protect native fish in the Stanislaus River for 2 years. This program allows for the taking of invasive species that prey on native salmon and steelhead in the Stanislaus River. It was originally authorized for 5 years. However, since the spawn cycle for these salmon is 3 years, it needs to be

extended to ensure two full salmon cohort cycles can be observed.

In conclusion, this amendment protects native and endangered species, and ensures we are making the most of water storage capacity at the New Melones Reservoir.

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

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

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. DESAULNIER

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in part C of House Report 115-212.

Mr. DESAULNIER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title IV, insert the following:

**SEC. 406. REVIEW OF AVAILABLE TECHNOLOGIES AND PROGRAMS.**

Section 3405(e) of the Central Valley Project Improvement Act is amended by adding at the end the following:

“(4) The Secretary, through the office established under this subsection, shall review available and new, innovative technologies and programs for capturing municipal wastewater and recycling it for providing drinking water and energy, and report on the feasibility of expanding the implementation of these technologies and programs among Central Valley Project contractors.”.

The Acting CHAIR. Pursuant to House Resolution 431, the gentleman from California (Mr. DESAULNIER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. DESAULNIER. Mr. Chairman, my amendment asks for a review of existing best practices worldwide for the capture and reuse of wastewater and a feasibility study on the expansion of these efforts.

Existing policy requires a review of conservation plans of Central Valley Project contractors. I believe we should look further than just what we are currently doing and learn from new, emerging technologies and practices from around the world for recycling wastewater.

Capturing wastewater for reuse is not new. Orange County, California, implemented its Groundwater Replenishment System in 2008, which augments the water supply for 850,000 residents with treated wastewater and helps reduce the area's dependence on water from the Sacramento-San Joaquin delta.

In Singapore, an initiative to recycle wastewater supplies approximately one-third of the country's water demand. In Israel, treated sewage water meets approximately one-quarter of the country's needed water.

Across California, more than 200 billion gallons of municipal wastewater are already reused each year. According to one report, California has an unrealized opportunity to grow that num-

ber to between 390 billion and 590 billion acre-feet per year.

The need for innovation to increase the amount of available water is very clear. Between 2011 and 2013, even before the onset of one of the State's most severe droughts on record, water stored in the Sacramento-San Joaquin watershed and the Central Valley dropped by nearly 20 billion cubic meters, or two-thirds of the volume of Lake Mead.

We need to prepare for more severe droughts in the coming decades. With innovation and technologies available in the United States and around the world, we could and should continue to look for new ways to augment our water supply and enhance our water security.

Around the world and across the United States, innovation and technologies for capturing and recycling wastewater are improving, and their costs are falling. The purpose of this amendment is to understand the current state of these technologies and to identify opportunities for expanding them.

Mr. Chairman, I urge my colleague to support this amendment, and I reserve the balance of my time.

Mr. MCCLINTOCK. Mr. Chairman, I claim the time in opposition to the amendment.

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

Mr. MCCLINTOCK. Mr. Chairman, this amendment adds a superfluous provision that requires a study on a subject that we have already studied to death.

We find the left constantly proposing these technologies to manage our existing water shortage often as an excuse not to expand our ability to store new water supplies.

The problem is not complicated. These recycling projects are typically four times as expensive as traditional water storage, according to a 2016 study by the California Public Utilities Commission.

If we had exhausted our existing resources, then these technologies might make sense if the alternative is no water at all. But that is not the alternative. The alternative is to develop our resources at about one-fourth the cost of these technologies the gentleman is trying to sell us—four times the cost.

No consumer in his right mind would pay four times more for the same product. Only politicians would do that, and the problem is when politicians make this choice, consumers end up paying.

Which brings me to my second objection to the gentleman's amendment. Our traditional water projects are paid for by the users of the water in proportion to their use, as is the beneficiary pays principle that has guided our water projects for generations.



□ 1815

These policies protect taxpayers from footing the bill for somebody else's water.

The title 16 recycling projects the gentleman is promoting are not paid for by the water users but rather by general taxpayers, meaning these projects literally rob St. Petersburg to pay St. Paul.

If the gentleman would like to confine the provisions of the bill to require his constituents to pay four times more for their water or that his constituents pay to subsidize the water for my constituents, I would be happy to support him. But I sincerely doubt that is what he has in mind.

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

Mr. DESAULNIER. Mr. Chair, I yield 1 minute to the gentlewoman from California (Ms. MATSUI).

Ms. MATSUI. Mr. Chair, I rise in support of Mr. DESAULNIER's amendment to H.R. 23.

Recycling projects provide sustainable water sources that help make our communities drought-resilient. In Sacramento, we are working to build a project that would use claimed wastewater to irrigate up to 18,000 acres of farmland and habitat.

These are the types of projects that help prepare California for the next drought, and they result in more water for our farms and cities. We should be working on sustainable solutions like these.

Last Congress, I introduced a bill to improve the Bureau of Reclamation's Title XVI Water Reclamation and Reuse Funding Program by removing the requirement that each recycling project receive an explicit congressional authorization. The bill was included in the WIIN Act passed into law last year, thereby expanding the pool of eligible projects.

Mr. DESAULNIER's amendment continues to move us forward by emphasizing the importance of recycling in our approach to managing water use. I urge my colleagues to support it.

Mr. DESAULNIER. Mr. Chair, I yield 1 minute to the gentleman from California (Mr. COSTA).

Mr. COSTA. Mr. Chair, I thank the gentleman for yielding.

Fixing California's broken water system, as we all know, involves multiple strategies. Recycled water, on-farm recharge, and other innovative methods of increasing water supply, we have found, improves the situation, but there is no silver bullet to solving California's long-term water challenges.

In the Valley, we understand that, and this is why many communities moved forward on efforts to diversify their water supplies. For example, the Del Puerto Water District has partnered in northern Merced and Stanislaus Counties with the cities of Modesto and Turlock on a project that uses treated wastewater to irrigate agricultural fields, creating significant water security for about 30 percent of

Del Puerto's Central Valley water supply that is rarely delivered.

This is cost-effective and costs less than other alternatives. We are partnering with local water districts in the city of Mendota and the city of Fresno.

So this is a very valuable source of water, and we ought to encourage it whenever possible. More efforts like this are necessary.

Mr. Chair, I support the amendment.

Mr. DESAULNIER. Mr. Chair, I yield 30 seconds to the gentleman from California (Mr. HUFFMAN).

Mr. HUFFMAN. Mr. Chairman, in defense of the economics of water recycling, I need to correct the record.

The WaterReuse Research Foundation has found that recycling projects tend to be among the cheapest ways to increase water supply. Potable water reuse is generally comparable or less expensive than alternative options.

The Congressional Research Service has found that title 16 water recycling projects are comparable in price to alternate water sources—in some cases, substantially cheaper—and there is vast new potential to develop these water supplies.

This is exactly the kind of forward-thinking conversation we ought to have if we are serious about California water.

Mr. DESAULNIER. Mr. Chair, I yield back the balance of my time.

Mr. MCCLINTOCK. Mr. Chairman, I would simply cite to my friend the California Public Utilities Commission report in 2016, and what would be the cost of future sources of water for California. They say very clearly that recycling water is nearly four times as costly as traditional sources of water, and that is being generous.

I support any water project that pencils out. This one does not. This one would require water bills to quadruple. For California, it is exactly policies like these that are driving water bills up. The people of California need to take note of that and to realize the choices they make at the ballot box have real world implications to the bills they are paying for simple things like water and power.

Mr. Chair, I ask for a "no" vote, 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. DESAULNIER).

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

Mr. DESAULNIER. Mr. Chair, 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 MR. PEARCE

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in part C of House Report 115-212.

Mr. PEARCE. Mr. Chair, 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 131, beginning on line 5, strike "Such term shall include water rights for federally recognized Indian Tribes".

Page 131, beginning on line 19, strike "(including any federally recognized Indian Tribe)".

Page 134, strike lines 7 through 9 and insert the following:

(f) INDIAN WATER RIGHTS.—Nothing in this title shall have any effect on tribal water rights or their adjudication, or the protection, settlement, or enforcement and/or administration of such rights by either Indian tribes or the United States as trustee for Indian tribes.

The Acting CHAIR. Pursuant to House Resolution 431, the gentleman from New Mexico (Mr. PEARCE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. PEARCE. Mr. Chairman, water is life. We understand that in the West maybe more than anywhere else in the world. So any time we are talking about water, we are talking about life, we are talking about the ability to have an economy, we are talking about jobs, we are talking about communities. It affects us deeply in the West.

When the original bill, H.R. 23, was being marked up, my friend, the gentlewoman from California (Mrs. TORRES), brought a concern to the members of the committee, saying that she felt like the underlying bill did not adequately address Tribal water rights.

Tribes are some of the areas of deepest poverty in the country. As she brought that up, it struck my attention that we should take a look at it.

Ultimately, her amendment failed in committee, but the two of us, with the chairman and the sponsor of the bill, huddled after the committee meeting and decided that we should move forward with our concerns. Those concerns are reflected in this amendment today.

Mr. Chair, I yield 1 minute to the gentlewoman from California (Mrs. TORRES), to speak about this issue.

Mrs. TORRES. Mr. Chairman, I want to begin by thanking also my friend, Representative PEARCE from New Mexico, for offering this amendment with me.

Mr. Chair, during our committee work on portions of this bill, I raised this issue and offered a similar amendment. So I appreciate Representative PEARCE for working with me to improve the bill for Indian Country.

I urge my colleagues to support this amendment because it will provide some limited, though not complete, legal protection for Indian Tribes and their water rights. That said, I continue to have grave concerns with the underlying bill and the impact it will have on Indian Country.

Even if this amendment is adopted, the underlying bill will cause significant harm to Indian Country. For example, in title 4 of this bill, it blocks

emergency water releases that prevent disease outbreaks for Tribal fisheries in California's Klamath River. The provision will significantly increase the risk of widespread fish kills and lead to tragic losses for Tribal communities.

While this amendment doesn't mitigate all of the negative impacts of this bill, it will improve the bill somewhat by including an additional legal protection for Tribal rights that will preserve past, pending, or future Tribal water rights settlements.

Mr. Chair, I urge support for this amendment.

Mr. HUFFMAN. Mr. Chair, I ask unanimous consent to claim the time in opposition, although I am not opposed.

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

Mr. McCLINTOCK. Mr. Chair, I object.

The Acting CHAIR. Objection is heard.

Mr. PEARCE. Mr. Chairman, I yield 1 minute to the gentleman from Colorado (Mr. TIPTON).

The Acting CHAIR. The gentleman will suspend.

For what purpose does the gentleman from Colorado seek recognition?

Mr. TIPTON. Mr. Chair, to speak to the nature of the amendment.

The Acting CHAIR. Is the gentleman opposed to the amendment?

Mr. TIPTON. Mr. Chair, I am.

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

Mr. TIPTON. Mr. Chairman, as my colleague from New Mexico noted, Wayne Aspinall of Colorado stated: "When you touch water in the West, you touch everything."

We have that shared concern that that water is going to be preserved. In the West, water is a private property right. We have State law. We have priority-based systems, which have always been recognized by the Federal Government.

Unfortunately, we have seen and reflected in this portion of the legislation that we are discussing today, the Federal Government reaching out to be able to require conditional use of permit water rights to be signed over to the Federal Government. At issue is the amendment that we are discussing right now.

When we talk about our Native American Tribes, my colleague and I have shared in common interest, along with our colleague, Mrs. TORRES, in terms of making sure that Native American rights are protected from taking by the Federal Government, as well.

There is good news in the underlying bill. The Department of the Interior had made the statement that their ability to be able to negotiate or enter into water settlements with Tribes is in no way affected or restricted by this bill. It is in no way affected or restricted by this bill, according to the Department of the Interior.

While I have no objections to the changes proposed in the savings clause to be able to clarify as much, I did want to be able to register concern on the amendment that it may not have been as definitive as I would like to have seen in regard to specifying Native American water rights.

I think that is common ground that we are seeing on both sides of the aisle: to make sure that those private property rights are protected.

I will not vote against this amendment, and I applaud my colleagues working together with us to be able to try and achieve an actual amiable solution on something that, as Westerners, we understand probably better than anyone else in the country the importance of water—water for our communities, water for the opportunity for our communities to be able to grow and to prosper.

On this particular issue, a very important segment of that very community is the valuable contributions that our Native American Tribes make to all of our communities.

Mr. Chairman, I will be supporting the overall legislation. In terms of their work on this, I commend all Members.

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

Mr. PEARCE. Mr. Chair, may I inquire as to how much time I have?

The Acting CHAIR. The gentleman from New Mexico has 2 minutes remaining.

Mr. PEARCE. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. HUFFMAN).

Mr. HUFFMAN. Mr. Chair, I certainly appreciate that my colleagues are trying to help mitigate a small amount of the harm caused by this bill, but, unfortunately, the underlying bill remains a disaster for Indian Country.

Title 5 of this bill is a direct attack against the existing rights of Tribes in my district. As I have said previously, the salmon in the Klamath River system are the grocery store, the church, the lifeline for the Tribes in my district, and this bill explicitly prevents Federal agencies from making emergency water releases to combat fish disease and prevent massive fish kills that would devastate these Tribal balance fisheries.

That is important to remember, lest we get too carried away with whatever curative effects this amendment might have.

Mr. PEARCE. Mr. Chair, Tribes in New Mexico and across the West depend on water for agriculture, they depend on it for their families, they depend on it for spiritual reasons. Without rights, water can be taken by anyone.

The amendment that Mrs. TORRES and I put forward is just trying to say that rights are personal. They are private property rights, and no government can take them away. It is a reasonable amendment.

I appreciate the gentleman from Colorado's observations. We will at-

tempt to see that those observations are dealt with in a meaningful way. In the meantime, I simply ask Members of the House to join with me in voting for this amendment to H.R. 23.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Mexico (Mr. PEARCE).

The amendment was agreed to.

□ 1830

AMENDMENT NO. 5 OFFERED BY MR. DESAULNIER

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, the unfinished business is the demand for a recorded vote on amendment No. 5 printed in part C of House Report 115-212 offered by the gentleman from California (Mr. DESAULNIER) 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 will be a 15-minute vote.

The vote was taken by electronic device, and there were—ayes 201, noes 221, not voting 11, as follows:

[Roll No. 350]

AYES—201

Adams	DelBene	Kind
Aguilar	Demings	Krishnamoorthi
Barragán	Dent	Kuster (NH)
Bass	DeSaulnier	LaMalfa
Beatty	Deuch	Langevin
Bera	Dingell	Larsen (WA)
Beyer	Doggett	Larson (CT)
Bishop (GA)	Doyle, Michael	Lawrence
Blumenauer	F.	Lawson (FL)
Blunt Rochester	Ellison	Lee
Bonamici	Engel	Levin
Bost	Eshoo	Lewis (GA)
Boyle, Brendan	Espallat	Lipinski
F.	Esty (CT)	LoBiondo
Brady (PA)	Evans	Loebsack
Brown (MD)	Fitzpatrick	Logren
Brownley (CA)	Foster	Lowenthal
Bustos	Frankel (FL)	Lowe
Butterfield	Fudge	Lujan Grisham,
Capuano	Gabbard	M.
Carbajal	Gallego	Luján, Ben Ray
Cárdenas	Garamendi	Lynch
Carson (IN)	Gomez	Maloney,
Cartwright	Gonzalez (TX)	Carolyn B.
Castor (FL)	Gottheimer	Maloney, Sean
Castro (TX)	Green, Al	Matsui
Chu, Judy	Green, Gene	McCollum
Cicilline	Grijalva	McEachin
Clark (MA)	Gutiérrez	McGovern
Clarke (NY)	Hanabusa	McNerney
Clay	Hastings	McSally
Cleaver	Heck	Meeks
Clyburn	Higgins (NY)	Meng
Cohen	Hoyer	Moore
Connolly	Huffman	Moulton
Conyers	Jackson Lee	Murphy (FL)
Cooper	Jayapal	Nadler
Correa	Jeffries	Neal
Costa	Johnson (GA)	Nolan
Courtney	Johnson, E. B.	Norcross
Crist	Jones	O'Halleran
Crowley	Kaptur	O'Rourke
Cuellar	Katko	Pallone
Davis (CA)	Keating	Panetta
Davis, Danny	Kelly (IL)	Pascarell
DeFazio	Kennedy	Paulsen
DeGette	Kihuen	Payne
Delaney	Kildee	Pelosi
DeLauro	Kilmer	Perlmutter

Peters	Schakowsky	Thompson (CA)
Peterson	Schiff	Thompson (MS)
Pingree	Schneider	Titus
Pocan	Schrader	Tonko
Polis	Scott (VA)	Torres
Price (NC)	Scott, David	Tsongas
Quigley	Serrano	Vargas
Raskin	Sewell (AL)	Veasey
Reichert	Shea-Porter	Vela
Rice (NY)	Sherman	Velazquez
Richmond	Sinema	Visclosky
Rohrabacher	Sires	Walz
Rosen	Slaughter	Wasserman
Roybal-Allard	Smith (NJ)	Schultz
Ruiz	Smith (WA)	Waters, Maxine
Ruppersberger	Soto	Watson Coleman
Rush	Speier	Welch
Ryan (OH)	Suozzi	Wilson (FL)
Sánchez	Swalwell (CA)	Yarmuth
Sarbanes	Takano	

## NOES—221

Abraham	Gosar	Palazzo
Aderholt	Gowdy	Palmer
Allen	Granger	Pearce
Amash	Graves (GA)	Perry
Amodei	Graves (LA)	Pittenger
Arrington	Graves (MO)	Poe (TX)
Babin	Griffith	Poliquin
Bacon	Grothman	Posey
Banks (IN)	Handel	Ratcliffe
Barletta	Harper	Reed
Barton	Harris	Renacci
Bergman	Hartzler	Rice (SC)
Biggs	Hensarling	Roby
Billirakis	Herrera Beutler	Roe (TN)
Bishop (MI)	Hice, Jody B.	Rogers (AL)
Bishop (UT)	Higgins (LA)	Rogers (KY)
Black	Hill	Rokita
Blackburn	Holding	Rooney, Francis
Blum	Hollingsworth	Rooney, Thomas
Brady (TX)	Hudson	J.
Brat	Huizenga	Ros-Lehtinen
Bridenstine	Hultgren	Roskam
Brooks (AL)	Hunter	Ross
Brooks (IN)	Hurd	Rothfus
Buchanan	Issa	Rouzer
Buck	Jenkins (KS)	Royce (CA)
Bucshon	Jenkins (WV)	Russell
Budd	Johnson (LA)	Rutherford
Burgess	Johnson (OH)	Sanford
Byrne	Jordan	Schweikert
Calvert	Joyce (OH)	Scott, Austin
Carter (GA)	Kelly (MS)	Sensenbrenner
Carter (TX)	Kelly (PA)	Sessions
Chabot	King (IA)	Shimkus
Coffman	King (NY)	Shuster
Cole	Kinzinger	Simpson
Collins (GA)	Knight	Smith (MO)
Collins (NY)	Kustoff (TN)	Smith (NE)
Comer	Labrador	Smith (TX)
Comstock	LaHood	Smucker
Conaway	Lamborn	Stefanik
Cook	Lance	Stewart
Costello (PA)	Latta	Stivers
Cramer	Lewis (MN)	Taylor
Crawford	Long	Tenney
Culberson	Loudermilk	Thompson (PA)
Curbelo (FL)	Love	Thornberry
Davidson	Lucas	Tiberi
Denham	Luetkemeyer	Tipton
DeSantis	MacArthur	Trott
DesJarlais	Marchant	Turner
Diaz-Balart	Marino	Upton
Donovan	Marshall	Valadao
Duffy	Massie	Wagner
Duncan (SC)	Mast	Walberg
Duncan (TN)	McCarthy	Walden
Dunn	McCaul	Walker
Emmer	McClintock	Walorski
Estes (KS)	McHenry	Walters, Mimi
Farenthold	McKinley	Weber (TX)
Faso	McMorris	Webster (FL)
Ferguson	Rodgers	Wenstrup
Fleischmann	Meadows	Westerman
Flores	Meehan	Williams
Fortenberry	Messer	Wilson (SC)
Fox	Mitchell	Wittman
Franks (AZ)	Moolenaar	Womack
Frelinghuysen	Mooney (WV)	Woodall
Gaetz	Mullin	Yoder
Gallagher	Murphy (PA)	Yoho
Garrett	Newhouse	Young (AK)
Gianforte	Noem	Young (IA)
Gibbs	Norman	Zeldin
Gohmert	Nunes	
Goodlatte	Olson	

## NOT VOTING—11

Barr	Guthrie	Lieu, Ted
Cheney	Himes	Napolitano
Cummings	Johnson, Sam	Scalise
Davis, Rodney	Khanna	

## □ 1852

Messrs. HARPER, GROTHMAN, RUSSELL, CURBELO of Florida, TAYLOR, MESSER, Mrs. NOEM, Messrs. FORTENBERRY, ROKITA, and BYRNE changed their vote from “aye” to “no.”

Messrs. GOTTHEIMER and PRICE of North Carolina changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

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

The amendment was agreed to.

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

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CARTER of Georgia) having assumed the chair, Mr. SIMPSON, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 23) to provide drought relief in the State of California, and for other purposes, and, pursuant to House Resolution 431, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

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

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

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

The amendment was agreed to.

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

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

## MOTION TO RECOMMIT

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

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

Mr. CARBAJAL. I am opposed in its current form.

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

The Clerk read as follows:

Mr. Carbajal moves to recommit the bill H.R. 23 to the Committee on Natural Resources with instructions to report the same back to the House forthwith with the following amendment:

Add at the end of title IV, the following:

**SEC. 406. WILDFIRE READINESS.**

Nothing in this Act shall impair the ability of the National Interagency Fire Center to ensure that there is an adequate supply of water to fight wildfires, utilizing water from reservoirs or other surface waters.

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

Mr. CARBAJAL. Mr. Speaker, this is the final amendment to the bill, which will not kill the bill or send it back to the committee. If adopted, the bill will immediately proceed to final passage as amended.

My request today is simple: to provide our firefighters with the water they need to effectively fight wildfires. As we speak, two large wildfires are burning in my district on the central coast of California. So far, over 40,000 acres of land have burned between the Alamo fire and the Whittier fire.

With more than a dozen homes and structures of central coast residents destroyed, we cannot overstate the important and effective work of hundreds of local, State, and Federal firefighters to contain these blazes and prevent more damages.

I spoke with incident commanders and toured both burn sites in Santa Barbara County, witnessing firsthand the incredible damage wreaked by these fires to our region.

I was grateful for the opportunity to address our firefighters and first responders and to thank these brave men and women for willing to risk their own safety to protect infrastructure and save lives.

In one harrowing instance, a firefighter cleared a path, driving a bulldozer through flaming brush to rescue dozens of Boy Scouts trapped at a campground at Lake Cachuma.

Today, we have a duty as appropriators to provide these men and women, working tirelessly in difficult conditions, with the resources they need to effectively combat these frequent and devastating wildfires across our country, and especially in my home State.

Ignoring our wildfire response when dealing with water allocation is irresponsible and will put American lives in danger.

In addition to adopting this simple amendment to ensure our firefighters' access to water, I urge my colleagues to work to end the disruptive practice of fire borrowing.

## □ 1900

We cannot continue to rob funds designated for wildfire prevention to pay for fighting fires and simultaneously expect agencies to carry out effective land management practices to reduce the impact of catastrophic wildfires in the future.

Our Federal land management agencies are overwhelmed by the dramatic increase in fires on public lands in recent years, and we cannot in good conscience continue to ignore their urgent need for both prevention and fire-fighting funding.

I am deeply concerned that this underlying bill today does nothing to address the issues of limited water resources for our agencies charged with fighting wildfires.

I call upon my colleagues to adopt this common-sense amendment and show our firefighters that Congress not only appreciates their efforts, but acts to support them as well.

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

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

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

Mr. McCLINTOCK. Mr. Speaker, my friends' concerns are well placed; his amendment is completely misplaced.

The fact is that, for 45 years, our environmental laws have made the management of our forests virtually impossible. After 45 years of experience with these laws, imposed with the explicit promise they would improve our forest environment, I think we are entitled to ask: How is our forest environment doing? And the answer is damning; our forests are dying.

Timber harvests of surplus timber have fallen 80 percent in those years. The result is severe overcrowding in our forests. An acre normally supports between 20 to 100 trees, depending upon the topography; but because of these laws, average density in the Sierra has now ballooned to 266 trees per acre.

In this crowded condition, these trees fight for their lives against other trees trying to occupy the same ground. And in this crowded and stressed condition, they fall victim to disease, pestilence, drought, and, ultimately, catastrophic wildfire.

The answer is not this amendment that seeks to derail this needed water storage; it is to restore scientific management to our forests to restore them to a healthy condition.

When I visited the command center of the Rim Fire several years ago that threatened Yosemite Valley, I asked the firefighters: What answer can I take, in your name, back to Congress? And the answer was: Treatment matters. We need proper forest management.

The good news for my friend from Santa Barbara is he will soon have the opportunity to vote on just such a bill, the Resilient Federal Forest Act, by Mr. WESTERMAN of Arkansas. It treats this problem comprehensively. It passed the House Natural Resources Committee. We hope to bring it soon to the floor of the House. It will address the problems that plague our forests by restoring proper scientific management to our public lands.

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

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

There was no objection.

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

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

#### RECORDED VOTE

Mr. CARBAJAL. 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.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 189, noes 230, not voting 14, as follows:

[Roll No. 351]

#### AYES—189

Adams	Gallego	O'Halleran
Aguilar	Garamendi	O'Rourke
Barragán	Gomez	Pallone
Bass	Gonzalez (TX)	Panetta
Beatty	Gottheimer	Pascarell
Bera	Green, Al	Payne
Beyer	Green, Gene	Pelosi
Bishop (GA)	Grijalva	Perlmutter
Blum	Gutiérrez	Peters
Blumenauer	Hanabusa	Peterson
Blunt Rochester	Hastings	Pingree
Bonamici	Heck	Pocan
Boyle, Brendan	Higgins (NY)	Poll
F.	Himes	Price (NC)
Brady (PA)	Hoyer	Quigley
Brown (MD)	Huffman	Raskin
Brownley (CA)	Jackson Lee	Rice (NY)
Bustos	Jayapal	Richmond
Butterfield	Jeffries	Rosen
Capuano	Johnson (GA)	Roybal-Allard
Carbajal	Johnson, E. B.	Ruiz
Cárdenas	Jones	Ruppersberger
Carson (IN)	Kaptur	Rush
Cartwright	Keating	Ryan (OH)
Castor (FL)	Kelly (IL)	Sánchez
Castro (TX)	Kennedy	Sarbanes
Chu, Judy	Kihuen	Schakowsky
Cicilline	Kildee	Schiff
Clark (MA)	Kilmer	Schneider
Clarke (NY)	Kind	Schrader
Clay	Krishnamoorthi	Scott (VA)
Clyburn	Kuster (NH)	Scott, David
Cohen	Langevin	Serrano
Connolly	Larsen (WA)	Sewell (AL)
Conyers	Larson (CT)	Shea-Porter
Cooper	Lawrence	Sherman
Correa	Lawson (FL)	Sinema
Costa	Lee	Sires
Crist	Levin	Slaughter
Crowley	Lewis (GA)	Smith (WA)
Cuellar	Lipinski	Soto
Davis (CA)	Loebsack	Speier
Davis, Danny	Lofgren	Suozi
DeFazio	Lowenthal	Swalwell (CA)
DeGette	Lowey	Takano
Delaney	Lujan Grisham,	Thompson (CA)
DeLauro	M.	Thompson (MS)
DelBene	Luján, Ben Ray	Titus
Demings	Lynch	Tonko
DeSaulnier	Maloney,	Torres
Deutch	Carolyn B.	Tsongas
Dingell	Maloney, Sean	Vargas
Doggett	Matsui	Veasey
Doyle, Michael	McCollum	Vela
F.	McEachin	Velázquez
Ellison	McGovern	Visclosky
Engel	McNerney	Walz
Eshoo	Meeks	Wasserman
Españillat	Meng	Schultz
Esty (CT)	Moore	Waters, Maxine
Evans	Moulton	Watson Coleman
Foster	Murphy (FL)	Welch
Frankel (FL)	Neal	Wilson (FL)
Fudge	Nolan	Yarmuth
Gabbard	Norcross	

#### NOES—230

Abraham	Buchanan	Denham
Aderholt	Buck	Dent
Allen	Bucshon	DeSantis
Amash	Budd	DesJarlais
Amodei	Burgess	Diaz-Balart
Arrington	Byrne	Donovan
Babin	Calvert	Duffy
Bacon	Carter (GA)	Duncan (SC)
Banks (IN)	Carter (TX)	Duncan (TN)
Barletta	Chabot	Dunn
Barton	Coffman	Emmer
Bergman	Cole	Estes (KS)
Biggs	Collins (GA)	Farenthold
Bilirakis	Collins (NY)	Faso
Bishop (MI)	Comer	Ferguson
Bishop (UT)	Comstock	Fitzpatrick
Black	Conaway	Fleischmann
Blackburn	Cook	Flores
Bost	Costello (PA)	Fortenberry
Brady (TX)	Cramer	Fox
Brat	Crawford	Franks (AZ)
Bridenstine	Culberson	Frelinghuysen
Brooks (AL)	Curbelo (FL)	Gaetz
Brooks (IN)	Davidson	Gallagher

Garrett	Lucas	Ross
Gianforte	Luetkemeyer	Rothfus
Gibbs	MacArthur	Rouzer
Gohmert	Marchant	Royce (CA)
Goodlatte	Marino	Russell
Gosar	Marshall	Rutherford
Gowdy	Massie	Sanford
Granger	Mast	Schweikert
Graves (GA)	McCarthy	Scott, Austin
Graves (LA)	McCaul	Sensenbrenner
Graves (MO)	McClintock	Sessions
Griffith	McHenry	Shimkus
Grothman	McKinley	Shuster
Handel	McMorris	Simpson
Harper	Rodgers	Smith (MO)
Harris	McSally	Smith (NE)
Hartzer	Meadows	Smith (NJ)
Hensarling	Meehan	Smith (TX)
Herrera Beutler	Messer	Smucker
Hice, Jody B.	Mitchell	Stefanik
Higgins (LA)	Moolenaar	Stewart
Hill	Mooney (WV)	Stivers
Holding	Mullin	Taylor
Hollingsworth	Murphy (PA)	Tenney
Huizenga	Newhouse	Thompson (PA)
Hultgren	Noem	Thornberry
Hunter	Norman	Tiberi
Hurd	Nunes	Tipton
Issa	Olson	Trott
Jenkins (KS)	Palazzo	Turner
Jenkins (WV)	Palmer	Upton
Johnson (LA)	Paulsen	Valadao
Johnson (OH)	Pearce	Wagner
Jordan	Perry	Walberg
Joyce (OH)	Pittenger	Walden
Katko	Poe (TX)	Walker
Kelly (MS)	Poliquin	Walorski
Kelly (PA)	Posey	Walters, Mimi
King (IA)	Ratcliffe	Weber (TX)
King (NY)	Reed	Webster (FL)
Kinzinger	Reichert	Wenstrup
Knight	Renacci	Westerman
Kustoff (TN)	Rice (SC)	Williams
Labrador	Roby	Wilson (SC)
LaHood	Roe (TN)	Wittman
LaMalfa	Rogers (AL)	Womack
Lamborn	Rogers (KY)	Woodall
Lance	Rohrabacher	Yoder
Latta	Rokita	Yoho
Lewis (MN)	Rooney, Francis	Young (AK)
LoBiondo	Rooney, Thomas	Young (IA)
Long	J.	Zeldin
Loudermilk	Ros-Lehtinen	
Love	Roskam	

#### NOT VOTING—14

Barr	Davis, Rodney	Lieu, Ted
Cheney	Guthrie	Nadler
Cleaver	Hudson	Napolitano
Courtney	Johnson, Sam	Scalise
Cummings	Khanna	

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1909

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

Mr. HUFFMAN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 230, noes 190, not voting 13, as follows:

[Roll No. 352]

#### AYES—230

Abraham	Amodei	Bacon
Aderholt	Arrington	Banks (IN)
Allen	Babin	Barletta

Barton Grothman  
Bergman Gutiérrez  
Biggs Handel  
Bilirakis Harper  
Bishop (MI) Harris  
Bishop (UT) Hartzler  
Black Hensarling  
Blackburn Herrera Beutler  
Blum Hice, Jody B.  
Bost Higgins (LA)  
Brady (TX) Hill  
Brat Holding  
Bridenstine Hollingsworth  
Brooks (AL) Hudson  
Brooks (IN) Huiizenga  
Buchanan Hultgren  
Buck Hunter  
Bucshon Hurd  
Budd Issa  
Burgess Jenkins (KS)  
Byrne Jenkins (WV)  
Calvert Johnson (LA)  
Carter (GA) Johnson (OH)  
Carter (TX) Jordan  
Chabot Joyce (OH)  
Coffman Katko  
Cole Kelly (MS)  
Collins (GA) Kelly (PA)  
Collins (NY) King (IA)  
Comer King (NY)  
Comstock Kinsinger  
Conaway Knight  
Cook Kustoff (TN)  
Costa Sessions  
Costello (PA) LaHood  
Cramer LaMalfa  
Crawford Lamborn  
Cuellar Lance  
Culberson Latta  
Curbelo (FL) Lewis (MN)  
Davidson LoBiondo  
Denham Long  
Dent Loudermilk  
DeSantis Love  
DesJarlais Lucas  
Diaz-Balart Luetkemeyer  
Donovan MacArthur  
Duffy Marchant  
Duncan (SC) Marino  
Duncan (TN) Marshall  
Dunn Mast  
Emmer McCarthy  
Estes (KS) McCaul  
Farenthold McClintock  
Faso McHenry  
Ferguson McKinley  
Fleischmann McMorris  
Flores Rodgers  
Fortenberry McSally  
Foxy Meadows  
Franks (AZ) Meehan  
Frelinghuysen Messer  
Gaetz Mitchell  
Gallagher Moolenaar  
Gianforte Mooney (WV)  
Gibbs Mullin  
Gohmert Murphy (PA)  
Goodlatte Newhouse  
Gosar Noem  
Gowdy Norman  
Granger Nunes  
Graves (GA) Olson  
Graves (LA) Palazzo  
Graves (MO) Palmer  
Griffith Paulsen

## NOES—190

Adams Cartwright  
Aguilar Castor (FL)  
Amash Castro (TX)  
Barragán Chu, Judy  
Bass Cicilline  
Beatty Clark (MA)  
Bera Clarke (NY)  
Beyer Clay  
Bishop (GA) Clyburn  
Blumenauer Cohen  
Blunt Rochester Connolly  
Bonamici Conyers  
Boyle, Brendan Cooper  
F. Correa  
Brady (PA) Crist  
Brown (MD) Crowley  
Brownley (CA) Davis (CA)  
Bustos Davis, Danny  
Capuano DeFazio  
Carbajal DeGette  
Cárdenas Delaney  
Carson (IN) DeLauro

Pearce  
Perry  
Peterson  
Pittenger  
Poe (TX)  
Poliquin  
Posey  
Ratcliffe  
Reed  
Reichert  
Renacci  
Rice (SC)  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rohrabacher  
Rokita  
Rooney, Francis  
Rooney, Thomas J.  
Ros-Lehtinen  
Roskam  
Ross  
Rothfus  
Rouzer  
Royce (CA)  
Russell  
Rutherford  
Schweikert  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuster  
Simpson  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smucker  
Stefanik  
Stewart  
Stivers  
Taylor  
Tenney  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Trott  
Turner  
Upton  
Valadao  
Wagner  
Walberg  
Walden  
Walker  
Walorski  
Walters, Mimi  
Weber (TX)  
Webster (FL)  
Wenstrup  
Westerman  
Williams  
Wilson (SC)  
Wittman  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (IA)  
Zeldin

Gomez  
Gonzalez (TX)  
Gottheimer  
Green, Al  
Green, Gene  
Grijalva  
Hanabusa  
Hastings  
Heck  
Higgins (NY)  
Himes  
Hoyer  
Huffman  
Jackson Lee  
Jayapal  
Jeffries  
Johnson (GA)  
Johnson, E. B.  
Jones  
Kaptur  
Keating  
Kelly (IL)  
Kennedy  
Kihuen  
Kildee  
Kilmer  
Kind  
Krishnamoorthi  
Kuster (NH)  
Langevin  
Larsen (WA)  
Larson (CT)  
Lawrence  
Lawson (FL)  
Lee  
Levin  
Lewis (GA)  
Lipinski  
Loebach  
Lofgren  
Lowenthal  
Lowey  
Lujan Grisham, M.  
Luján, Ben Ray  
Lynch  
Maloney,  
Carolyn B.  
Maloney, Sean  
Massie  
Matsui  
McCollum  
McEachin  
McGovern  
McNerney  
Meeks  
Meng  
Moore  
Moulton  
Murphy (FL)  
Nadler  
Neal  
Nolan  
Norcross  
O'Halleran  
O'Rourke  
Pallone  
Panetta  
Pascrell  
Payne  
Pelosi  
Perlmutter  
Peters  
Pingree  
Pocan  
Polis  
Price (NC)  
Quigley  
Raskin  
Rice (NY)  
Richmond  
Rosen  
Roybal-Allard  
Ruiz  
Ruppersberger  
Rush  
Ryan (OH)  
Sanchez

Sanford  
Sarbanes  
Schakowsky  
Schiff  
Schneider  
Schrader  
Scott (VA)  
Scott, David  
Serrano  
Sewell (AL)  
Shea-Porter  
Sherman  
Sinema  
Sires  
Slaughter  
Smith (WA)  
Soto  
Speier  
Suozzi  
Swalwell (CA)  
Takano  
Thompson (CA)  
Thompson (MS)  
Titus  
Tonko  
Torres  
Tsongas  
Vargas  
Veasey  
Vela  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Waters, Maxine  
Watson Coleman  
Welch  
Wilson (FL)  
Yarmuth  
Yoho

## NOT VOTING—13

Barr Cummings  
Butterfield Davis, Rodney  
Cheney Guthrie  
Cleaver Johnson, Sam  
Courtney Khanna

Lieu, Ted  
Napolitano  
Scalise

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. COLINS of Georgia) (during the vote). There are 2 minutes remaining.

□ 1916

Mr. GAETZ changed his vote from “no” to “aye.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mrs. NAPOLITANO. Mr. Speaker, I was absent during rollcall votes No. 350, No. 351, and No. 352 due to my spouse's health situation in California. Had I been present, I would have voted “yea” on the DeSaulnier Amendment. I would have also voted “yea” on the Motion to Recommit. I would have also voted “nay” on final passage of H.R. 23—Gaining Responsibility on Water Act of 2017.

## PERSONAL EXPLANATION

Ms. CHENEY. Mr. Speaker, I was unavoidably detained recognizing the Military Times Sailor of the Year from Gillette, Wyoming. Had I been present, I would have voted “nay” on rollcall No. 350, “nay” on rollcall No. 351, and “yea” on rollcall No. 352.

## AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1719, JOHN MUIR NATIONAL HISTORIC SITE EXPANSION ACT

Mr. MCCLINTOCK. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 1719, to include addition of an enacting clause.

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

There was no objection.

## RESIGNATION AS MEMBER OF COMMITTEE ON NATURAL RESOURCES

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Natural Resources:

HOUSE OF REPRESENTATIVES,  
Washington, DC, July 12, 2017.

Hon. PAUL RYAN,  
*Speaker, House of Representatives,*  
Washington, DC.

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

DEAR SPEAKER RYAN AND LEADER PELOSI: Respectfully, I write to tender my resignation as member of the House Committee on Natural Resources. It has been an honor to serve in this capacity.

Sincerely,

JIMMY PANETTA,  
*Member of Congress.*

The SPEAKER pro tempore. Without objection, the resignation is accepted. There was no objection.

## RESIGNATION AS MEMBER OF COMMITTEE ON ARMED SERVICES

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Armed Services:

TIMOTHY J. WALZ,  
CONGRESS OF THE UNITED STATES,  
July 12, 2017.

Hon. PAUL D. RYAN,  
*Speaker, House of Representatives,*  
Washington, DC.

DEAR SPEAKER RYAN: I, TIM WALZ, am submitting my resignation from the Committee on Armed Services effective immediately. It has been a privilege and honor to serve on this Committee and to use my 24-years of experience in the military to fight for our troops.

Sincerely,

TIM WALZ,  
*Member of Congress.*

The SPEAKER pro tempore. Without objection, the resignation is accepted. There was no objection.

## ELECTING MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. CROWLEY. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows: