Tipton
Turner
Upton
Valadao
Vela
Wagner
Walberg
Walden
Walorski
Walz
Weber (TX)
Webster (FL)
Welch
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IN)

NAYS—154

Andrews
Bass
Beatty
Becerra
Bera (CA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brownley (CA)
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castro (TX)
Chu
Cicilline
Clark (MA)
Clarke (NY)
Clyburn
Cohen
Connolly
Conyers
Courtney
Crowley
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Deutch
Dingell
Doggett
Doyle
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Garcia
Grayson
Green, Al
Grijalva
Gutiérrez
Hahn
Hanabusa
Hastings (FL)
Heck (WA)
Higgins
Himes
Hinojosa
Holt
Honda
Hoyer
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maffei
Maloney, Carolyn
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Michaud
Moore
Moran
Nadler
Napolitano
Neal
Negrete McLeod
O'Rourke
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Peters (CA)
Peters (MI)
Pingree (ME)
Pocan
Price (NC)
Quigley
Rangel
Roybal-Allard
Ruiz
Ruppersberger
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schneider
Scott (VA)
Scott, David
Serrano
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Tierney
Titus
Tonko
Tsongas
Van Hollen
Vargas
Veasey
Velázquez
Visclosky
Wasserman Schultz
Waters
Waxman
Wilson (FL)
Yarmuth

NOT VOTING—9

Amodei
Chaffetz
Gosar
Huffman
McCarthy (NY)
Miller, Gary
Miller, George
Rush
Schwartz

□ 1450

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

Mr. HUFFMAN. Mr. Speaker, on February, 5 2014, I was absent for rollcall votes 40 and 41.

Had I been present for rollcall vote 40 I would have voted "yes." And had I been present for rollcall vote 41 I would have voted "no."

SACRAMENTO-SAN JOAQUIN VALLEY EMERGENCY WATER DELIVERY ACT

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3964.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 472 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. 3964.

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

□ 1454

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. 3964) to address certain water-related concerns in the Sacramento-San Joaquin Valley, and for other purposes, with Mr. POE 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 Washington (Mr. HASTINGS) and the gentlewoman from California (Mrs. NAPOLITANO) each will control 30 minutes.

The Chair recognizes the gentleman from Washington.

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

Mr. Chairman, the House today is considering H.R. 3964, the Sacramento-San Joaquin Valley Emergency Water Delivery Act.

Like California, my central Washington district is heavily dependent on irrigated water to support our local economic and agriculture industry. I understand the importance of having a stable, reliable water supply, and I also understand the economic devastation that is caused when the water supply is shut off, particularly when the shutoff is avoidable.

California is facing an emergency situation. For years, San Joaquin Valley farmers have been fighting against Federal regulations and environmental lawsuits that have diverted water supplies in order to help a 3-inch fish. In 2009, there was a deliberate diversion of over 300 billion—that is ''billion,'' Mr. Chairman—gallons of water away from farmers. As a result, thousands of farmworkers lost their jobs, unemployment in some areas reached 40 percent, and thousands of acres of fertile farmland simply dried up.

As chairman of the House Natural Resources Committee, I have traveled to Fresno, California, and seen the effects of natural and manmade drought firsthand. We have held multiple hearings and heard the pleas of communities that simply want the water turned back on and their livelihood restored.

We have seen farmers, Mr. Chairman, who normally help feed the Nation being sent to wait in line at food banks and, in some cases, being served carrots that are normally grown in this area that are from China.

That is why, last Congress, the House of Representatives passed bipartisan legislation to restore the flow of water to avoid future droughts. In fact, the Senate did not take up a single water bill in this last Congress, even after we had passed our legislation.

So, once again, we are back here on the floor of the House with legislation to help California communities once again facing water shutoffs. But now, Mr. Chairman, the situation is much more dire.

The lack of rainfall has exacerbated the manmade drought, and last month, the California Governor declared a state of emergency. A manmade drought coupled with a natural drought equals disaster and requires immediate action. Of course, these conditions could have been partially avoided if only the Senate had acted on the House-passed legislation last year.

This comprehensive solution before us today, almost identical to what the House passed the last Congress, would restore some water deliveries that will be cut off due to Federal regulations and environmental lawsuits, ensure a reliable water source for people and fish, secure water rights, and save taxpayer money by ending unnecessary and dubious government projects.

Mr. Chairman, I want to stress that this crisis does not just impact California, but it has rippling effects across the entire Nation. California's San Joaquin Valley is the salad bowl for the world and provides a significant share of the fruits and vegetables for our country.

Food grows where water flows. When there is no water, our food supply suffers, resulting in higher food prices across the country and increased reliance on foreign food sources.

This bill is a chance to right the regulatory wrongs of the past, to end future manmade droughts, and to protect the jobs and economic livelihoods of farm families and their workers.

The people of the San Joaquin Valley cannot wait any longer, Mr. Chairman, for Congress to act. As the title of this bill suggests, it is truly an emergency for many, and time is running out. I sincerely hope that, unlike the last Congress, our Senate colleagues will take up this bill or propose a meaningful alternative to it, then we can come together and figure out where we disagree and then agree on a final package. These communities facing massive unemployment deserve nothing less.

This bill is supported, Mr. Chairman, by the entire Republican California delegation, and I commend my colleagues from California for their hard work in getting this bill to the floor today. So I urge my colleagues to support the bill.

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

□ 1500

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

Mr. Chairman, I would invite my colleague to visit southern California to check with the rest of California on how we are handling the drought.

Ninety-eight percent of California, as shown by this map, is in drought. We are entering the third year of drought, the driest on record in California.

This bill, H.R. 3964, the Sacramento-San Joaquin Valley Emergency Water Delivery Act, targets California's Central Valley only and was introduced 1 week ago with no hearing, no markup, no conversation, nothing, a partisan bill, introduced only by California Republicans, with no meaningful conversation or cooperation with the rest of the California Members, who are all facing similar drought impacts. It is similar to H.R. 1837 from 2011 in the last Congress, and it died in the Senate, as was pointed out.

According to the California Department of Water Resources, the snowpack in the Sierras, the largest reservoir in the Central Valley Project System, was 6 percent of normal. Last week, the National Drought Monitor found that 98 percent of the State is experiencing moderate to severe drought—so dry in California that in the first 18 days of January, the State saw 289 fires that burned 721 acres, including the Colby fire partly in my district.

The State has hired nearly 100 more firefighters and used a super water scooper airplane, at a time when California should be experiencing its wettest month.

California Natural Resources Secretary Laird said it best in a letter: ''This bill falsely holds the promise of water relief that cannot be delivered because, in this drought, the water simply does not exist.''

This legislation, instead, reallocates water in a way that erroneously elevates junior water rights uses above all other water needs, including municipal, fisheries and environmental uses.

It repeals existing State law for water use in California, establishing a very harmful precedent for other States. It repeals sections 104, 107, 108, 110, 204, and 401 that explicitly waive State law or reclamation law. It repeals historic California water rights and decades of carefully balanced water compromises. It undermines California and other States' abilities to manage its own resources. It overturns nearly 20 years of environmental and conservation protections under the Central Valley Project Improvement Act, CVPIA, and the Endangered Species Act, and ignores the best available science demonstrating the negative effects on species. We are, in fact, a species too, the human species.

It repeals the Federal and State agreement on the court-ordered San Joaquin Restoration Settlement Act. It prohibits Federal or State governments from exercising valid water rights in order to conserve, enhance, recover, or otherwise protect any species that is affected by operations of the CVP or State Water Project. It also reallocates water for junior water rights holders in the Central Valley and ignores the needs of southern California and other water users while privatizing a public resource for a select few.

It does not—I repeat—does not create any new water to solve the drought. It completely eliminates the coequal goal of protecting the environment and allowing water deliveries. It eliminates that coequal code. It puts jobs at risk, not only for fishermen but also the economy. It would revert contract renewal terms to 40 years instead of the current 25.

Mr. Chairman, the severity of this legislation benefits a very small group. It does not benefit all of drought-impacted California. It needs the cooperation of a bipartisan solution for all of the State, including southern California.

Water bonds in the past have favored northern California. The levee funding favored the Bay Delta, and H.R. 3964 favors Central Valley farmers only.

Southern California wants and needs to be included in a dialogue and be part of the solution. We are currently in dialogue with the Senators on a drought bill.

Title XVI, which is recycled water, WaterSMART, Republicans have been stonewalling ideas. They are not allowing bills to be given the courtesy of a hearing in the subcommittee or full committee.

The Bureau of Reclamation is working with WaterSMART project funding of only $27.5 million and water recycling project funding, Title XVI, of $21.5 million, with a backlog of $400 million in congressionally approved projects.

Mr. Chairman, I will submit letters in opposition: from the White House, a statement and a veto threat; from the Governor of California, Governor Brown; from the California Department of Natural Resources Secretary John Laird; from California Attorney General Kamala Harris; and from 34 diverse California environmental groups.

The Western States Water Council indicates their opposition has not changed to the provisions that preempt states' rights. The bill will just create more litigation over water and not solve anything. We need to work on a bipartisan basis on putting that forth. H.R. 3964 is not such an attempt. I urge all my colleagues to vote ''no'' on H.R. 3964.

I reserve the balance of my time.

OFFICE OF THE GOVERNOR,
February 3, 2014.

Re Opposition to H.R. 3964.

Hon. DOC HASTINGS,
Chairman, Committee on Natural Resources, House of Representatives, Washington, DC.

Hon. PETER DEFAZIO,
Ranking Member, Committee on Natural Resources, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN AND REPRESENTATIVE DEFAZIO: California is currently experiencing the worst water crisis in our modern history. We are in our third consecutive year of extremely dry weather, and our most recent snow survey found that the Sierra snowpack—a source of water supply for 25 million Californians—is 12 percent of the normal average, the lowest ever recorded. Since declaring a drought state of emergency on January 17th, state agencies have been working closely with federal, local, and municipal agencies and others, to respond quickly. We have taken unprecedented actions to deal with the crisis, including allocating zero water deliveries to water contractors from the State Water Project for the first time in the project's history. Last week, California also released a comprehensive plan for future water management, including storage, conservation, recycling, water transfers and other actions.

H.R. 3964 is an unwelcome and divisive intrusion into California's efforts to manage this severe crisis. It would override state laws and protections, and mandate that certain water interests come out ahead of others. It falsely suggests the promise of water relief when that is simply not possible given the scarcity of water supplies. H.R. 3964 would interfere with our ability to respond effectively and flexibly to the current emergency, and would re-open old water wounds undermining years of progress toward reaching a collaborative long-term solution to our water needs.

I urge you to oppose H.R. 3964.

Sincerely,

EDMUND G. BROWN, JR.

STATE OF CALIFORNIA,
OFFICE OF THE ATTORNEY GENERAL,
February 4, 2014.

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

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

DEAR HOUSE SPEAKER BOEHNER AND HOUSE MINORITY LEADER PELOSI: I am writing to express my opposition to H.R. 3964, the Sacramento San Joaquin Valley Emergency Water Delivery Act. Like its 2012 predecessor, H.R. 1873, H.R. 3964 would abrogate long-standing provisions of California law designed to protect the State's natural resources and violate settled constitutional principles of state sovereignty. Furthermore, the legislation would imperil the State's traditional authority to manage its natural resources without providing any meaningful emergency drought relief for the people of California.

After two dry years, Californians are facing potentially the driest year in the State's history. The Sierra Nevada snow pack is 12 percent of normal. Storage levels at Shasta, Folsom, and Oroville reservoirs are below the 1977 drought levels. The California State Water Resources Control Board (SWRCB) and the Department of Fish and Wildlife (DFW) have responded to this drought emergency by agreeing to relax certain water quality standards to ensure that the federal Central Valley Project (CVP) and the State Water Project (SWP) can meet health and human safety requirements and can reasonably protect all beneficial uses of water.

Notwithstanding the prompt and laudable efforts of California's natural resources agencies to address the drought emergency, H.R. 3964 would remove key water resources management powers from these agencies. The legislation would transgress the principles of state sovereignty in at least three important respects. First, the legislation would mandate that the CVP and the SWP operate to fixed water quality standards for the Sacramento-San Joaquin Delta developed almost twenty years ago, and would preclude state authorities from altering such standards. Second, the legislation would prohibit the SWRCB and the DFW from exercising their state law responsibilities to protect fishery resources and public trust values, not only as to CVP and SWP operations, but as to all holders of appropriative water rights in California. Third, the legislation would overturn settled principles of cooperative federalism by vacating the San Joaquin River Restoration Settlement Act and banning the application of State fishery protections to the San Joaquin River operations of the Friant Unit of the CVP.

These proposed constraints on California's ability to manage its natural resources contravene long-standing principles of western water law. In California v. United States (1978) 438 U.S. 645, 653 the U.S. Supreme Court affirmed California's ability to impose state law terms and conditions on federal reclamation projects, and declared that, ''[t]he history of the relationship between the Federal government and the States in the reclamation of the arid lands of the Western States is both long and involved, but though it runs the consistent thread of purposeful and continued deference to state water law by Congress.''

California law grants the SWRCB the continuing authority to review and reconsider all water rights for the purpose of determining whether their exercise would violate the reasonable use requirement of Article X, Section 2 of the California constitution and California's common law doctrine of the public trust. According to the California Supreme Court, ''[t]he state has an affirmative duty to take the public trust into account in the planning and allocation of water resources, and to protect public trust uses whenever feasible.'' (National Audubon Society v. Superior Court (1983) 33 Ca1.3d 419, 446.) The California Legislature has expressly adopted these principles as ''the foundation of state water management policy.'' (Cal. Wat. Code, §85023.) By abrogating the State's ability to apply these principles to water users, H.R. 3964 contravenes the long-standing history of deference to state water law.

Moreover, H.R. 3964 takes these steps in violation of settled constitutional principles of state sovereignty. Relying upon separation of powers principles set forth in the Tenth Amendment and elsewhere in the U.S. Constitution, the U.S. Supreme Court in New York v. United States has held that ''congress may not simply 'commandee[r] the legislative processes of the States by directly compelling them to enact and enforce a federal regulatory program.'' (New York v. United States (1992) 505 U.S. 144, 161, citing Hodel v. Virginia Surface Mining & Reclamation Assn., Inc. (1981) 452 U.S. 263, 288.) In Printz v. United States, the U.S. Supreme Court expanded its ruling in New York and declared that ''[t]oday we hold that Congress cannot circumvent that prohibition by conscripting the States' officers directly.'' (Printz v. United States (1997) 521 U.S. 898, 935.) According to the court, the constitutional system of dual sovereignty demands that ''[t]he Federal Government may neither issue directives requiring the States to address particular problems, nor command the States' officers, or those of their political subdivisions, to administer or enforce a federal regulatory program.'' (Id.)

By compelling the SWP, a state funded and managed water project, to operate based upon congressionally mandated Delta water quality standards, rather than allowing California to develop standards that reflect the most recent scientific information regarding the Delta, H.R. 3964 violates the U.S. Supreme Court's state sovereignty principles. By prohibiting the SWRCB, the DFW or other state agencies from taking action to protect fishery and public trust values other than those mandated by Congress, the legislation further violates these state sovereignty principles. Congressional passage of H.R. 3964 would have, in effect, unconstitutionally ''dragooned'' state officers ''into administering federal law.'' (Id at p. 928.)

I urge you to reject H.R. 3964. Consistent with the principles of state sovereignty, California's natural resource agencies have timely and responsibly taken measures to address the present drought emergency within the context of California law. It is important that the present legal framework of dual sovereignty for water resources issues be strengthened and preserved, rather than dismantled.

Sincerely,

KAMALA D. HARRIS,
Attorney General.

CALIFORNIA NATURAL RESOURCES AGENCY,
January 30, 2014.

Re Opposition to H.R. 3964.

Hon. DOC HASTINGS,
Chairman, House Natural Resources Committee, Washington, DC.

Hon. PETER DEFAZIO,
Ranking Member, House Natural Resources Committee, Washington, DC.

DEAR CHAIRMAN HASTINGS, RANKING MEMBER DEFAZIO AND MEMBERS OF THE COMMITTEE: California is experiencing the worst water crisis in our modern history. We are in our third consecutive year of below normal precipitation and, this year's snowpack—on which 25 million Californians depend as the source of their water supply—currently is only 10 percent of what it should be. In Sacramento and Redding, we have broken all records for consecutive dry days in the middle of the rainy season. The California Department of Public Health reports that 17 communities across the state are at risk of running out of drinking water within 60–120 days. Just days ago, the California Department of Fish and Wildlife announced the closure of several fisheries and CAL FIRE has already responded to over 400 fires in the month of January, a startling fact when you consider they responded to zero during the same time last year. As you know, California's climate is such that it is generally dry for almost half the year—and we rely on rain and snow during the winter season to carry us through the year. Conditions—in terms of both water supply and water quality—are unprecedented and serious. Simply put, we face the driest year on record, after two dry years, which is why Governor Brown proclaimed a drought State of Emergency on January 17, 2014.

California is a huge state, in which its 38 million residents depend on a large and unique series of dams, canals, and waterways administered by hundreds of different water agencies. It is a complex system—and legislation that alters it in favor of some interests over others in a different part of the state, in the middle of this great water emergency when water managers have tried to plan and act on current realities—is not helpful.

I write today to express California's strong opposition to H.R. 3964, which seeks to undermine California's own ability to address serious water challenges and to erase years of progress toward a collaborative long-solution to address our long-term water needs. The bill falsely holds the promise of water relief that cannot be delivered because in this drought, the water simply does not exist. It would be much more prudent to help educate California residents and members of Congress how dire this situation is, and that we must work together on the limited items that might be helpful in such an emergency situation.

The state of California is also focused on finding long-term solutions that unite us during this challenging time. State law, enacted in 2009, requires us to achieve the coequal goals of both water supply reliability and ecosystem restoration through the use of sound science. In fact, earlier this week the state finalized an action plan on storage, conservation, recycling, water transfers, and all actions that we can take to make California's water system more robust. We ask for your help in those constructive, long-term efforts—where we are trying to bring people together around solutions.

The choices we face in this drought are extraordinary. Rarely are we forced to simultaneously confront water allocations this critically low, Delta salinity conditions this uniquely challenging, and the difficulty of moving water around the state due to low reservoir levels.

For these reasons, we strongly urge you to oppose H.R. 3964 and instead ask Congress to join us in supporting consensus-based water solutions that are truly responsive to California's drought and long-term water needs.

Sincerely,

JOHN LAIRD,
Secretary for Natural Resources.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
February 5, 2014. Washington, DC.

STATEMENT OF ADMINISTRATION POLICY

H.R. 3964—SACRAMENTO-SAN JOAQUIN VALLEY EMERGENCY WATER DELIVERY ACT

(Rep. Valadao, R–California, and 14 cosponsors)

The Administration strongly opposes H.R. 3964, the Sacramento-San Joaquin Valley Emergency Water Delivery Act, because it would not alleviate the effects of California's current drought and would disrupt decades of work that supports building consensus, solutions, and settlements that equitably address some of California's most complex water challenges. California is experiencing severe drought conditions and low reservoir storage. The urgency and seriousness of the situation requires a balanced approach that promotes water reliability and ecosystem restoration.

Specifically, H.R. 3964 would undermine years of collaboration between local, State, and Federal stakeholders to develop a sound water quality control plan for the Bay-Delta. And, contrary to current and past Federal reclamation law that defers to State water law, the bill would preempt California water law. Moreover, much of what the bill purports to do could be accomplished through flexibilities in existing law.

The bill also would reject the long-standing principle that beneficiaries should pay both the cost of developing water supplies and of mitigating resulting development impacts, and would exacerbate current water shortages by repealing water pricing reforms that provide incentives for contractors to conserve water supplies.

Finally, H.R. 3964 would repeal the San Joaquin River Settlement Agreement, which the Congress enacted to resolve 18 years of

contentious litigation. Full repeal of the settlement agreement would likely result in the resumption of costly litigation, creating an uncertain future for river restoration and water delivery operations for water users on the San Joaquin River.

Californians are facing significant drought-related challenges. This is why the President has directed the Federal agencies to work together to help California and other impacted States prepare for and lessen the impact of the drought. Further, it is why the Administration strongly supports efforts to provide a more reliable water supply for California and to protect, restore, and enhance the overall quality of the Bay-Delta environment. The Administration has taken great strides toward achieving these goals through a coordinated Federal Action Plan, which has strengthened collaboration between Federal agencies and the State of California while achieving results. Unfortunately, H.R. 3964 would undermine these efforts and the progress that has been made.

The Administration looks forward to working with Congress on legislation to address the drought in California and supports efforts that provide water supplies consistent with existing law in the most expeditious manner to address the conditions. These efforts would include reauthorization of the CALFED Bay-Delta Act, the Secure Water Act, and Reclamation States Emergency Drought Relief Act.

For these reasons, if the President were presented with H.R. 3964, his senior advisors would recommend that he veto the bill.

34 CALIFORNIAN EVIRONMENTAL GROUPS AGAINST H.R. 3964—2–FEB–14

AquAlliance, Butte Environmental Council, CA Save Our Streams Council, California Coastkeeper Alliance, California Rural Legal Assistance Foundation, California Sportfishing Protection Alliance, California Striped Bass Association, California Water Impact Network, Center for Biological Diversity, Citizens Water Watch of Northern California, Clean Water Action, Desal Response Group, Earth Law Center, Environmental Justice—Coalition For Water, Epic Wild California, Food & Water Watch, Foothill Conservancy, Friends of the River.

Greatest of the Karuk Tribe, Institute for Fisheries and Resources, Klamath Riverkeeper, Klower Sherman Island Duck Hunters Association, Northern California Council Federation of Fly Fishers, Pacific Coast Federation of Fisherman's Associations, Planning and Conservation League, Restore the Delta, Sacramento River Preservation Trust, Santa Clarita Organization for Planning and the Environment, Sierra Club California, Sierra Nevada Alliance, Southern California Watershed Alliance, The Fish Sniffer, Tuolumne River Trust, Winnemem Wintu Tribe—Middle River People.

TESTIMONY OF ANTHONY WILLARDSON, EXECUTIVE DIRECTOR,WESTERN STATES WATER COUNCIL, BEFORE THE HOUSE COMMITTEE ON NATURAL RESOURCES,SUBCOMMITTEE ON WATER AND POWER

LEGISLATIVE HEARING ON H.R. 1837—THE SAN JOAQUIN VALLEY WATER RELIABILITY ACT,JUNE 13, 2010

INTRODUCTION

Mr. Chairman and members of the subcommittee, my name is Tony Willardson and I am the Executive Director of the Western States Water Council (WSWC). Our members are appointed by the Governors of eighteen western states. We are a nonpartisan government entity serving as an advisory body on water policy issues, and are very closely affiliated with the Western Governors' Association (WGA). We appreciate the opportunity to testify.

Since H.R. 1837 was only recently introduced, the Council has not had an opportunity to adopt a specifically position on the legislation. However, I will address general principles related to federal-state relations that are useful in evaluating specific legislation—including H.R. 1837—and other actions addressing the serious water-related challenges facing the West and the Nation. During the Council's regular meetings next month, we will have an opportunity to more fully consider H.R. 1837 and will share any further comments thereafter.

My testimony today is based specifically on a July 2010 Council policy position entitled, ''A Shared Vision for Water Planning and Policy,'' as well as a June 2006 WGA Water Report entitled, Water Needs and Strategies for a Sustainable Future, the 2008 WGA ''Next Steps'' Water Report, and ongoing policy discussions. Our 2010 position and the WGA Water Reports include a number of policy statements and recommendations related to federal programs and projects under this Subcommittee's jurisdiction, and which we would hope would be carefully considered as you evaluate H.R. 1837.

With regard to provisions related to preemption of state law, the last paragraph of the Council's position related to A Shared Vision for Water Planning and Policy, states: ''. . . Nothing in any act of Congress should be construed as affecting or intending to affect or in any way to interfere with the laws of the respective States relating to: (a) water or watershed planning; (b) the control, appropriation, use, or distribution of water used in irrigation or for municipal or any other purposes, or any vested right acquired therein; or (c) intending to affect or in any way to interfere with any interstate compact, decree or negotiated water rights agreement.''

This language was intentionally patterned after Section 8 of the Reclamation Act of 1902 (and similar Congressional directives). Any weakening of the deference to state water law as now expressed in Section 8 is of concern to the Council—including Section 202 of H.R. 1837. Provisions of this nature are inconsistent with the policy of cooperative federalism that has guided Reclamation Law for over a century, and are a threat to water right and water right administration in all the Western States.

Recognizing that the ''future growth and prosperity of the western states depend upon the availability of adequate quantities of water of suitable quality,'' western governors created the Council in 1965 to address the need for an accurate and unbiased appraisal of present and future [water] requirements . . . and the most equitable means of providing for . . . such requirements. . . .'' On a west-wide regional level, the governors charged the Council ''. . . to accomplish effective cooperation among western states in planning for programs leading to integrated development by state, federal and other agencies of their water resources.'' Since its creation, the Council has served as a unified voice on behalf of western governors on water policy issues.

Over the years, the Council has continually sought to develop a regional consensus on westwide water policy and planning issues, including many federal initiatives and legislation. The Council strives to collectively protect western states' interests in water, while at the same time serving to coordinate and facilitate efforts to improve western water management. With respect to the latter, the Council and eleven federal agencies have signed a Declaration of Cooperation creating what we call our Western Federal Agency Support Team (WestFAST), to increase collaboration on water issues of mutual concern.

The Council has long recognized the importance of planning and policy in protecting and wisely managing our water resources for the benefit of our present and future generations, including our environment. The water development, management and protection challenges in the Sacramento-San Joaquin Bay-Delta System are not unique to California, but are reflected across the West and the Nation. Similarly, any solution to California's water and environmental needs (and compliance with state and federal mandates) affects the rest of the West to a greater or lesser extent. Perhaps this is best illustrated by California's physical dependence not only on the waters of northern and central California, but also the Colorado River Basin, shared by six other basin states.

In recent years there has been a growing debate over national water policy and the need to elevate water issues as a national priority. The Council has been and continues to be actively involved in those policy discussions.

The States are primarily responsible for allocating and administering rights to the use of water for myriad uses; and are in the best position to identify, evaluate and prioritize their needs. States and their political subdivisions share primary responsibility for planning and managing our Nation's water resources, both surface and ground water, both quantity and quality.

2006/2008 WESTERN GOVERNORS' ASSOCIATION WATER REPORTS

The WGA's 2006 Water Report declared: ''States have the primary responsibility for water allocation and management. They have jurisdiction to sanction both new appropriations and transfers of existing uses. They also have the primary responsibility for integrating water quantity allocation and water quality protection. As a result, states can play a critical role relating to growth in the West where water is a scarce resource and competing demands vie for rights to its use.'' (p. 4)

The WGA's 2008 Next Steps Report reiterated: ''States have the pivotal role in water planning, as well as allocating and protecting the resources. But in the West, where the federal government is a substantial landowner and has a significant regulatory presence, the federal role is also critical. Cooperation among the states and the federal government continues to be vital. To support the state leadership role, the federal government should help by providing a rational federal regulatory framework, together with technical and appropriate financial assistance. . . . Developing optimal solutions to the challenges . . . will require an integrated approach and greater partnerships among state, local and federal agencies. This approach should consider all needs together, develop effective solutions which are complementary rather than conflicting, and provide direction for selecting the most appropriate . . . solutions. (p. I)

2011 WSWC SHARED WATER VISION POLICY POSITION

The following WSWC recommendations are presented as a guide for evaluating actions related to federal-state relations and water resources, including H.R. 1837.

Any vision for any water policy, water plan or planning process must recognize, defer to and support State, tribal and local government water plans and planning processes.

Federal legislation should explicitly recognize and provide support for ongoing watershed efforts in and between the states, tribes and local entities and closely consult with the states in the implementation of any new federal program(s).

Any federal legislation should avoid strategies that increase mandates on state, tribal and local governments.

Comprehensive plans developed under state or tribal leadership with federal assistance should: (a) reduce inefficiencies caused by project-specific responses to competing demands; (b) reduce contradictory actions by multiple state, local and federal agencies; and (c) minimize hastily conceived reactions to the latest real or perceived crisis.

Federal agencies should use state water plans: (a) to help determine water policy and planning priorities that best align federal agency support to states; (b) to inform decision making regarding regional water issues; and (c) to coordinate investment in water infrastructure.

Mr. HASTINGS of Washington. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. VALADAO), the author of this legislation, whose district has been heavily impacted by this manmade drought.

Mr. VALADAO. Mr. Chairman, the reason we are here today is we have heard talk for long enough. We have seen negotiation after negotiation, and the last one that we are asking to go back to happened in the mid-nineties. There was an agreement made that allowed water to go for the environment and for agriculture, and now we are not even getting that.

What we are asking for is for a little attention. Many of the viewers probably don't find this interesting. It is just a bunch of trees, but these trees are dead. They have been pulled out of the ground.

That probably doesn't mean a lot to the Chair or to a lot of other people in this room, but these are trees that grow crops. Those crops create jobs. The people that do those jobs are these people right here.

We hear so many people talk about unemployment insurance. These people want to work. They want to earn a paycheck. They want to go home at the end of the day with their money in their pocket and be able to buy food that is grown around them, natural, good, wholesome American food. These people do not like standing in line and do not like waiting for government handouts. They want to work and be productive members of today's society.

I know that a lot of people watching today will think, well, this is just a California problem, but this is the food grown in California: 99 percent of the almonds; 99 percent of the artichokes; 99 percent of the figs; 99 percent of the olives; 99 percent of the pistachios.

So when we talk about helping the people who need help and giving them the resources to feed their families, if we cut off water to California, it has a direct impact on the money that they do receive from the government. Because they aren't working because of the drought, it makes food more expensive. It limits what they can buy to feed their families.

Anybody that claims to be helpful to those who need our help the most and votes against this bill is literally saying, I want to raise the cost of food for everybody in the United States.

Mrs. NAPOLITANO. Mr. Chairman, I yield such time as he may consume to the gentleman from Oregon (Mr. DEFAZIO), the ranking member of the committee.

Mr. DEFAZIO. Mr. Chairman, here we are, day two of the House Committee on Natural Resources' measures on the floor. Yesterday we spent the entire afternoon debating, among other things, whether 435 Members of the House were better suited to make decisions about individual Forest Service ranger District Wildlife Management programs or units of the National Park Service's motorized recreation regulations, overturning local managers.

We were told that significant amendments, real amendments about real issues, like the reauthorization of the Land and Water Conservation Fund, they couldn't be offered because we need to respect the legislative process.

Are we respecting the legislative process here today? This bill was introduced last week. No hearings have been held in the committee. No action was taken by the committee. It was written, introduced, and brought directly to the floor of the House of Representatives. That is respect for the legislative process?

Now despite everyone here knowing that we are going to face the worst drought the American West has seen in a century, the committee of jurisdiction has failed to hold even one hearing on current conditions.

In case you have missed the news, here it is: California, driest conditions in over 500 years, extreme drought in 70 percent of the State. Nevada and Oregon, my home State, severe to extreme drought in 80 percent of the State. Idaho, severe to extreme drought in nearly half the State.

To be thinking about how we are going to mitigate this, how we are going to fight the fires, what are we going to do for disaster relief, shouldn't we be looking at reality as opposed to this piece of legislative theater? No.

A number of us on the committee have asked for a hearing, a comprehensive hearing on all the aspects of this drought, and the majority has yet to respond.

Now, this isn't a joke. It is not something we should be playing political games with. Seriously. We have empty reservoirs, unemployed people, yes, tinderbox forests, fallowed fields, and failing fisheries. That calls on us to be bigger and better than playing these stupid partisan games. That is what this is.

Just like the bill yesterday, this bill is not a serious effort to legislate. It is going nowhere. The Governor of California opposes it. Senator FEINSTEIN opposes it. Colorado, Montana, Wyoming, New Mexico, and Oregon are all opposed to the provisions overturning State water law. The party of states' rights overturning State water law? The nonpartisan 18 Governor-appointed Western States Water Council has opposed provisions in this bill overturning State water law.

This bill is a chimera, in the real sense of the word. It is a mythical beast that is part lion, goat, serpent, all in one with the breath of burning flames. Here it comes. It is ugly, it is scary, but it is a fiction. It is not something real. In Greek mythology, the chimera was defeated by a guy named Bellerophon, a great hero—mythical, but a slayer of beasts. In this case, the U.S. Senate is going to replace Bellerophon.

This is going nowhere. We are fiddling while our forests are going to burn this summer.

The only way out of the current drought conditions is to make the skies open and rain. We aren't making rain today with this bill. We aren't even making law today with this bill. This is cynical. This is embarrassing. We should pull this bill from consideration and actually work on something that will help not only those in California but all of us impacted in the West by this drought.

Let's hold a hearing on this drought. Let's form a task force and come up with real bipartisan solutions.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 3 minutes to the gentleman from California (Mr. MCCLINTOCK), a member of the committee who has worked very hard on this legislation in the last Congress and in this Congress.

Mr. MCCLINTOCK. Mr. Chairman, California's drought is nature's fault, but our failure to prepare for it is our fault.

In California, the ruling Democrats have not only obstructed the construction of new dams for the past 35 years but they have also actively sought to tear down existing ones. They have substituted conservation for desperately needed storage, and now that we face drought, we find that our few reservoirs are empty, and our conservation options are already exhausted.

Worse, in the first years of this drought, 1.6 million acre-feet of water was dumped into the Pacific Ocean for the care and amusement of the delta smelt. Mr. Chairman, 800,000 acre-feet—enough for 4 million Californians—was deliberately drained from our now empty reservoirs just several months ago, knowing that that water was desperately needed to support the threatened human population. Part of that water was taken from Central Valley farmers, who now face economic extinction. This bill corrects these tragic policies.

It is true, we cannot make it rain, but we can take measures to stop this lunacy, increase storage capacity, reinforce existing water rights, and ensure that we never again must face a crisis of this magnitude.

This bill allows for the expansion of Lake McClure by 70,000 acre-feet. It gives local water agencies the ability to store additional water at New Melones. It sets deadlines for additional storage. It authorizes local water districts to partner with the Federal Government to expedite expansion of existing reservoirs and construction of new ones, and it reverses

the policies that put the delta smelt ahead of the needs of thousands of farmworkers and millions of consumers.

Now, the people responsible for these policies say that this steals water from northern California. It does not. This is only water that would otherwise be lost to the Pacific Ocean. This bill restores the bipartisan Bay Delta Accord that guarantees the delta the water that it needs and grants a portion of any excess to the Central Valley. This historic accord was broken when Central Valley water was expropriated for the delta smelt. This bill restores that accord while making provisions to increase the overall supply.

The other outlandish charge is that this measure overrides State water rights. It does exactly the opposite. It specifically protects State water rights against infringement by any bureaucracy—local, State, or Federal.

We have listened to the environmental left for 40 years, and this is where it has gotten us. It is time to reject these voices and return to the commonsense and proven policies of abundance that produced the prosperity that we once enjoyed.

□ 1515

Mrs. NAPOLITANO. I now yield 3 minutes to the gentleman from northern California (Mr. COSTA).

Mr. COSTA. I want to thank the ranking member of the subcommittee for giving me an opportunity to speak on this measure.

Mr. Chairman, I rise today in support of this bill despite my reservations about the bill's prospects in the Senate. Over the years, I have supported a number of the provisions and goals within this legislation, but many of them will not offer much, if any, immediate relief unless we see Biblical proportions of rainfall taking place in California during the next 6 weeks.

As California is in the midst of the worst drought on record, reservoirs are at record lows, and we have 13 percent of our average snow pack, people in my district deserve an effort that deals with the current realities that can offer help.

No one has done more over 30 years working in Sacramento and in Washington than I have to provide water not only for our valley but for the entire State, and to ensure that we have a long-term supply. Unfortunately, too many folks on both sides of the aisle have kicked this can down the road.

As much as I think a number of reforms in this bill are long overdue and some of the policy decisions have increased, frankly, the damage of the current drought conditions, we all have to recognize that in California and in Western States today, we are in a triage situation.

There are many things that we must do in the long term to increase our water supply and fix our broken water system in California. But, immediately, we have to figure out how we can move water, the scarce resource where it is, if, in fact, we do get some additional rainfall.

This is not about political points. It is about mitigating the human impact of people—people—living in 17 water districts that in 30 to 60 days will no longer be able to provide drinking water for themselves. New ideas, new and immediate relief should be offered, not a rehashing of the old political battles.

Last week, we saw what can happen in California when the entire valley delegation, working together on a bipartisan basis with Senators FEINSTEIN and BOXER, asked the Bureau of Reclamation to honor the carryover water that had been provided by those farmers who saved it last year. In fact, we were able to maintain that water this year. It is a lifeline. The Bureau and the administration heard our united calls loud and clear, and they made a fair decision to allow farmers in the valley to keep water that otherwise would have been confiscated.

We need more of these kinds of efforts, which is why I offered an amendment yesterday to create a joint committee to bring us together to deal with these short and long-term challenges. This effort is important since right now we seem to be talking past one another and feuding in editorial pages across the State rather than finding the common ground that we need.

Although leadership chose not to bring my amendment up for a vote, I think we have to be open to getting down to brass tacks at some point in time, because it is the only way we are going to solve these problems—on a bipartisan basis. Solutions to our water problems are not and should not be partisan. Traditionally, they have been regional, and I can tell you where all the political fault lines lie. They are deep, and they are historic. It is time for cooler heads to prevail.

The CHAIR. The time of the gentleman has expired.

Mrs. NAPOLITANO. I yield the gentleman an additional 30 seconds.

Mr. COSTA. This is not about political points. It is about people who could lose their jobs in the drought. It is about the dairy producer who might soon have to consider selling the dairy their grandfather started. It is about farmworkers who might soon find themselves in food lines instead of helping produce some of the most productive crops in the world. It is about the children of migrant workers who might soon have to leave their school because their parents have to look for work elsewhere.

In the coming days, we will be introducing legislation. I hope we can engender some bipartisan support. At the end of the day, that is what it is going to take to solve the water problems in California.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman from California (Mr. LAMALFA), another member of the Natural Resources Committee and a Californian.

Mr. LAMALFA. Thank you, Mr. Chairman.

I am pleased to be able to rise in support of Mr. VALADAO's bill, a bipartisan measure it appears, and I am glad for that. We are able to work together as neighbors, northern California and central California, to overcome the overreaching environmental restrictions that this bill seeks to do. It has diverted so much water away from San Joaquin Valley families for their farms, away from agriculture, away from productive use, in favor of a 3-inch fish.

Title IV of this measure ensures that northern California's cities and farmers maintain their first right to water from the area of origin, the river in its area, which runs through their communities.

I am open to working with anyone at any time who has a realistic plan to address our historic droughts. The minority has offered amendments that would do nothing to address this crisis. Indeed, their proposals would only put more roadblocks and more red tape between Californians and the water they need.

We see plenty of potential for projects that could happen, such as Sites Reservoir in my neighborhood in northern California; possibly the raising of Shasta Dam and other projects would be very viable. Indeed, if you look at the graph here, there is much potential that could be realized when 76 percent of the water that comes into the delta flows straight out the Pacific. Only 24 percent actually either stays in the delta or goes south of the massive amount of water that comes into the delta initially.

The potential there for storing more water to have more available for everybody, whether it is farms, cities or environmental use, can be realized by building projects and by removing the roadblocks that are unnecessarily put there by bureaucracy or politics. We need to have a much better atmosphere of cooperating in this time of drought and putting our efforts forward to truly help Californians.

Indeed, Mr. Chairman, we need to pass this bill today to take that step. Moses parted the Red Sea. I think we need to have somebody that can part the red tape that has held California up for so many years for building the water supply it needs.

Mrs. NAPOLITANO. Mr. Chairman, I now yield 3 minutes to the gentleman from California, Congressman THOMPSON.

Mr. THOMPSON of California. Thank you, Madam Chair.

Mr. Chairman, I rise in strong opposition to this bill, a bill that would destroy jobs, does nothing to address the real problem, the drought, and ignores more than 20 years of established science.

What does the bill do? Will this bill help alleviate the drought? No. Even if

we pumped as much water as possible, Central Valley farmers still wouldn't have enough. There simply isn't enough water to go around.

We are in an extreme drought, the worst in the last century. You can look at these photographs and see the snow pack last year versus the snow pack this year. We are in bad straits, and it is a drought. It is not a manmade problem, it is a drought.

Will this bill kill jobs? Yes. The delta supports thousands of jobs in farming, fishing and tourism and has an economic output of more than $4 billion a year. This bill puts those jobs in jeopardy. Will this bill harm drinking water that millions of people rely on? Yes. When clean water is pumped south, the level of saltwater in the delta increases. People can't drink seawater.

The entire State of California is in a drought. You saw it in today's USA Today. There are towns without water. There are more towns in line to lose all the water they have, and it is not due to a lack of pumping because of a ''little fish.'' It is due to the lack of snow and the lack of rain.

Now, I know this is personal for many of my colleagues. It is personal for me, too. Many of the towns that I represent are running out of water. My home town is rationing water—65 gallons per person per day. It is a real, real serious problem.

I understand the concerns of the Central Valley farmers. Ag is big in my district, too, and this drought is hurting my constituents, as well. Because of these dry conditions, grapevines will experience an early bud this year, and without water to protect the early bud from the frost, we have no crops—out of business.

It is a drought that is causing the problem. Proponents of this bill say those who oppose it care more about fish than people. These comments cheapen the debate. They insult the intelligence of Californians and are not based on facts. As UC-Berkeley professor of agriculture and resource economics stated in the paper today, Michael Hanemann, he said that you can kill every fish in the delta and you still would have a real problem.

Simply put, this bill is nothing more than a thinly veiled attempt to use this drought as an excuse to pump water from other users and to do so with zero regard for the people who depend on that water for their livelihoods. It would be more productive for this body to join in a rain dance on the floor today than to pass this bill. Our people—our constituents—deserve better than this politically driven bill. They deserve solutions. I ask for a ''no'' vote on the bill.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 2 minutes to another gentleman from California (Mr. CALVERT), a former member of the Natural Resources Committee.

Mr. CALVERT. Mr. Chairman, I rise today in strong support of the Sacramento-San Joaquin Valley Emergency Water Delivery Act.

Albert Einstein is quoted as saying:

> The definition of insanity is doing the same thing over and over again and expecting different results.

That just about sums up California's water policy today. Time and time again, we have let Californians down by diverting water away from our communities because of Federal practices based on unfair priorities.

California is headed toward an economic calamity unless meaningful action is taken. Ongoing drought conditions combined with regulatory restrictions have placed a tremendous strain on California water supplies. Today, we are offering a first step to a solution to the devastating drought that California is facing.

This is not just a California problem. The Central Valley of California produces a significant amount of our Nation's crops. The devastation caused by this drought will reverberate through the country in the form of soaring food prices.

Water officials across the State are taking responsible steps to ramp up conservation efforts and stretch every drop of water that we do have. Unfortunately, Congress and our Federal regulatory agencies have failed to take a similar approach during these trying times. With our State facing an unprecedented water shortage, it is time for Congress to end the regulatory restrictions that are outdated and ineffective.

Like many Californians, I am tired of seeing millions and millions of gallons of water that could go to the people of California instead being dumped in the Pacific Ocean because of Federal regulations that punish families, farmers and the economy. It has been mentioned here just last year that 800,000 acre feet of water was flushed in the ocean during unprecedented rains. We should never be wasting that amount of water when people are suffering from a drought.

Today, the House can change that equation, restore balance between protecting the environment and provide water to the people who need it.

I want to thank and commend my colleague, DAVID VALADAO, for his passion and leadership on this issue. He has been here only a short time, but he is already making a tremendous impact on the Central Valley.

I urge all my colleagues to support this bill.

Mrs. NAPOLITANO. May I inquire the length of time remaining on both sides, please.

The CHAIR. The gentlewoman from California has 15 minutes remaining. The gentleman from Washington has 16½ minutes remaining.

Mrs. NAPOLITANO. Mr. Chairman, I yield 3 minutes to the gentleman from California, Congressman AMI BERA.

Mr. BERA of California. Mr. Chairman, I rise today to speak against this bill, and here is why. This bill does nothing to create additional water supplies. The water that we have already lost, we can't get that back. What we need to do is look at ways to better manage the water we have and look at ways to better conserve that water.

We are ready to do this. We are ready to work with our colleagues on the other side of the aisle as Californians. This isn't about Democrats versus Republicans. We can't pit one community against another. You are talking about families.

This is a picture of Folsom Lake in my district; 500,000 residents in our community rely on water from Folsom Lake for drinking water.

It is not about a little fish. It is about when a child goes to turn on their tap they get clean water coming out of it.

This should be under water, and if you want to understand how bad it is, let's look at this picture. This is the wet side of Folsom dam. Where is the water? This bill takes water where it doesn't exist. You can't move water if it doesn't exist.

So we stand ready to work with our colleagues in both Houses and across the aisle to look at better ways for us to manage water, better ways for us to predict and forecast weather, if you are going to have a dry season, to protect that water, and better ways to serve all of California's communities.

It can't be northern California versus southern California versus central California. It has got to be Californians working together. Let's solve this. Let's work together, and let's create a brighter future for California by managing our water together.

□ 1530

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman from California (Mr. DENHAM), another former member of the Natural Resources Committee.

Mr. DENHAM. Mr. Chairman, I rise today in support of the bill to ensure again that the House takes the lead in taking action about this big crisis that we are having in California's Central Valley.

This measure puts a number of commonsense ideas on the table to alleviate the severity of today's drought. There is need for a Federal response, because California has a crosscutting network of both State and Federal water projects. With the passage of this bill, I hope the Senate will finally come to the table. If you don't like our idea, come up with one of your own.

We have to have storage. We have to have conveyance. We need to plan for the future. There are times when we have wet years, but if we don't store the water, we don't have it for drought years. It is common sense, and it should be bipartisan and it should be bicameral.

What I am most proud about on this bill is that you actually have Members from different regions of the State that

have come together and said the time is now to finally come together on a solution for what we have and what we are facing today in California's Central Valley.

I am thankful to Mr. VALADAO for not only bringing this bill up, but for also including my provisions which will create some more water storage, including Los Vaqueros and Exchequer and streamlining construction projects.

This bill also includes two of my bills: H.R. 2705, seeking to protect native salmon and steelhead on the Stanislaus River; and H.R. 2554, which would allow 100,000 new acre-feet of storage on New Melones reservoir.

We can do simple things to conserve more water. These two measures produce more water and alleviate pressure on supplies, and at no cost to the taxpayer.

Yesterday the Senate passed the farm bill, which we passed here last week. Without water, in California, having a farm bill doesn't matter a whole lot if you can't plant the crops that feed the rest of the Nation.

I urge my colleagues to pass this bill. The time is now to have a real water solution. Again, if you don't like this one, then come up with one of your own. Let's have some water storage. Let's actually have a dialogue, but let's not shut down residents of the Central Valley or drinking water across the State.

Mrs. NAPOLITANO. Mr. Chairman, I now yield 5 minutes to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. Mr. Chairman, I don't know if it is proper to ask you a question, but is this February 2? I am reminded of the movie ''Groundhog Day.'' We continue to repeat what happened yesterday and the year before. This is a repetition of a bill that came to the floor 2 years ago. It was a bill that had a lot of different pieces to it but was very, very simple in what it accomplished, or attempted to accomplish, and that was to take water from someone—the environment, fish, and the delta, farmers, communities, Contra Costa County, the East Bay of San Francisco—and deliver it to someone else. That would be the San Luis Unit of the Central Valley Project. That was 2 years ago. It must be February 2. It must be Groundhog Day because we are doing it all over again. Whatever little whistles and bells and bows you want to put on it, this is essentially a theft of water from someone to give to somebody else. Plain and simple, that is what it is about.

In this case, the water is going to be stolen—and I use that word because that is accurate—from the delta, from the environment, San Francisco Bay, from the salmon, which is a huge industry in California, all the way up the coast to Oregon, to be given to the largest single-water district in the Nation. A district that, by its contract with the Federal Government, is specifically set to take shortages in their water when there is a drought. If this bill becomes law, that won't be the case. They will get the water and someone else won't.

Okay. We have seen this show before. We also saw before that this type of legislation, as does this bill, overturns the California constitution, pushes it out of the way, and all this is done by folks who normally call themselves State righters.

Well, this is the biggest grab of power by the Federal Government on water anywhere in the history of reclamation law dating back to 1904. Never before has the Federal Government made such an attempt to grab the water rightfully belonging to a State and saying, in this case, California, you are going to use that water as seen fit by the farm bill.

Current water law and current law and practices for a century and more have been the opposite. This doesn't solve the problem. We have got a real problem. These have been seen before and they are going to have to be seen over and over, because that was a year ago. We turn it upside right. Whatever, it is a lot of snow; right? That was a year ago, snow in the Sierras. That is this year, no snow.

And by the way, the Central Valley looks pretty much like a desert—not just the San Joaquin Valley, but the whole valley.

We have got a problem. We have a very real problem. We really need a real solution. This bill isn't a solution. This bill is a call to arms. This bill is the clarion call of yet one more battle in the great California water war, and we are all veterans of that war. My colleagues over here on the Republican aisle, my colleagues over here on the Democratic aisle, we are veterans of the water war.

Unfortunately, this bill doesn't solve the problem of California. There are solutions available. We really need to get to them. We really need to sit down and work with a bill that passed the House and the Senate and was signed by the President less than 2 weeks ago, the omnibus bill.

In that omnibus bill there is a restoration, a reauthorization of the Federal drought emergency program that has some 16, 17 different provisions that provide for specific things that we should be funding. There's no money in this bill for funding. We are going to have to fund this. This is a Westwide problem, a problem that reaches across many, many States, and it is going to take all of us working together to help each individual State, each community, and every water district deal with a very real problem. It is a battle. It is a call to arms. Get to your barricades. Pull out the old weapons. We really need a sensible solution here, and, unfortunately, this bill simply doesn't do it.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 3 minutes to the gentleman from California (Mr. NUNES), the author of the legislation that passed this House in a bipartisan way last time, which this bill emulates.

Mr. NUNES. Mr. Chairman, this is about 40 years of policies that passed out of this body that took water from our region and sent it out to the ocean. That is what this debate is about. So the inconvenient truth for the folks on the left is that their 40 years of policies have resulted in people running out of water.

One of the times they stole water was in 1992. After that, we had what were called the Bay-Delta Accord, State-Federal partnership. That was the last time we were supposed to give up water. It codified into law that agreement.

So the gentleman was talking about stealing water, they are very good at stealing water. At the time they stole water last time, they said the accord was going to be the last time we were going to have water stolen from us. That was in 1994. But water continues to be stolen.

Now there seems to be this misunderstanding about how the system works. L.A., Hollywood, San Francisco, it is a desert. They don't have water. They conveniently get their water from the Colorado River or from the Yosemite Valley. They ignore all environmental rules, but they make our people who live in the San Joaquin Valley live by the rules that they don't want to live by. That is the reality.

So we have these projects that are built for 5 years of storage and movement of water. So you can see when we had a drought in 1997 and 1991 and 2009, these were the allotments at those times. Last year, we actually didn't have a real bad drought. Look at the allocation. So the system simply isn't being used. All the aqueducts and all the dams that were constructed—led by Democrats, of all people, Franklin Roosevelt, John F. Kennedy.

John F. Kennedy said this:

> This is a fast trip, but if it had no other benefit than to permit us to look at this valley and others like it across the country, where we can see the greenest and richest earth, producing the greatest and richest crops in the country, and then a mile away, see the same earth and see it brown and dusty and useless, and all because there is water in one place and there isn't in another.

President Kennedy had the foresight to construct these projects that now, after 40 years of bad policies by the left, they have run the State out of water. They have run the State out of water.

Meanwhile, they talk about killing the fish. Well, why are they killing the fish? Because all of these cities that most on the left represent dump their sewage into the delta. That kills the fish. So stop dumping the sewer water in the delta if you care about the fish. If you care about the fish, give up your water in Yosemite National Park and let that water go out to the delta to save the fish.

Mr. Chairman, the time for stealing water has ended, and that is what this bill does.

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

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

This debate, Mr. Chairman, is very interesting. And what we are presenting here today and what is being presented by my California colleagues is, from their point of view, a solution to a problem caused by a drought and caused by regulatory action in the State of California.

I have heard my colleagues on the other side of the aisle stand up—virtually everybody has said this. I know my colleague, Mr. GARAMENDI, said something that I will allude to in a moment. Mr. COSTA said something about that. The ranking member of the Natural Resources Committee said something about what I am going to say, and, I dare say, the gentlelady from California (Mrs. NAPOLITANO) said the same thing.

The thread of what they all said is that there are solutions, and we need to work together. We need to find these solutions, to which our side says fine, this is our solution. We recognize you may not like it. We recognize that. But we also have one other point that we need to recognize, and that is the genius of our Founding Fathers. They created two branches of the legislative branch, the Congress: the House, in which we have the privilege of serving, and the Senate.

I made the observation in my opening statement that the Senate has not acted on any water bill laws at all. Well, finally somebody in this area is catching that message, because the Fresno Bee in California, which is right in the epicenter, if you will, of the San Joaquin Valley, editorialized last week that Senator FEINSTEIN must step up and lead on the drought. What that means, of course, is step up and write a piece of legislation. I have heard my colleagues say we are working on a piece of legislation, maybe by next week.

Mr. Chairman, I want to make this point. This is very specific. Introducing a piece of legislation is not legislating. Legislating is when you pass a piece of legislation out of your respective House, and I think that is what the Fresno Bee is saying right here when they tell Senator FEINSTEIN and others that they need to step up on this and pass some legislation.

Listen, I am sure that legislation will be different than this. We have heard from my colleagues on the other side of the aisle. That is fine. I can take it, and, I dare say, my California colleagues can take it, too, and then we can work out the difference. But we don't know what your position is.

□ 1545

Mr. Chairman, I think this is a good piece of legislation. The last Congress acted on it, and it should act on it again.

I reserve the balance of my time.

Mrs. NAPOLITANO. Mr. Chairman, may I inquire as to how much time is remaining on both sides.

The CHAIR. The gentlewoman from California has 8-½ minutes remaining. The gentleman from Washington has 9 minutes remaining.

Mrs. NAPOLITANO. Thank you, Mr. Chairman.

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

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

I rise again to express my strong opposition to H.R. 3964. This legislation will do tremendous harm to the Sacramento-San Joaquin Delta, an area that I am privileged to represent.

Let's start with the facts. California is in a drought and is experiencing its driest year on record. Snowpacks are at about 13 percent of what they should be. Regions have set new records for consecutive dry days during the rainy season. Seventeen communities are at risk of running out of drinking water within 60 days. The National Drought Mitigation Center upgraded about 9 percent of California to an ''exceptional drought,'' the organization's most intense level of drought severity.

Yet, here we are again, spending time on a bill which, according to its authors, is only a short-term fix for a few communities and does nothing to help California in its water crisis. California's Natural Resources Secretary John Laird said that H.R. 3964 ''falsely holds the promise of water relief that cannot be delivered because in this drought, the water simply does not exist.'' Let me repeat that: ''the water simply does not exist.''

I know that the other side is going to vote unanimously for this bill, so I ask them to look and see what is inside of it. It is not in your interest. This takes away states' rights. This doesn't weigh a state's protections.

I ask people that live in the Great Lakes area and people that live in the Florida Everglades area: pay attention. This is a Federal precedent. It allows the Federal Government to come and take your water. Is that what you want? I don't think so.

So I ask the Members of the other side of the aisle, please consider what this bill contains, please vote the right way. We should be addressing water efficiency, storage, reuse and recycling, water management, innovative water projects, and a long-term approach to water shortages.

All H.R. 3964 ensures is that more water is shipped out of the delta, turning this precious estuary into a salty, stagnant marsh, devastating local economies, and costing the delta region thousands of jobs.

We should stand united in preventing this legislation from ever becoming law. I urge my colleagues to oppose H.R. 3964.

The CHAIR. Members are advised to address their comments to the Chair and not to others in the second person.

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

Mr. Chairman, I just want to respond to remarks that the previous speaker from California made about the potential danger in this bill as they relate to water rights in other States.

What the gentleman was alluding to is absolutely incorrect because the language in this bill is very specific; it is very specific as it relates to California.

We went through this process in the last Congress when we went through hearings because other States—my State included—was very, very concerned that whatever preemption had to do with water here would affect other States. Last year in this bill, the language is very, very specific: it does not apply to other States; it is California-centric only.

So I want to make that point, Mr. Chairman.

With that, I reserve the balance of my time.

Mrs. NAPOLITANO. Mr. Chairman, I continue to reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, if I could inquire of my friend if she has any more speakers; and, if not, if she is prepared to close, her side is prepared to close, I am prepared to close.

Mrs. NAPOLITANO. We have no more speakers, and I am prepared to close.

Mr. HASTINGS of Washington. In that case, I reserve the balance of my time so you can close, and we will have one final speaker.

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

In closing, we have heard a lot of conversation about what is good and what is not good for my great State of California.

We continue to stress we need to work together. Mr. BERA said that. Mr. DENHAM says create your own.

Well, I thought this was the House of the people and that we are supposed to be working together. That is why we have such a low ranking in the view of the American public—we continually fight against each other.

We need to sit in dialogue and be able to converse—at least agree on things that are necessary—to be able to help our country back on its feet instead of fighting over what is not necessarily fightable about.

Mr. HASTINGS, the chairman, talked about the resolutions of past legislation. Like anything else, we don't get information about many of the bills until last minute. I cannot get any hearings on some of my bills, and neither can some of my members get hearings in the subcommittee or the full committee for being able to address some of these issues that have come up on water.

In summary, we have, of course, this bill that repeals historic California water rights; overturns 20 years of environmental and conservation protections; ignores best available science; repeals the court ordered San Joaquin

Restoration Settlement Act; preempts California State law; and creates no new water.

Mr. Chairman, I would like to enter a Statement of Administration Policy:

> The administration strongly opposes H.R. 3964, the Emergency Water Delivery Act, because it would not alleviate the effects of California's current drought and would disrupt decades of work that supports building consensus, solutions, and settlements that equitably address some of California's most complex water challenges. California is experiencing severe drought conditions and low reservoir storage. The urgency and seriousness of the situation requires a balanced approach that promotes water reliability and ecosystem restoration.

It ends with:

> For these reasons, if the President were presented with H.R. 3964, his senior advisors would recommend that he veto the bill.

Mr. Chairman, I urge my colleagues to vote ''no'' on this very dangerous precedent for not only my State of California but for the rest of the Nation.

I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield the balance of my time to the gentleman from California (Mr. MCCARTHY), the majority whip.

Mr. MCCARTHY of California. Mr. Chairman, I want to thank Congressman VALADAO, Congressman NUNES, and all of the delegation for their work when it comes to water.

The news from California is not bright. The current news: our drought is the worst in a century. Governor Brown has declared a state of emergency because of the drought. Our water storage is at near empty. Farmland is going fallow. Drinking water is threatened. The State actually says in its latest report that 17 communities can go dry in 4 months. In the absence of God our options are limited to ease this pain. It didn't have to be this way. But why are we here today and why are we debating this bill?

Well, without action farms are going to go fallow. So what does that mean for the rest of the Nation? A lot of people don't look at what happens throughout California and the Central Valley. Most of the produce is produced there for the Nation and the world. If you just look at a few: 94 percent of all tomatoes, 93 percent of all broccoli, 89 percent of all carrots, 78 percent of all lettuce. So that means prices will go up.

It also means you are going to buy that produce somewhere else. You are going to buy it overseas: maybe China, maybe Mexico. What about the food safety? More importantly, what about those jobs? What about those workers?

Just a few short years ago, unemployment in some of these cities were 40 percent. It is already more than 10. The worst part of all this is it didn't have to be this way. We could plan for it.

I have heard colleagues talk about this, Mr. Chairman, that back in 1994 we actually had a bipartisan agreement: the Bay-Delta Accord. It was more than just Republicans and Democrats agreeing. It was environmentalists, farmers, water users. Everybody came to an agreement. But that bond was broken.

The reason we debate this is water is so precious. Most of the snowpack comes from the north and travels down to the south. We have a State water project that—which is a little ironic—Governor Brown, when his father was Governor built more than 50 years ago. There have always been allocations to send it down south. This year they made history. In the history of the water project, the allocation is zero—zero.

When you are growing up you study history. There are always those Aesop's Fables. Do you remember Aesop? He was that slave in ancient Greece that would tell these tales to teach about a moral lesson.

One of those fables talked about the ant and the grasshopper, where the ant during summertime, because he knew winter would come, would go out and work hard and store food for the winter. Not the grasshopper. He would be idle out there in the summer enjoying life, and hopefully nothing bad ever happened.

Well, over the years, government regulation has made it harder. Government regulation has changed the Bay-Delta Accord. It is safe to say, environmentalists have sued. Environmentalists have decided that fish are more important than those who are unemployed; that maybe they come before the individual.

What does that mean? Since 2007, the State Water Project has lost 2.6 million acre feet because of these policies. Now, what does that mean, 2.6 million acre feet? That means that is enough for the annual water needs of every resident in Los Angeles, New York, and Chicago combined.

Where did that water go? Out to the ocean. Why would we send it out to the ocean when we could store it for the drought that we knew would happen?

There is nothing that illustrates this broken system more than just 3 years ago. You have all seen those photos that people have shown down here on TV of California when it had a snowpack and California today when it is all dry. Just 3 years ago, do you know what that snowpack was? More than 170 percent. Boy, that would be a good year to be an ant, that would be a good year to send it down, that would be a good year to store for today so those communities would not go dry or that land would not go fallow. That wasn't the case. Do you know what the allocation was when we had 170 percent of snowpack? Eighty percent.

Do you know what is unjust in all of this? This year when we get zero percent, or when we got 80 percent of allocation, the bill was always the same: you paid 100 percent, regardless of what allocation you got.

What about property rights? What about responsibility? What about a broken system?

So what does this bill actually do? Well, first and foremost, it puts families before fish. It goes back to an agreement that everybody agreed upon, and it moves us in a place where we can prepare.

Standing defenselessly in the face of future droughts is not a noble gesture. It is actually insanity.

Today, this House will act again, because we would not be in the dryer place that we are today had the Senate taken up the bill we acted on in the last Congress. Why? Because this House believes and understood and learned the lessons of the fables before—that we prepare. But the Senate, in the grasshopper style, stood idly by.

Our Senators—California is pretty powerful in the Senate. Mr. Chairman, I will say California has two Senators that are chairs of committees. There was an opportunity to act.

What is unique in this form of government and what we have, the greatest in the world, we have two Houses. It doesn't mean both Houses have to agree at the very beginning. It does mean that you take action and show where you stand, just like the House did 2 years ago. The Senate took no stance, so how do we know where they stand?

Well, we will act again. The Senate needs to act, show us where they stand, go to conference, and stand up for the families of California. This has gone on too long. We do not have to be in the situation we stand in today. There are families that did not have to be unemployed had we acted in the Senate, based upon what we did. There are communities that would not have had to go dry had we acted before.

So enough of rhetoric, enough of the fights; the time is now. As the Sun sets today, a bill will be out of this House, but still nothing is even introduced in the Senate.

Mr. Chairman, I implore, don't make California hurt anymore.

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

□ 1600

The CHAIR. 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 113–34. 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. 3964

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Sacramento-San Joaquin Valley Emergency Water Delivery Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CENTRAL VALLEY PROJECT WATER RELIABILITY

Sec. 101. Amendment to purposes.
Sec. 102. Amendment to definition.
Sec. 103. Contracts.
Sec. 104. Water transfers, improved water management, and conservation.
Sec. 105. Fish, wildlife, and habitat restoration.
Sec. 106. Restoration fund.
Sec. 107. Additional authorities.
Sec. 108. Bay-Delta Accord.
Sec. 109. Natural and artificially spawned species.
Sec. 110. Authorized service area.
Sec. 111. Regulatory streamlining.
Sec. 112. Warren Act contracts.
Sec. 113. Additional Warren Act contracts.
Sec. 114. Pilot Program to Protect Native Anadromous Fish in the Stanislaus River.
Sec. 115. San Luis Reservoir.

TITLE II—SAN JOAQUIN RIVER RESTORATION

Sec. 201. Repeal of the San Joaquin River settlement.
Sec. 202. Purpose.
Sec. 203. Definitions.
Sec. 204. Implementation of restoration.
Sec. 205. Disposal of property; title to facilities.
Sec. 206. Compliance with applicable law.
Sec. 207. Compliance with Central Valley Project Improvement Act.
Sec. 208. No private right of action.
Sec. 209. Implementation.
Sec. 210. Repayment contracts and acceleration of repayment of construction costs.
Sec. 211. Repeal.
Sec. 212. Water supply mitigation.
Sec. 213. Additional Authorities.

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

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

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

Sec. 401. Water rights and area-of-origin protections.
Sec. 402. Sacramento River settlement contracts.
Sec. 403. Sacramento River Watershed Water Service Contractors.
Sec. 404. No redirected adverse impacts.

TITLE V—MISCELLANEOUS

Sec. 501. Precedent.
Sec. 502. No effect on Proclamation of State of Emergency.
Sec. 503. Wild and Scenic Rivers Act.

TITLE I—CENTRAL VALLEY PROJECT WATER RELIABILITY

SEC. 101. AMENDMENT TO PURPOSES.

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

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

(2) by adding at the end the following:

''(g) to ensure that water dedicated to fish and wildlife purposes by this title is replaced and provided to Central Valley Project water contractors by December 31, 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'';

(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'';

(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'';

(ii) by inserting ''reasonable water'' after ''to provide'';

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

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

(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'';

(B) in paragraph (2)—

(i) by striking ''primary purpose'' and inserting ''purposes'';

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

(iii) by adding after the period the following: ''All Central Valley Project water used for the purposes specified in this paragraph shall be credited to the quantity of Central Valley Project yield dedicated and managed under this paragraph by determining how the dedication and management of such water would affect the delivery capability of the Central Valley Project during the 1928 to 1934 drought period after fishery, water quality, and other flow and operational requirements imposed by terms and conditions existing in licenses, permits, and other agreements pertaining to the Central Valley Project under applicable State or Federal law existing on October 30, 1992, have been met. To the fullest extent possible and in accordance with section 3411, Central Valley Project water dedicated and managed pursuant to this paragraph shall be reused to fulfill the Secretary's remaining contractual obligations to provide Central Valley Project water for agricultural or municipal and industrial purposes.'';

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

''(C) If by March 15th of any year the quantity of Central Valley Project water forecasted to be made available to water service or repayment contractors in the Delta Division of the Central Valley Project is below 75 percent of the total quantity of water to be made available

under said contracts, the quantity of Central Valley Project yield dedicated and managed for that year under this paragraph shall be reduced by 25 percent.''.

(2) By adding at the end the following:

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

SEC. 106. RESTORATION FUND.

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

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

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

(3) By adding at the end the following:

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

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

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

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

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

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

(1) by striking ''mitigation and restoration'';

(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, 2015, $4 per megawatt-hour for Central Valley Project power sold to power contractors (October 2015 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, 2015, and annually thereafter, to transmit to the Secretary and Congress recommendations required under subparagraph (A).

''(D) Not later than December 31, 2015, and biennially thereafter, to transmit to Congress a report that details the progress made in achieving the actions mandated under section 3406 of this title.

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

SEC. 107. ADDITIONAL AUTHORITIES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) By striking ''needs, the Secretary,'' and all that follows through ''submit to the Congress, a'' and inserting ''needs, the Secretary, on a priority basis and not later than September 30, 2015, 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, 2018 (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, 2015. 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)''; and

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

(e) WATER STORAGE PROJECT CONSTRUCTION.—The Secretary, acting through the Commissioner of the Bureau of Reclamation, may partner 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. AUTHORIZED SERVICE AREA.

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

SEC. 111. REGULATORY STREAMLINING.

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

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

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

(1) CVP.—The term ''CVP'' means the Central Valley Project.

(2) PROJECT.—The term ''project''—

(A) means an activity that—

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

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

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

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

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

SEC. 112. WARREN ACT CONTRACTS.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Interior shall offer to the Oakdale Irrigation District and the South San Joaquin Irrigation District (hereafter in this section referred to as the ''districts'') a contract enabling the districts to collectively impound and store up to 200,000 acre-feet of their Stanislaus River water rights in the New Melones Reservoir in accordance with the terms and conditions of sections 1 through 3 of the Act of February 21, 1911 (43 U.S.C. 523–525; commonly known as the ''Warren Act''); provided that before offering any such contract, the Secretary has determined that the amount of water to be impounded and stored under the contract will not directly or indirectly result in any redirected adverse water supply or fiscal impacts to any Central Valley Project contractor related to the Secretary's operation of the Central Valley Project to meet legal obligations imposed by or through any State or Federal agency, including but not limited to those legal obligations emanating from the Endangered Species Act of 1973 (16 U.S.C. 1531, et seq.), the Water Pollution Control Act (33 U.S.C. 1251, et seq., commonly known as the ''Clean Water Act'' pursuant to the 1977 amendments, Public Law 95–217), and the Porter-Cologne Water Quality Control Act (Cal. Water Code 13000, et seq.).

(b) TERMS AND CONDITIONS.—The terms and conditions of any contract entered into under subsection (a) shall—

(1) be for a term of not less than 10 years; and (2) expressly provide that—

(A) the districts may use any water impounded and stored in the New Melones Reservoir for any legal purpose under California law, including use within the boundaries of either district, transfer to and reasonable and beneficial use by a person or entity not located within the boundaries of either district, and for instream use in the Stanislaus River, the San Joaquin River, or the Sacramento-San Joaquin River Delta; and

(B) any water impounded and stored by either district shall not be released or withdrawn if the end of month September storage level for New Melones Reservoir is projected to be equal to or below 300,000 acre-feet, but in such event the impounded and stored water shall be retained in the New Melones Reservoir for use by the districts in the following year, subject to the same 300,000 acre-foot minimum storage requirement, and without additional payment being required.

(c) CONSERVATION ACCOUNT.—Any water impounded and stored in the New Melones Reservoir by either district under the contract shall not be considered or accounted as water placed in the districts' conservation account, as that account is defined and explained in the August 30, 1988 Stipulation and Agreement entered into by and between the Bureau of Reclamation and the districts.

SEC. 113. ADDITIONAL WARREN ACT CONTRACTS.

(a)) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Interior shall develop and offer to the Calaveras County Water District (hereafter in this section referred to as the ''CCWD'') a contract enabling the CCWD to impound and store up to 100,000 acre-feet of their Stanislaus River water rights in the New Melones Reservoir in accordance with the terms and conditions of sections 1 through 3 of the Act of February 21, 1911 (43 U.S.C. 523–525; commonly known as the ''Warren Act''). This stored water may be obtained for use by CCWD at a point, or points determined convenient to the District.

(b) TERMS AND CONDITIONS.—The terms and conditions of any contract entered into under subsection (a) shall—

(1) be for a term of not less than 10 years; and

(2) expressly provide that—

(A) the CCWD may use any water impounded and stored in the New Melones Reservoir for any legal purpose under California law, including use within the boundaries of the CCWD, transfer to and reasonable and beneficial use by a person or entity not located within the boundaries of CCWD, and for instream use in the Stanislaus River, the San Joaquin River, or the Sacramento-San Joaquin River Delta; and

(B) any water impounded and stored by either district shall not be released or withdrawn if the end of month September storage level for New Melones Reservoir is projected to be equal to or below 300,000 acre-feet, but in such event the impounded and stored water shall be retained in the New Melones Reservoir for use by the districts in the following year, subject to the same 300,000 acre-foot minimum storage requirement, and without additional payment being required.

SEC. 114. PILOT PROGRAM TO PROTECT NATIVE ANADROMOUS FISH IN THE STANISLAUS RIVER.

(a) ESTABLISHMENT OF NON-NATIVE PREDATOR FISH REMOVAL PROGRAM.—The Commissioner and districts, in consultation with the National Marine Fisheries Service, the United States Fish and Wildlife Service, and the California Department of Fish and Wildlife, shall jointly develop and conduct a pilot non-native predator fish removal program to remove non-native striped bass, smallmouth bass, largemouth bass, black bass, and other non-native predator fishes from the Stanislaus River. The pilot program shall—

(1) be scientifically based;

(2) include methods to quantify the number and size of predator fishes removed each year, the impact of such removal on the overall abundance of predator fishes, and the impact of such removal on the populations of juvenile anadromous fish found in the Stanislaus River by, among other things, evaluating the number of juvenile anadromous fish that migrate past the rotary screw trap located at Caswell;

(3) use wire fyke trapping, portable resistance board weirs, and boat electrofishing, which are

the most effective predator collection techniques that minimize affects to native anadromous fish;

(4) be developed, including the application for all necessary scientific research and species enhancement permits under section 10(a)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)(1)), for the performance of the pilot program, not later than 6 months after the date of the enactment of this Act;

(5) be implemented on the first business day of the calendar year following the issuance of all necessary scientific research and species enhancement permits needed to begin the pilot program; and

(6) be implemented for a period of seven consecutive calendar years.

(b) MANAGEMENT.—The management of the pilot program shall be the joint responsibility of the Commissioner and the districts. Such parties shall work collaboratively to insure the performance of the pilot program, and shall discuss and agree upon, among other things, changes in the structure, management, personnel, techniques, strategy, data collection, reporting and conduct of the pilot program.

(c) CONDUCT.—

(1) IN GENERAL.—At the election of the districts, the pilot program may be conducted by their own personnel, qualified private contractors hired by the districts, personnel of, on loan to, or otherwise assigned to the Bureau of Reclamation, or a combination thereof.

(2) PARTICIPATION BY THE BUREAU OF RECLAMATION.—In the event the districts elect to conduct the program using their own personnel or qualified private contractors hired by them, the Commissioner has the option to assign an employee of, on loan to, or otherwise assigned to the Bureau of Reclamation, to be present for all activities performed in the field. Such presence shall insure compliance with the agreed upon elements specified in subsection (b). The districts shall pay 100 percent of the cost of such participation as specified in subsection (d).

(3) TIMING OF ELECTION.—The districts shall notify the Commissioner of their election on or before October 15 of each calendar year of the pilot program, which election shall apply to the work performed in the subsequent calendar year.

(d) FUNDING.—

(1) ANNUAL FUNDING.—The districts shall be responsible for 100 percent of the cost of the pilot program. On or before December 1 of each year of the pilot program, the Commissioner shall submit to the districts an estimate of the cost to be incurred by the Bureau of Reclamation in the following calendar year, if any, including the cost of any data collection and posting under subsection (e). If an amount equal to the estimate is not provided to the reclamation fund identified in section 3 of the Act of February 21, 1911 (43 U.S.C. 525), or any other fund as directed by the Commissioner, by the districts on or before December 31 of each year, (a) the Bureau of Reclamation shall have no obligation to conduct the pilot program activities otherwise scheduled, and (b) the districts shall be prohibited from conducting any aspect of the pilot program, until full payment is made by the districts.

(2) ACCOUNTING.—On or before September 1 of each calendar year, the Commissioner shall provide an accounting of the prior calendar year's expenses to the districts. If the estimate paid by the districts was less than the actual costs incurred by the Bureau of Reclamation, the districts shall have until September 30 of that calendar year to pay the difference to the reclamation fund. If the estimate paid by the districts was greater than the actual costs incurred by the Bureau of Reclamation, then a credit shall be provided to the districts, which shall be deducted from the estimate payment the districts must make for the work performed by the Bureau of Reclamation, if any, in the next calendar year.

(e) REPORTING AND EVALUATION.—

(1) IN GENERAL.—On or before the 15th day of each month, the Commissioner shall post on the website of the Bureau of Reclamation a tabular summary of the raw data collected in the prior month. (2) REPORT.

(2) REPORT.—On or before June 30 of the calendar year following the completion of the program, the Commissioner and districts shall jointly publish a peer reviewed report that—

(A) discusses the findings and conclusions of the pilot program;

(B) synthesizes the data collected under paragraph (1); and

(C) makes recommendations for further study and action.

(f) PERMITS PROCESS.—

(1) Not later than 180 days after filing of an application by the Commissioner and the districts, the Secretary of the Interior, the Secretary of Commerce, or both, as appropriate, shall issue all necessary scientific research and species enhancement permits under section 10(a)(1) of the Endangered Species Act (16 U.S.C. 153(9)(a)(1)), for the performance of the pilot program.

(2) Any permit application that is not approved by the Secretary of the Interior, Secretary of Commerce, or both, as appropriate, for any reason, within 180 days after receiving the application, shall be deemed approved.

(3) All permits issued shall be in the name of the Bureau of Reclamation and the districts.

(4) Districts may delegate the authority to administer the permit authority to any qualified private contractor retained in accordance with subsection (c).

(5) The pilot program, including amendments thereto by the appropriate Federal and State agencies, shall constitute a conservation plan that complies with the requirements of section 10(a)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)(2)).

(g) NEPA.—Section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) shall not apply with respect to section 402 and the issuance of any permit under this subsection during the seven year period beginning on the date of the implementation of the pilot program.

(h) RESTRICTIONS.—Any restriction imposed under California law on the catch, take, or harvest of any non-native or introduced aquatic or terrestrial species that preys upon anadromous fish and that occupies or is found in the Stanislaus River is hereby void and is preempted.

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

(1) ANADROMOUS FISH.—

(A) The term ''anadromous fish'' as applied to the Stanislaus River and the operation of New Melones—

(i) means those native stocks of salmon (including steelhead) that—

(I) as of October 30, 1992 were present in and had not been extirpated from the Stanislaus River, and

(II) which ascend the Stanislaus River to reproduce after maturing in San Francisco Bay or the Pacific Ocean; and

(ii) does not mean any stock, strain or member of American shad, sockeye salmon, or striped bass.

(B) The definition of anadromous fish provided in section 3403(a) of the Central Valley Project Improvement Act (Public Law 102–575) shall not apply to the operation of New Melones Dam and Reservoir, or to any Federal action in the Stanislaus River.

(2) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of the Bureau of Reclamation.

(3) DISTRICTS.—The term ''districts'' means the Oakdale Irrigation District and the South San Joaquin Irrigation District.

(4) PILOT PROGRAM.—The term ''program'' means the pilot non-native predator removal program established under this section.

(j) SUNSET.—The authorities provided under this section shall expire seven years after the implementation of the pilot program.

SEC. 115. SAN LUIS RESERVOIR.

In connection with operations of the Central Valley Project, California, if San Luis Reservoir does not fill by the last day of February, the Secretary of the Interior shall permit any entity with an agricultural water service or repayment contract for the delivery of water from the Delta Division or the San Luis Unit to reschedule into the immediately following contract year (March 1 through the last day of February) any unused Central Valley Project water previously allocated for irrigation purposes. If water remaining in federal storage in San Luis Reservoir on the last day of February is insufficient to meet all rescheduling requests, the Secretary shall apportion, based on contract quantity, among all such contractors that request to reschedule water all water remaining in San Luis Reservoir on the last day of February. The Secretary shall thereafter make all reasonable efforts to make available additional rescheduled water; provided that such efforts shall not interfere with the Central Valley Project operations in the contract year into which Central Valley Project has been rescheduled.

TITLE II—SAN JOAQUIN RIVER RESTORATION

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

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

SEC. 202. PURPOSE.

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

SEC. 203. DEFINITIONS.

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

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

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

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

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

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

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

SEC. 204. IMPLEMENTATION OF RESTORATION.

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

(1) in subsection (a)—

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

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

(C) in paragraph (3)—

(i) by striking ''(3)'' and inserting ''(1)''; and

(ii) by striking ''paragraph 13 of the Settlement'' and inserting ''this part''; and

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

''(2) In each Water Year, commencing in the Water Year starting on March 1, 2015—

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

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

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

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

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

(2) in subsection (b)—

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

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

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

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

''(d) MITIGATION OF IMPACTS.—Prior to October 1, 2015, the Secretary shall identify—

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

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

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

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

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

(7) in subsection (g)—

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

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

(8) in subsection (h)—

(A) by striking ''INTERIM'' in the header;

(B) in paragraph (1)—

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

(ii) in subparagraph (C)—

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

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

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

(iv) by striking subparagraph (E);

(C) in paragraph (2)—

(i) by striking ''Interim'' and inserting ''Restoration'';

(ii) by striking subparagraph (A); and

(iii) by striking ''(B) exceed'' and inserting ''exceed'';

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

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

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

(9) in subsection (i)—

(A) in paragraph (1)—

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

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

(iii) in subparagraph (B)—

(I) by striking ''additional amounts authorized to be appropriated, including the''; and

(II) by striking ''; and'' and inserting a period; and

(iv) by striking subparagraph (C); and

(B) by striking paragraph (3); and

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

''(k) NO IMPACTS ON OTHER INTERESTS.—No Central Valley Project or other water other than San Joaquin River water impounded by or bypassed from Friant Dam shall be used to implement subsection (a)(2) unless such use is on a voluntary basis. No cost associated with the implementation of this section shall be imposed directly or indirectly on any Central Valley Project contractor, or any other person or entity, outside the Friant Division, the Hidden Unit, or the Buchanan Unit, unless such costs are incurred on a voluntary basis. The implementation of this part shall not result directly or indirectly in any reduction in water supplies or water reliability on any Central Valley Project contractor, any State Water Project contractor, or any other person or entity, outside the Friant Division, the Hidden Unit, or the Buchanan Unit, unless such reductions or costs are incurred on a voluntary basis.

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

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

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

''(1) project purpose and need;

''(2) identification of mitigation measures;

''(3) appropriate environmental review; and

''(4) prior to releasing Restoration Flows under this part, the Secretary shall—

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

''(B) complete implementation of the project.''.

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

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

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

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''(1) IN GENERAL.—The Secretary'' and inserting ''The Secretary''; and

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

(B) by striking paragraph (2); and

(3) in subsection (c)—

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

(B) in paragraph (2)—

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

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

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

SEC. 206. COMPLIANCE WITH APPLICABLE LAW.

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

(1) in subsection (a)—

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

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

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

(3) in subsection (c)—

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

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

(4) in subsection (d)—

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

(B) by striking ''for implementation of the Settlement''.

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

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

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

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

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

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

SEC. 208. NO PRIVATE RIGHT OF ACTION.

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

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

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

SEC. 209. IMPLEMENTATION.

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

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

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''the Settlement'' the first place it appears and inserting ''this part'';

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

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

(B) in paragraph (2)—

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

(ii) by striking subparagraph (B); and

(C) in paragraph (3)—

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

(ii) by striking ''this Settlement'' and inserting ''this part'';

(3) in subsection (b)(1)—

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

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

(C) by striking ''or the Settlement'' before the period;

(4) in subsection (c)—

(A) in paragraph (1)—

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

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

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

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

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

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

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

(1) in subsection (a)—

(A) in paragraph (3)(D), by striking ''the Settlement and'' before ''this part''; and

(B) in paragraph (4)(C), by striking ''the Settlement and'' before ''this part'';

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

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

(4) in subsection (e)—

(A) in paragraph (1)—

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

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

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

(B) in paragraph (2)—

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

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

SEC. 211. REPEAL.

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

SEC. 212. WATER SUPPLY MITIGATION.

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

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

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

(3) in paragraph (3)—

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

(B) in subparagraph (C)—

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

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

SEC. 213. ADDITIONAL AUTHORITIES.

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

(1) in subsection (b)—

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

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

(2) by striking subsection (c).

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

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

(a) CONVERSION OF CONTRACTS.—

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

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

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

(A) require the repayment, either in lump sum or by accelerated prepayment, of the remaining amount of construction costs identified in the most current version of the Central Valley Project Schedule of Irrigation Capital Allocations by Contractor, as adjusted to reflect payments not reflected in such schedule, and properly assignable for ultimate return by the contractor, no later than January 31, 2015, or if made in approximately equal annual installments, no later than January 31, 2018; such amount to be discounted by the Treasury Rate. An estimate of the remaining amount of construction costs as of January 31, 2015, as adjusted, shall be provided by the Secretary of the Interior to each contractor no later than 180 days after enactment;

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

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

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

(A) require the repayment in lump sum of the remaining amount of construction costs identified in the most current version of the Central Valley Project Schedule of Municipal and Industrial Water Rates, as adjusted to reflect payments not reflected in such schedule, and properly assignable for ultimate return by the contractor, no later than January 31, 2018. An estimate of the remaining amount of construction costs as of January 31, 2018, as adjusted, shall be provided by the Secretary of the Interior to each contractor no later than 180 days after enactment; and

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

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

(c) APPLICABILITY OF CERTAIN PROVISIONS.—

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

(2) Notwithstanding any repayment obligation under paragraph (3)(B) or paragraph (4)(B) of

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

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

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

(f) DEFINITION OF TREASURY RATE.—For purposes of this section, ''Treasury Rate'' shall be defined as the 20-year Constant Maturity Treasury rate published by the United States Department of the Treasury as of October 1, 2014.

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

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

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

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

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

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

SEC. 402. SACRAMENTO RIVER SETTLEMENT CONTRACTS.

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

SEC. 403. SACRAMENTO RIVER WATERSHED WATER SERVICE CONTRACTORS.

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

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

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

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

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

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

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

(c) DEFINITIONS.—In this section:

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

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

SEC. 404. NO REDIRECTED ADVERSE IMPACTS.

The Secretary shall insure that there are no redirected adverse water supply or fiscal impacts to those within the Sacramento River or San Joaquin River watershed or to the State Water Project arising from the Secretary's operation of the Central Valley Project to meet legal obligations imposed by or through any State or Federal agency, including, but not limited to those legal obligations emanating from the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or this Act, or actions or activities implemented to meet the twin goals of improving water supply or addressing environmental needs of the Bay Delta.

TITLE V—MISCELLANEOUS

SEC. 501. PRECEDENT.

Congress finds and declares that—

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

(2) these circumstances are unique to California.

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

SEC. 502. NO EFFECT ON PROCLAMATION OF STATE OF EMERGENCY.

Nothing in this Act shall affect in any way the Proclamation of State of Emergency and associated Executive Order issued by Governor Edmund G. Brown, Jr. on January 17, 2014, or the authorities granted thereby, including without limitation the authority of the California State Water Resources Control Board to modify any standards or operational constraints adopted to implement the ''Principles for on the Bay-Delta Standards Between the State of California and the Federal Government'', dated December 15, 1994, so as to make additional irrigation and municipal and industrial water supplies available in the Central Valley Project and State Water Project service areas during the state of emergency.

SEC. 503. WILD AND SCENIC RIVERS ACT.

(a) WILD AND SCENIC RIVERS ACT.—Section 3(a)(62)(B)(i) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(62)(B)(i)) is amended—

(1) by striking ''the normal maximum'' the first place that it appears and all that follows through ''April, 1990.'' and inserting the following: ''the boundary of FERC Project No. 2179 as it existed on February 15, 2013, consisting of a point approximately 2,480 feet downstream of the confluence with the North Fork of the Merced River, consisting of approximately 7.4 miles.''; and

(2) by striking ''the normal maximum operating pool water surface level of Lake McClure'' the second place that it appears and inserting ''the boundary of FERC Project No. 2179 as it existed on February 15, 2013, consisting of a point approximately 2,480 feet downstream of the confluence with the North Fork of the Merced River''.

(b) EXCHEQUER PROJECT.—Section 3 of Public Law 102–432 is amended by striking ''Act'' and all that follows through the period and inserting ''Act.''.

The CHAIR. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part B of House Report 113–340. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MRS. NAPOLITANO

The CHAIR. It is now in order to consider amendment No. 1 printed in part B of House Report 113–340.

Mrs. NAPOLITANO. Mr. Chairman, I have an amendment made in order by the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 4, line 24, after the first period, insert the following: ''Charges for all delivered water shall include interest, as determined by the Secretary of the Treasury, on the basis of average market yields on outstanding marketable obligations of the United States with the remaining periods of maturity comparable to the applicable reimbursement period of the project, adjusted to the nearest 1/8 of 1 percent on the underpaid balance of the allocable project cost.''.

The CHAIR. Pursuant to House Resolution 472, the gentlewoman from California (Mrs. NAPOLITANO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Mrs. NAPOLITANO. Mr. Chairman, my amendment to H.R. 3964 is very, very simple. It is an inconvenient

truth, however, that it creates a revenue stream to the Treasury by eliminating an irrigation subsidy which requires irrigators to pay project debt with interest—in other words, ending free taxpayer subsidy since 1902, which has been in place since reclamation was created. It requires that any new water contracts or renewed contracts must reflect the price of water with interest and repay the debt of the project to only the Treasury with interest. This will be of small assistance to balancing our national debt.

When reclamation was established in 1902, it was meant to deliver water to farms with approximately 160 acres. Subsequent congressional action has changed the acreage limitation along with the repayment contract for these projects. So, in 1982, acreage was increased to 960 acres. Congressional action has also made the repayment of project debt interest free for irrigators while municipalities, like my constituents—my water people—and power users pay the required appropriate interest. I wish other State water users were as lucky as these folks.

H.R. 3964 removes the role of the Federal Government in protecting environment and public good. That is not good. If we are removing the role of the Federal Government, then we should also remove the Federal subsidy associated with renewed or new water contracts.

My constituents and anybody else's must fairly and equally repay additional interest on any project, and they have. For over a decade, southern California foresaw needed infrastructure, and many local entities stepped up to the plate and provided some relief. We paid for and constructed new storage facilities, like the Diamond Valley Lake Reservoir, entirely paid for by local groups and without one Federal cent, adding 1 million acres of new storage. This is on top of the investments we have made in title XVI—recycled water, which has only a 25 percent Federal match—which created 680,000 acre-feet in California alone.

Let's end this interest-free subsidy at our taxpayers' expense, at all of America's taxpayers' expense. Eliminating this unfair subsidy will help to cut our deficit, and I urge all of my colleagues to vote ''yes'' on this amendment.

With regard to a statement that was just made on the Bay Delta, it seems that Secretary Babbitt and the Secretary of Natural Resources were the ones who actually passed the Bay Delta Accord, and 3 years were spent by Mr. GARAMENDI in trying to implement this.

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

Mr. MCCLINTOCK. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR (Mr. YODER). The gentleman from California is recognized for 5 minutes.

Mr. MCCLINTOCK. Mr. Chairman, this amendment was rejected on a bipartisan vote of 174–250 when the gentlelady introduced it in 2012, and it deserves a similar fate on the floor today. Let's be clear about what it does.

It singles out Central Valley Project participants who pay their Federal loans off early to a punitive surtax that is imposed on no other Bureau of Reclamation project in the United States. Their surtaxes will be passed on to consumers through higher prices. Now, the Central Valley Project was already singled out for a punitive tax—about $50 million annually—by Congress in 1992 to fund an array of environmental slush funds.

I believe that beneficiaries should pay the cost of water projects but that they should pay only the costs of those projects and no more. These are not cash cows for the Federal Government to milk until they are dry. When the left speaks of corporate farms, they leave out the fact that virtually every family farm is incorporated, and that is who we would be singling out for this special tax. That tax is then paid in only one of two ways: by employees through lower wages or by consumers through higher prices.

I have a modest suggestion. Perhaps we should start putting people back to work rather than running them out of business.

I have often criticized the gentlelady and her colleagues for policies that have created the conditions that indirectly send water prices through the roof, but this proposal does so quite directly and dramatically. I think that is why so many of her colleagues on the Democratic side abandoned her 2 years ago and why they would be well advised to do so again.

I reserve the balance of my time.

Mrs. NAPOLITANO. How much time is remaining, Mr. Chairman?

The Acting CHAIR. The gentlewoman from California has 2 minutes remaining.

Mrs. NAPOLITANO. Mr. Chairman, we can go on debating the issue, but everybody who takes a loan has to pay interest, and I don't see any reason why since 1902 our irrigators have been singled out for not having to pay that while the power marketing agencies and other water agencies do have to ante up that interest. They do pass it on to the consumer, but the consumer understands why.

We need to be transparent on the issue and be able to let people know really what we are paying for. Yes, we have the lowest priced crops in California, but we must be able to ensure that we let the rest of the Nation know why we need to move forward. The Central Valley Project, the CVP, was $1.78 billion. Only $236 million has been repaid, and $1.45 billion has not been repaid.

Mr. Chairman, I think this is an amendment that is in order so as to begin trying to help balance our budget. We hope that we will get our colleagues to understand that all of us have to hurt a little bit, and I don't see why this does not have the merit that it should, so I urge a ''yes'' vote.

I yield back the balance of my time.

Mr. MCCLINTOCK. Mr. Chairman, it ought to be obvious to everyone that, once you have paid off a loan, you don't keep paying interest on that loan. Why? Because you have already paid it off. That is what every project managed by the Bureau of Reclamation does. When they are given permission to prepay the loan—to pay off the loan just the way you would pay off your home loan early—they no longer are charged interest for it.

The gentlelady would single out the Central Valley—and the Central Valley alone—for this punitive surtax. I have often wondered why the policy seemed to be aimed at the Central Valley. I don't know what it is that my friends in the opposition have against the thousands of farmworkers whose livelihoods depend upon farming in that region, but they have been waging war on that hapless and helpless group for far too long. This is another example of singling them out for a special punitive tax paid by no one else in all of the Bureau of Reclamation experience.

With that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Mrs. NAPOLITANO).

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

Mrs. NAPOLITANO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

AMENDMENT NO. 2 OFFERED BY MS. MATSUI

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in part B of House Report 113–340.

Ms. MATSUI. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 18, line 24, strike ''shall be'' and all that follows through the first period on page 19, line 2, and insert the following: ''shall not be suspended, but rather shall continue to be the responsibility of south of Delta CVP contractors.''.

The Acting CHAIR. Pursuant to House Resolution 472, the gentlewoman from California (Ms. MATSUI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

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

I rise to offer an amendment to H.R. 3964 that would preserve senior water right holders in northern California. This bill grossly oversimplifies the issue of California water, and it tries to solve the problem by causing more harm to California's water system than good.

As I mentioned during our debates about California water, we should not

jeopardize the health of one part of the State for another. In northern California, we have balanced our watershed between the urban areas, agriculture, the environment. We have been good stewards and care deeply about how our watershed is preserved and grows.

This legislation would take the problems of one part of the State and export them to the other. We cannot have a lasting solution to our water problems until we work on a comprehensive solution that includes all of the stakeholders. Specifically, this bill attempts to dissolve the responsibility for 800,000 acre-feet of water for the delta environment. That doesn't solve California's water problems. It only exacerbates them.

We all know that the Sacramento-San Joaquin Delta needs to be restored, not driven into further decline. The delta is a hub of California's water system. California needs it to be healthy. My amendment to H.R. 3964 seeks to amend the language regarding the elimination of water for the delta environment. The amendment also preserves senior water rights in northern California.

The underlying legislation only creates discord at a time when we need alliances. We can and must do better for California as a whole. I urge my colleagues to support this amendment.

I reserve the balance of my time.

Mr. McCLINTOCK. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. McCLINTOCK. Mr. Chairman, this amendment, more than any other, focuses on the central issue surrounding this bill: What comes first—families or fish?

In 1992, the Central Valley Project Improvement Act carved out 800,000 acre-feet to be dedicated for fish and wildlife purposes. That water came out of the allocations for the Central Valley that all sides had agreed to. At the time, it was promised that the water would be replaced. That promise is unfulfilled to this day.

Worse, the Federal Government began treating this allotment as a floor rather than as a ceiling. In the mid-1990s, a zealous official in the Department of the Interior preempted State water rights and ordered that more than 1 million acre-feet of water appropriated by the Central Valley Project be used for purposes not authorized under water rights permits issued by the State of California.

This bill reestablished the 800,000 acre-foot allotment agreed to by all sides when Interior Secretary Bruce Babbitt promised: ''A deal is a deal, and if it turns out there is a need for additional water, it will come at the expense of the Federal Government.'' This provision redeems the promise that was broken by Mr. Babbitt's deputy, and the provision that the gentlelady is offering would have us delete that provision.

I might add that, also under this bill, the 800,000 acre-feet can be recycled by communities once it has met its environmental purpose rather than being lost to the ocean. To those who tell us they like recycling, this is the ultimate recycling bill. I might also point out that an amendment that had a very similar effect 2 years ago was rejected on a bipartisan vote of 178–247 in this House. I would recommend that we do so again today.

With that, I reserve the balance of my time.

Ms. MATSUI. Mr. Chairman, my friend on the other side is trying to distract the public on what their bill actually does.

H.R. 3964 would not provide any relief from the real drought, but it would instead permanently reallocate water for one interest.

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Mr. Chairman, the 1992 Central Valley Project Improvement Act designated 800,000 acre-feet of water for environmental purposes. This water is important. It is used to balance our water needs between urban, agricultural, and environment.

This so-called ''b2'' water was dedicated to help stem the rapid decline of the delta ecosystem. H.R. 3964 repeals the ''b2'' water allocation in the CVPIA unless 800,000 acre-feet of additional capacity is found by 2018. Who is going to make up the 800,000 acre-feet by 2018?

As written, the bill would relieve the south delta CVP users of any responsibility for the environmental water. Instead, it would attempt to shift the responsibilities to northern California, putting into jeopardy senior water rights holders in northern California.

Mr. Chairman, my district, the city of Sacramento, and Sacramento County wrote letters stating what we all know. This is a backdoor attempt to undermine longstanding California water rights and let one interest jump to the head of the line.

In short, this bill is another blatant water grab from northern California.

Mr. Chairman, my amendment will protect senior water rights holders in northern California and assure we are all in this together in California. We should not pit one against another.

Again, this bill will not help alleviate the drought. Even if we pumped as much water south as possible, Central Valley farmers still wouldn't have enough. That is because a lack of pumping is not the problem. The problem is a lack of rain and snow. There is no more water to pump.

Northern California is in severe drought. This bill does not solve California's drought. It only further divides our State.

Mr. Chairman, again, I urge my colleagues to support my amendment, and I reserve the balance of my time.

Mr. McCLINTOCK. Mr. Chairman, I yield 2 minutes to my distinguished colleague from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I rise in opposition to this amendment and in strong support of H.R. 3964.

Final passage of this bill, as we come to the floor, is a defining vote. It is a vote by which the public will be able to determine just whose side we are on. Do we favor animals—even fish—above the well-being of people?

A clique of environmental extremists with lots of money and no common sense have fostered insane policies that are destroying one of the most vibrant and productive industries in California. These antihuman, pro-animal policies have resulted in the unemployment of tens of thousands of hardworking Americans who are struggling to make ends meet. Their lives and livelihood have been destroyed, all for the purpose of protecting a minnow that isn't even good enough to be baked.

Yes, by this vote, the public will be able to determine whether or not, at a time of drought and crushingly high unemployment, we will continue to dump hundreds of thousands of acre-feet of fresh water into the San Francisco Bay every year—enough water to grow 10 million tons of tomatoes, 200 million boxes of lettuce, or 20 million tons of grapes.

This is government regulation gone berserk. Instead of protecting us from environmental threats, people are being treated as expendable. The current policy is destructive not only to our farmers, who are probably affected the most, but it is increasing the cost of putting food on our families' tables.

All of this is being done for what? To protect the well-being of a fish.

Now we have an opportunity to reestablish our priorities. A vote against this bill is a vote for radical environmentalists' antihuman policies. A vote for this bill is a vote to reaffirm that we place a higher value on human beings and want to improve their condition.

Join me in opposing this amendment and supporting the bill.

Ms. MATSUI. Mr. Chairman, how much time is remaining?

The Acting CHAIR. The gentlewoman from California has 1¼ minutes remaining. The gentleman from California has 1 minute remaining.

Ms. MATSUI. Mr. Chairman, I will just say this. I grew up in the Central Valley. My father was a farmer. So I understand clearly the challenges the farming community has.

I am not an individual who dismisses the farming community. I lived on a farm. My father was a small farmer. My grandfather was a farmer. My uncle was a farmer. So I understand these challenges.

I also understand we are together in California, and we must work together, and we should be using this time to find real solutions to California's water issues, including the drought. Unfortunately, we seem to be playing partisan games.

My amendment would simply protect water rights in northern California. I

urge my colleagues to support this amendment, and I yield back the balance of my time.

Mr. MCCLINTOCK. Mr. Chairman, I yield 1 minute to my distinguished colleague from the Central Valley (Mr. VALADAO), the author of this measure.

Mr. VALADAO. Mr. Chairman, what we are asking for here is a little understanding of the situation we have got.

This graph here shows how much water was in storage at the end of 2013. There was quite a bit of water, but the allocation was this much.

What this amendment does is continue to waste all the water here that should have been used for families at their homes, because people need clean water to drink. They also need water to grow food. Farmers don't farm for fun, they farm for food, because people like to eat. It is a funny little concept we have got going on here. We cannot continue to waste water.

I have enjoyed seeing the pictures of all the dams and everybody referring to the drought as the only issue that we have got. We have got a waste of water. We have got to stop wasting that water. That is what our goal is, and that is why I oppose this amendment.

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

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. MATSUI).

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

Ms. MATSUI. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. BERA OF CALIFORNIA

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in part B of House Report 113–340.

Mr. BERA of California. Mr. Chairman, I have an amendment made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following:

SEC. 504. PROTECTIONS FOR DELTA COUNTIES.

This Act and the amendments made by this Act shall not have a harmful effect on the quality, quantity, or safety of drinking water supplies for residents of the five Delta Counties (Contra Costa County, Sacramento County, San Joaquin County, Solano County, and Yolo County, California).

The Acting CHAIR. Pursuant to House Resolution 472, the gentleman from California (Mr. BERA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. BERA of California. Mr. Chairman, this amendment is simple. Supporters of this bill argue that it won't negatively impact upstream users. My constituents are these upstream users.

My amendment protects upstream users, adding safeguards for the five California delta counties. It guarantees that this politically motivated water grab would not harm the quality, quantity, or safety of drinking water supplies for these residents.

California is in the middle of a crisis. We need real solutions, not political solutions. Last year was our driest year on record. The snowpack where the State gets over a third of its water is at record lows.

We all agree there is a problem. So let's sit down, Democrats and Republicans, and work to find solutions together, not pit one community against another. In the meantime, let's not sacrifice one community. This amendment ensures that.

I reserve the balance of my time.

Mr. MCCLINTOCK. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. MCCLINTOCK. Mr. Chairman, like Tennyson's rotting mackerel in the moonlight, this amendment shines and stinks.

It states the obvious: the bill will not harm delta drinking water supplies. Well, of course it won't. After all, the delta counties are senior to the Central Valley in their water rights and so they have first call on that water. Under this bill, no agency of the State or Federal Government can take that right away.

Furthermore, under this bill, the delta counties can also reuse environmental water that otherwise would have been lost to the ocean, making this the ultimate water recycling bill.

This bill in no way affects the quality of drinking water in the delta or anywhere else. The proof of that is the fact that in the years following adoption of the Bay Delta Accord, which H.R. 3964 merely restores, never was it suggested by any water agency that drinking water or agricultural water was adversely affected in any way, shape, or form.

By placing this provision in the bill, it immediately opens it up to litigation that could tie it up in the courts for years. The mere allegation by a single litigant, no matter how outlandish, no matter how contorted, could stall these vitally needed reforms. It would also give this administration the ability to claim a right to nullify this law based on such a fiction.

A few years ago, when Central Valley water was being diverted for the delta smelt, I confronted the Secretary of the Interior in the Natural Resources Committee. I pointed out that with thousands of farmworkers unemployed, with a quarter-million acres of prime farmland destroyed, with food lines in the agricultural capital of the West, with unemployment in some of these communities reaching 45 percent, he had the authority to suspend the diversions and restore that water to the Valley to stop this human tragedy. He acknowledged that he had that authority, but he wouldn't use it, he said, because doing so ''would be like admitting failure.''

The amendment before us would give the same administration the excuse to ignore reality and act on ideological whim.

When this amendment was offered 2 years ago, it was rejected on a bipartisan vote of 177–243 in this House.

I reserve the balance of my time.

Mr. BERA of California. Mr. Chairman, I yield 2 minutes to my colleague from California (Mr. THOMPSON).

Mr. THOMPSON of California. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of this amendment.

California is facing a severe statewide drought. It is having devastating impacts on families all across our State. This bill will only make things worse for many. It will jeopardize the drinking water for millions of Californians.

In my district, families from Contra Costa and Solano Counties get their drinking water from the delta. This supply is already limited due to the extreme drought. This bill wants to pump that limited drinking water south. Doing this would flood the delta with seawater—and people can't drink seawater.

That is why this amendment is so important. It simply says that this bill shall not harm the delta's very limited drinking water supply.

I urge a ''yes'' vote on the amendment, and I thank the gentleman from Sacramento for bringing it to the floor.

Mr. BERA of California. Mr. Chairman, in closing, from my perspective, this is stating the obvious. Let's protect the water rights of the users in my community in northern California. This just codifies that. It just makes sure that when folks in the five delta counties turn on their taps, they can get clean water, quality water.

So if it is in the bill, there is no reason not to vote ''yes'' on this and codify it and make sure we are protecting those families in northern California.

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

Mr. MCCLINTOCK. Mr. Chairman, I am pleased to yield 2¾ minutes to the distinguished gentleman from California (Mr. NUNES), who introduced the predecessor to this bill 2 years ago.

Mr. NUNES. I thank the gentleman from California for yielding.

Mr. Chairman, this amendment and the last amendment are about one thing. Let's not be fooled here. It is about sewer discharge from the communities in the delta that continue to dump their sewer water, runoff water, into the delta. They don't want to have to take responsibility for their actions.

So I hate to have to keep going back to this, but I am going to have to go back to it again.

You see a discharge there. Here are the communities all dumping sewage

into the delta. That is all both of these amendments are about. That is why you should vote against them.

What is interesting about this is you have heard a lot of talk about the fish. This is what the true believers really want to protect. They want to protect this fish right here called the delta smelt. This is what this is about. It is about the Endangered Species Act. It is about the biggest water grab in history and running people out of water to protect this little fish.

But they just don't want to protect that fish, oh, no. That is not good enough, Mr. Chairman. They want to dump their sewer water, protect the smelt, and protect the striped bass.

The striped bass is not native to the delta, but they want to protect it. Do you know why they want to protect it? Because they say that fishermen want to fish. But, conveniently, it is not native to the delta. But guess what the striped bass eats? If you can see on this, it eats the smelt.

□ 1630

It eats the smelt, Mr. Chairman. Inconvenient little truth there. So they want to protect these and these. This one eats those. This is a problem that can't be fixed by people who want to protect little fish, Mr. Chairman.

So, as we started out today, this is a bill that passed the last Congress. Had the Senate acted on it, we would not be in the situation that we are today. We are out of water because we are not using the infrastructure that our State has built and added on to over the last century. We decided to throw all that infrastructure away, not use it, dump the water out to the ocean. Now we have no more water left.

Mr. McCLINTOCK. 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. BERA).

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

Mr. BERA of California. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 4 OFFERED BY MRS. CAPPS

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in part B of House Report 113–340.

Mrs. CAPPS. 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 the bill, add the following:

SEC. 504. STUDY ON WATER RESOURCES.

Not later than one year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study and submit a report to the Congress on the resiliency and adaptability of all Bureau of Reclamation projects and facilities in California to any ongoing or forecasted changes to the quality, quantity, or reliability of water resources. The study shall include recommendations on how to strengthen the resiliency and adaptability of the Bureau's projects and facilities in California.

The Acting CHAIR. Pursuant to House Resolution 472, the gentlewoman from California (Mrs. CAPPS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Mrs. CAPPS. Mr. Chairman, I rise in support of my amendment. As we know, California is in the middle of a severe drought, an emergency with no significant relief in sight. We must do all we can to responsibly manage this situation, working with State and local officials to ensure that our farmers, our businesses, and our constituents have the resources they need now and in the future.

While we work to address the current drought situation, the emergency, we know that severe droughts like this one will only become more frequent in the future due to climate change; and we must do all we can as we deal with this emergency to also prepare for the next one.

My amendment simply requires a study of the resiliency and adaptability of Bureau of Reclamation facilities and projects in California to predict changes to the quality, quantity, or reliability of water resources. Simply put, it will look at how well the Bureau is prepared for the expected impacts of climate change.

Like it or not, climate change is real, and it is already happening. We have seen the evidence all around us in more extreme storms, in wildfires, in sea level rising and severe drought.

Water is gold in California. Scientists have long warned that climate change will make droughts, shortages of water, particularly in the Western United States, longer, stronger, and more frequent. So rather than bury our heads in the sand denying the science, we should be doing all we can to make our infrastructure more resilient and adaptable.

At every point in our water infrastructure, from reservoirs to kitchen faucets, we need to find sustainable ways to lessen the impact of severe droughts like this one. That means more conservation, more efficiency, and more recycling, to be sure, but it also means increasing the resiliency and adaptability of existing infrastructure to maximize the limited resources we have.

That is what my amendment is all about—preparing for the future. Simply lurching from crisis to crisis, from drought to drought, is no way to govern, and that is exactly what we have been doing. According to a FEMA study, every dollar spent on predisaster mitigation reduces the cost of future damages by $4.

The drought emergency may not be destroying structures and infrastructures, like some of our extreme storms do, but it is definitely causing serious damage to our crops, to our critical habitats, to our livelihoods. Yet the underlying bill does nothing to address these serious problems, and it does nothing to alleviate the drought emergency in California, and it does nothing to prevent any in the future. Instead, it uses the drought emergency as an excuse to repeal Federal environmental laws to preempt California law, and it would set a dangerous precedent that would have lasting implications on how water is managed throughout the West. That is why the bill is opposed by the State of California and numerous local government agencies, fishing and hunting organizations, editorial boards, and national environmental groups. Rarely has such a diverse coalition come together to oppose a piece of legislation.

Mr. Chairman, instead of wasting time on a divisive bill that is going nowhere, we should be working together to find comprehensive solutions that get our communities the resources they need.

I want to be clear, my amendment does not fix the serious problems with this underlying bill, and I will oppose the bill even if my amendment is adopted. But my amendment will at least move us one step closer to properly preparing for future drought emergencies, so I urge my colleagues to support this amendment.

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

Mr. McCLINTOCK. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. McCLINTOCK. Mr. Chairman, this amendment seeks to impose yet another environmental study that could lead to more water being diverted away from families and farmers and flushed out into the ocean. If you support throwing more stored water out to the ocean and making this crisis worse, then this amendment is another step toward that end.

Now, those who speak of ''resiliency'' and ''adaptability'' are using these terms to propose that dams evacuate more water storage earlier in the water year to account for faster snowmelt from the mountains and rain-based inflows. Now, just today, the East Bay Express reported that water managers deliberately dumped 800,000 acre-feet—as I said earlier, enough for 4 million Californians—into the Pacific Ocean that they knew was desperately needed as the drought continued to worsen.

Folsom Lake, the principal source of water storage for Sacramento and its suburbs, is nearly empty now because of those releases. We watched the Sacramento River at full flood all autumn and wondered what in the world were they thinking.

The fact is a hydrology consensus does not exist on this, and we should not be asking the GAO to investigate terms that are based on a lack of scientific consensus.

This amendment does nothing to restore water that continues to be lost to punitive Federal regulations and may, in fact, contribute to new regulatory overreach.

Californians are in a drought crisis now. It is time for action, not another bureaucratic study with no end in sight. This is why we must not impose studies in this bill or create steps to further erode water storage. We need to build more storage and capture more water, and that is precisely what this bill does. This bill is aimed at implementing a permanent solution to California's water crises so we can put people back to work permanently and restore balance back to California's water supply.

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

Mrs. CAPPS. Mr. Chairman, may I inquire how much time remains?

The Acting CHAIR. The gentlewoman from California has 1 minute remaining. The gentleman from California has 3 minutes remaining.

Mrs. CAPPS. Mr. Chairman, I am pleased to yield 30 seconds to the gentleman from California (Mr. GARAMENDI), my colleague.

Mr. GARAMENDI. Mr. Chairman, we continually hear about the 800,000 acre-feet. Indeed, there is 800,000 acre-feet. It is not out to the ocean; It is into the delta. That water is available for a variety of purposes, including Contra Costa, the entire East Bay, and Solano County that I represent. It is there as environmental water, but it has multiple purposes, so it is not wasted water at all.

The other thing is this allocation chart that keeps coming up. That is an allocation based upon a prediction of the amount of water that rain will fall that year. It is not the actual amount of water delivered. If you take a look at the actual amount of water delivered, it is substantially greater.

Mr. McCLINTOCK. Mr. Chairman, we are ready to close when the gentlewoman is.

Mrs. CAPPS. Mr. Chairman, this is a straightforward amendment. It simply requires a study of adaptability and resiliency of the Bureau of Reclamation's water infrastructure in California.

Scientists are warning us that severe droughts like this one will only grow more severe and frequent in the future. We have a responsibility to our farmers, our businesses, and all of our constituents to do everything possible to prepare for these impacts. My amendment is a step in this direction, so I urge my colleagues to support it.

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

Mr. McCLINTOCK. Mr. Chairman, I thank the gentleman from California for making the point. I want people to look at the pictures of the empty reservoir at Folsom, the near-empty reservoir at Oroville and remember 800,000 acre-feet that could have been retained behind those dams was released by water officials for the environmental regulations that the gentleman defends. I think people need to reflect on that water that should right now be sitting behind those dams but for these regulations and realize what is exacerbating this terrible drought.

Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. LAMALFA), my friend and neighbor.

Mr. LAMALFA. Mr. Chairman, we hear a lot about, this particular amendment is going to start another study. We heard earlier about more task forces. This is why we have had 40 years' worth of delay—or longer—on building new projects in California.

We hear about what the projected flows are going to be. Here is what the actual flows are, coming back to this chart once again. You see over here, on the left, 76 percent of the water that flows into the delta goes straight out to the ocean—three-quarters. A mere 6 percent stays in the delta for its use. Eighteen percent is split between Central Valley and southern California needs. So we are wasting a lot of water, a lot of opportunity that could be taken advantage of and still capturing water for environmental need as well as ag need and urban need.

This chart shows, this illustration, that we talk about water that needs to be delivered south of the delta, indeed, even to the central coast, which is running very quickly out of water as well. The central coast benefits from the pumps.

The pumps, when you talk about fish take, are approximately 2 percent. Maybe we can do better, but they are doing a pretty good job.

As was talked about earlier, predator fish in the delta are taking anywhere from 65 to 90 percent of the fish kill of the salmon and other protected fish that we are basing all of this fuss on.

So we need to get very real about what the problem is and that the solutions aren't coming today from these amendments. But, indeed, Mr. VALADAO's bill is a step in that direction, as well as establishing long-term, the type of storage, the type of reoperation that is in favor of the people that are productive in California being the breadbasket of the Nation and of the world.

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

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Mrs. CAPPS).

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

Mrs. CAPPS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. DEFAZIO

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in part B of House Report 113–340.

Mr. DEFAZIO. 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:

Add at the end of the bill, the following:

SEC. 504. FISHERIES DISASTER DECLARATION.

The Proclamation of State Emergency and associated Executive Order issued by Governor Edmund G. Brown, Jr. on January 17, 2014, shall be considered a request by the Governor for purposes of section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a) to determine that a fishery resource disaster exists for fisheries that originate in the State of California.

The Acting CHAIR. Pursuant to House Resolution 472, the gentleman from Oregon (Mr. DEFAZIO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, I yield to the gentleman from California (Mr. GEORGE MILLER).

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding, and I rise in strong opposition to H.R. 3964.

Mr. Chair, the bill before us today, H.R. 3964, is a radical bill that is strongly opposed by the State of California as well as other Western states, fishing groups, and many other stakeholders.

H.R. 3964 would seriously undermine our ability to solve California's water problems, and it poses a serious threat to water management all across the Western United States.

And, to be clear, this is not a man-made drought. There is not enough water to meet all demands. In 2009, with the Endangered Species Act and other environmental laws in place, more water was exported than in other drought years.

This bill would effectively repeal the last hundred years of policymaking—unraveling legal settlements, defying settled Supreme Court precedent, and up-ending state and local efforts to find solutions.

H.R. 3964 would block or repeal numerous state and federal laws protecting California's Bay-Delta estuary and San Joaquin River, including:

The 1992 Central Valley Project Improvement Act;

The 2009 San Joaquin River Restoration Settlement Act;

The 2009 bipartisan compromise passed by the California State Legislature;

The state and federal endangered species acts; and

Several other provisions of state law and water rights.

What's worse, this bill explicitly overrides more than 100 years of federal law by exempting the federal Central Valley Project from Section 8 of the Reclamation Act of 1902, which requires deference to State authority over water resources.

Republicans have to understand that reverting back to the 1994 Bay-Delta Accord would severely damage the ecosystem. We can't negate 20 years of science and expect our ecosystem to survive.

This bill is opposed by a range of stakeholders from across California and around the country, including Trout Unlimited, the United Farm Workers, and every major national conservation and wildlife group.

Eighty California environmental, environmental justice, recreational and commercial fishing groups, and Indian tribes signed a letter of opposition that was sent to all House members.

Many water agencies, local governments, and business groups across California also oppose the bill.

And serious economic analysis shows that this bill would devastate our economy.

The Delta Protection Commission says that, "Delta agriculture supports nearly 23,000 jobs statewide, over $1.9 billion in value added to the state, and over $4.6 billion in economic output in the state of California."

Three different studies from UC Davis, University of the Pacific, and UC Berkeley estimated that the drought cost approximately 4,000 to 5,000 jobs in 2008/09.

Former Governor Arnold Schwarzenegger's Administration estimated that the two-year closure of the salmon fishery in 2008 and 2009 resulted in the loss of $534 million and almost 5,000 jobs.

The Delta Protection Commission stated that Delta recreation and tourism generates approximately over 4,900 jobs and $600 million in economic output in the state of California.

As California State Governor Brown wrote to California offices:

"H.R. 3964 is an unwelcome and divisive intrusion into California's efforts to manage this severe crisis. It would override state laws and protections, and mandate that certain water interests come out ahead of others;

It falsely suggests the promise of water relief when that is simply not possible given the scarcity of water supplies. H.R. 3964 would interfere with our ability to respond effectively and flexibly to the current emergency, and would re-open old water wounds undermining years of progress toward reaching a collaborative long-term solution to our water needs."

This bill is a radical attempt to put one special interest ahead of everyone else in California, and it would end all productive efforts to solve problems in California.

I strongly oppose H.R. 3964 and urge my colleagues to oppose this dangerous bill.

Mr. DEFAZIO. Reclaiming my time, Mr. Chairman, on January 17, 2014, the Governor of California issued a proclamation, a state of emergency regarding the drought. My amendment simply states that the Secretary of Commerce should treat this emergency proclamation as requested by the Governor under Section 312 of the Magnuson-Stevens Act to determine whether there is a commercial fishery failure for any fisheries that originate in the State of California.

Many charter and commercial boat fisheries on the west coast are dependent upon chinook and coho salmon stock that originate in Colorado's rivers and then migrate to the Pacific Ocean, where they are harvested.

Just one of these runs, the fall-run chinook from the Central Valley, turns north, and it makes up as much as 50 percent of the salmon production off Oregon and to areas to the north, and it is responsible for as much as 90 percent of California's salmon catch.

□ 1645

This run and others are in peril due to the drought. The reductions in river flows will impact incubating eggs, juvenile fish that are rearing in the upper regions of the river, and fry that are trying to out-migrate to the ocean.

While many fishing groups are working with Federal and State agencies to plan for the drought conditions and mitigate as much as possible against the potential impacts by facilitating out-migration, we cannot know how successful those efforts will be. While it is likely the drought will not have a large impact on commercial activities this year, many of these fisheries could see devastating impacts over the next several years, particularly in 2015 and 2016.

This amendment does not mandate a fisheries disaster declaration, but it will enable the Secretary to issue one should it be necessary. Such a declaration will enable the fishermen to qualify for disaster assistance. Many of us—whether we are from fisheries in the Pacific Ocean, Atlantic Ocean, or the gulf—have dealt with fisheries disasters in the past.

During the last drought in California, I had to literally stalk Secretary Gutierrez of the Bush administration to get a declaration. JOE BARTON graciously had him come in to testify and put him in a side room and said, Wait a minute. There are a few Members of Congress who want to talk to you, and it was myself and a number of other Members from California, Oregon, who got him to sign a disaster declaration, and we were successful. Well, this time, let's put it on the desk now and give the Secretary that capability to easily declare a disaster.

While it is clear this drought will have wide-ranging economic impacts, this amendment will put Commerce Secretary Pritzker on notice that we have the potential to face a major economic hardship in the fishing industry as well.

This amendment will ensure that our fisheries and our fishing industries that depend upon salmon stocks from California rivers will be given due consideration as these impacts unfold.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I ask unanimous consent to claim time in opposition, although I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

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

Mr. Chairman, as the ranking member stated, this amendment states that the California Governor's declared drought emergency is considered a request to the Federal Government to declare a fisheries disaster. Under longstanding law, the Governor can make such a request by sending a letter to the Commerce Secretary.

The amendment does not change underlying law that requires the Commerce Secretary to determine whether a fisheries disaster declaration is merited. This amendment simply serves as a request, but the Commerce Secretary still has discretion to make a decision on this request. As such, we do not have any objections to the amendment.

I yield back the balance of my time.

Mr. DEFAZIO. I thank the gentleman for accepting the amendment, and I appreciate his sensitivity to the potential disaster for our fisheries.

With that, I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. HUFFMAN

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in part B of House Report 113–340.

Mr. HUFFMAN. Mr. Chairman, I have an amendment made in order.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following:

SEC. 504. STATE OF CALIFORNIA WATER REFORM LAWS.

Nothing in this Act or the amendments made by this Act shall interfere with the State of California's Delta and water management reform and funding bills of 2009, including SB7x-1, SB7x-2, SB7x-6, and SB7x-7.

The Acting CHAIR. Pursuant to House Resolution 472, the gentleman from California (Mr. HUFFMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. HUFFMAN. Mr. Chairman, at this time, I yield myself 3 minutes.

Mr. Chairman, we have heard a lot about 3-inch fish in this debate. In fact, to hear my colleagues in the Republican Party tell it, this is a story of a 3-inch fish that is taking water away in this critical drought that should be allocated to people.

Well, the truth is, Mr. Chairman, you would have to have the brain of a 3-inch fish to believe that narrative. There is no such thing happening in this critical drought year. What is happening, however, is some people are cynically trying to capitalize on the worst drought in California history in order to steal water from some parts of the State and from other water users and give it to a few. In fact, if this bill were accurately named, it would be called the "Massive Federal Preemption Overreach and Water Theft Act for the Elections of 2014," but it is, in fact, pretending to be something quite different.

We need to ask ourselves why the State of California is so passionately opposing this bill. Attorney General

Kamala Harris wrote a letter just yesterday following the same position that prior attorneys general have always taken on this issue, including Republican attorneys general, that the Federal Government should abide by the 100-year precedent of deference, of cooperative Federalism, letting California administer its own water rights and allocate that water instead of the sweeping preemption that we see in this bill.

This bill would upset the most basic tenets of California water law. The fact that the California constitution provides the State the ability to allocate water, the ability to administer things like the public trust doctrine, all of that is repealed and swept away by the preemption provisions in this bill. It doesn't have to be that way.

In a crisis like this, it actually is possible for Republicans and Democrats and people from all parts of the State to come together and solve problems. I know that because I was part of something just like that that happened in our last multiyear critical drought. I chaired the Water Committee in the State Assembly in 2009 when there was a historic water package passed, a package that was supported by Republicans and Democrats, signed by a Republican Governor, supported by people from inland Central Valley California, southern California, urban areas. National media like The New York Times called it the most significant water reform in California in 60 years.

Well, unfortunately, all of that, too, is repealed, just swept away by the overreaching preemption in this bill.

The amendment I am offering, Mr. Chairman, would say, at least let's save what the national media and just about everybody else in the water world had called the most important thing, the best thing to happen in California water in the last 60 years. Let's save that from preemption as this bill goes forward if the amendment is made in order, and I would request that my colleagues vote ''yes'' on it.

Mr. MCCLINTOCK. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. MCCLINTOCK. Mr. Chairman, my objection to this amendment is similar to others of its ilk. It would allow litigation to block implementation of this bill indefinitely. There is, of course, nothing in this bill that would interfere with the State's water bond or its groundwater monitoring or groundwater conservation. Indeed, it will improve groundwater conservation since it brings balance back to surface water deliveries and restores the incentives for groundwater recharging.

The poison pill is not only the prospect of indefinite delay based upon the allegation of a single individual that can find the ear of a sympathetic judge. It is introducing the subjective standard of coequal goals for the delta.

The term ''coequal goals'' is something that is subjective. A term like this is subject to litigation not only at the State level but will be used as a means, if this amendment is adopted, to litigate this bill and delay the balance that it restores.

That balance was established by the bipartisan Bay Delta Accord that was hailed by all sides as a historic agreement to serve the coequal goals of human prosperity and environmental protection. When that agreement was signed, Interior Secretary Bruce Babbitt assured all parties that ''a deal is a deal, and if it turns out there is a need for additional water, it will come at the expense of the Federal Government.'' The water diversions for the delta smelt, based upon the same opportunity to litigate that this amendment renews, shattered that promise. This bill redeems it. The amendment should be rejected.

I reserve the balance of my time.

Mr. HUFFMAN. Mr. Chairman, the public trust doctrine and the coequal goals articulated in that 2009 California legislation are the centerpieces of California water. Without those coequal goals codified in that State law, the entire Bay Delta conservation plan is over. It is done. It has zero chance of success.

Without the public trust doctrine and other State laws in critical years where a fully allocated and appropriated system like we have in California, where tough balancing decisions have to be made by the State water board, without those basic tools for how to do that job, they can't do their job. They can't allocate a diminishing resource, and the entire system of water and water rights allocation is thrown into chaos.

So to hear my friend talk about his concern for litigation, I have to say, this is the recipe for endless litigation, confusion, and uncertainty in California. This is essentially throwing a grenade into California water that would ignite a water war unlike anything we have ever seen.

I reserve the balance of my time.

Mr. MCCLINTOCK. Mr. Chairman, we are ready to close when the gentleman from California is.

Mr. HUFFMAN. With that, Mr. Chairman, I would simply request a ''yes'' vote. It doesn't have to be partisanship. It doesn't have to be taking water from one part of the State or from one set of users and giving it to the other, scapegoating the 3-inch fish.

There is actually a way to solve water problems, even in California where water is scarce. We did it in 2009. It was widely recognized as historic, important, and positive. Let's save those 2009 water reforms from being roadkill from this reckless piece of legislation and vote ''yes'' on this amendment.

I yield back the balance of my time.

Mr. MCCLINTOCK. Mr. Chairman, I am pleased to yield the balance of my time to the gentleman from California (Mr. NUNES).

Mr. NUNES. Mr. Chairman, I want to reiterate what Mr. MCCLINTOCK said. This is designed to kill the bill. This is a sneaky little lawyer amendment designed for litigation. This amendment, Valadao amendment, stops all litigation and gives back the people of California their water, and it quits wasting water. That is what this does.

I can understand why my friends on the other side of the aisle don't like to talk about the little 3-inch fish, which, I guess it has a little brain now. Well, it is a bait fish; of course it has a little brain.

The folks you have to ask yourselves about are the ones who come down here and talk about State preemptions when they know the Endangered Species Act is a preemption. They know what passed in 1992 was a State preemption. They know what passed in 2009 was a State preemption. Sneaky little lawyers all over the place.

Money, Mr. Chairman, money. It is about money. It is about NRDC. NRDC has made millions of dollars that we still cannot get an accounting for. Mr. Chairman, I want to know, how much money has NRDC made off of bringing water lawsuits in the State of California? Millions. Millions and millions and millions. That is what this amendment is designed to do, is to create jobs for lawyers. That is what this is about.

So I would advise and ask my colleagues to kill this amendment by voting ''no.''

Mr. MCCLINTOCK. I yield back the balance of my time.

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

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

Mr. HUFFMAN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. MCNERNEY

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in part B of House Report 113–340.

Mr. MCNERNEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following:

SEC. 504. EFFECTIVE DATE CONDITIONS.

Nothing in this Act shall take effect until the Secretary of the Interior, in consultation with the Secretary of Agriculture, determines that carrying out this Act and the amendments made by this Act shall not have a harmful effect on water quality or water availability for agricultural producers in the five Delta Counties (Contra Costa County, Sacramento County, San Joaquin County, Solano County, and Yolo County, California).

The Acting CHAIR. Pursuant to House Resolution 472, the gentleman from California (Mr. MCNERNEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. MCNERNEY. Mr. Chairman, I rise to offer an amendment to H.R. 3964, which I urge all of my colleagues to support.

As my colleagues know, I am honored to represent the people of San Joaquin Delta. The delta is a precious resource that provides tremendous economic benefits to our entire State. Preserving the delta should be a priority for all of California.

Agriculture is the economic backbone of the delta region, generating about $3 billion of economic activity a year in my district. Three billion dollars is a lot of money for us, and our producers rely on high quality water for their products.

As currently written, H.R. 3964 will ship more water out of the delta, even though current shipments have already threatened the water quality for our delta farmers.

During debate on this legislation in the previous Congress, we were told that the bill was a great deal for the delta, and yet delta counties opposed the legislation then, and we still strongly oppose the legislation now. That is because this bill, as Governor Brown says, will mandate that certain water interests come out ahead of others.

All of California is experiencing a drought that threatens nearly 82,000 farmers and ranchers in the State. We should not be pitting farmers against each other. Simply put, this bill will steal water from northern California and devastate water quality for delta farmers.

□ 1700

Farmers need freshwater, not saltwater, for their harvest. What my colleagues are saying is this: We have got the votes, we have got the money, let's go take the water; in other words, the doctrine of might makes right.

Mr. Chairman, we should follow established law and protect the rights of the delta farmers. That is why I am offering a simple amendment to make sure that the most harmful provisions of this bill do not take effect until the Department of the Interior and the Department of Agriculture verify that water quality for agriculture in the delta region is not negatively affected.

Proponents of H.R. 3964 claim that the bill is pro-farmer, but this bill steals water from one part of California and gives it to another. If the authors of H.R. 3964 support farmers throughout the entire State, they should support my amendment.

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

Mr. MCCLINTOCK. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. MCCLINTOCK. Mr. Chairman, the gentleman has it exactly backwards. This prevents water from being stolen from northern California in violation of State water rights. It strengthens the water rights that exist in current law. It means that water cannot be stolen from northern California even by the State itself.

This amendment offered by my friend is a variation of the amendment offered by the gentleman from California (Mr. BERA) earlier. It gives the Secretary of the Interior the ability to suspend most provisions of this law until she certifies it will have no adverse effect on delta agricultural water. Well, the same points apply. Despite the fact that this bill strengthens water rights in which the delta is senior to the Central Valley, this bill would give the Secretary, on whim, the power to ignore this law even in wet years, an authority her predecessor has already emphatically proven can and will be abused.

I will challenge the gentleman to cite one example of a complaint that agricultural water in the delta was adversely affected during all the years the Bay Delta Accord was in effect. This bill merely restores the Bay Delta Accord while strengthening northern California water rights. If he cannot cite even one example, he must admit that this amendment is a hoax designed to nullify the law.

I reserve the balance of my time.

Mr. MCNERNEY. Mr. Chairman, our farmers are already experiencing saltwater intrusion. Saltwater levels are increasing. Shipping more water south of the delta is going to increase our saltwater concentration. This is a known, ongoing problem.

I ask my colleague, Mr. Chairman, that if he is confident that the bill will benefit California farmers, including delta farmers, then he should support my amendment, because that is exactly what we are asking it to do—to allow the Secretary of Agriculture and allow the Secretary of the Interior to make an assessment before water is shipped, lowering our quality.

So, with that, I reserve the balance of my time.

Mr. MCCLINTOCK. Mr. Chairman, we are ready to close if the gentleman is.

Mr. MCNERNEY. Mr. Chairman, basically, I am asking my colleagues to give us a chance to make sure that our farmers are not damaged, our farmers are not hurt and that our $3 billion of economic activity is not curtailed in favor of a bill of doubtful quality. I think it is going to make a difference if we can just work together, find a solution that all the stakeholders can abide by and not resort to what appears to be a water steal.

I think my farmers are going to ask me to defend their water quality, and that is exactly what I am doing. If my colleagues are supporting defending the farmers and the rights of the farmers throughout the State, then they should support my amendment.

I yield back the balance of my time.

Mr. MCCLINTOCK. Mr. Chairman, I remind the House that this same amendment was brought up 2 years ago and rejected, once again, on a bipartisan vote of 177–243.

I now yield the balance of my time to the gentleman from California (Mr. VALADAO), the author of this important legislation.

Mr. VALADAO. Mr. Chairman, as someone who farms myself, I understand the value of water, and when the State Water Resources Control Board issues a cease and desist order in the gentleman's district for illegally diverting water—that was something when I spent some time up in Sacramento, I actually got on a boat and went around the delta and noticed so many pumps out there with no meters pumping water and pumping above their right, taking more water than they were supposed to to the level of 77.7 cubic feet per second illegally. So when we talk about stealing water, there is a lot going on there that needs to be talked about.

More importantly, yes, water is an important resource, and we should respect that and appreciate the quality, but to insert more bureaucracy in the middle to prevent us from taking what is rightfully ours and then have the audacity to dump sewage in this water and then claim you are trying to protect it and keep it clean, we are talking sewage from these communities, 380 million gallons per day being dumped in the delta, and then they come and tell us they are trying to protect and keep this water clean.

Mr. MCCLINTOCK. 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. MCNERNEY).

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

Mr. MCNERNEY. 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. 8 OFFERED BY MR. PETERS OF CALIFORNIA

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in part B of House Report 113–340.

Mr. PETERS of California. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following (and conform the table of contents accordingly):

SEC. 504. COMMUNITY WATER SUPPLIES AND WATER BUDGETS NOT ADVERSELY AFFECTED.

This Act and the amendments made by this Act shall not adversely affect any community's water supply or water budget for future years, taking into account predicted dry years. For the purpose of this section, the term ''water budget'' means an accounting of the rates of water movement and the

change in water storage in all or parts of the atmosphere, land surface, and subsurface of an area.

The Acting CHAIR. Pursuant to House Resolution 472, the gentleman from California (Mr. PETERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. PETERS of California. Mr. Chairman, California is experiencing its worst drought in decades, threatening local drinking water supplies, power generation and California's economy, and relief does not seem to be near at hand.

More than three-quarters of the State is in extreme or exceptional drought, and it affects every resident in my home State. It would be wrong to take action today that would help one part of the State but harm another.

In its current form, the bill is not clear on how reallocating thousands of acre-feet of water from the San Joaquin River restoration to the State's agricultural sector will affect future water supply. We must think about the long-term impacts of today's water decisions, and my amendment ensures that this bill will not adversely affect any community's water supply or water budget, especially during predicted dry years.

It is imperative that we figure out how to ensure sustainable water supplies so that next year or in 5 years or in 20 years, Californians on the farms, in the suburbs or in our cities will still have enough water to drink to pursue their livelihoods.

Water is our most precious resource, and we must manage it carefully. The underlying bill does not create more water and will not make it rain. We must make sure that decisions made here in Washington won't hurt everyday Californians.

Water decisions in California affect every part of the State, including my district in southern California. Recently, the State Water Project announced a zero allocation for this year. This unprecedented move means that southern California communities, including San Diego, will get no water from the Bay Delta in the northern part of the State.

Reallocating and rerouting water will not solve that problem. The real solution is to become resilient in the face of future droughts through improved conservation, expanded storage and increased diversity in our water supplies.

San Diego was devastated by drought in the 1970s, and since then, southern California has made necessary investments to better prepare for, respond to and withstand drought. Over several decades, San Diego has reduced its long-term water demand and has invested in increased efficiency.

Per capita water use has decreased about 27 percent since 2007, and local cities and water districts are on pace to meet their State-mandated water-efficiency targets for 2020. Total regional consumption of potable water in 2013 was 24 percent lower than in 2007.

By raising the San Vicente Dam, the largest dam raise in the Western Hemisphere, and constructing the Olivenhain Dam, San Diego has dramatically increased its storage capability, which will supply adequate storage during dry years. The San Diego County Water Authority and the city of San Diego are national leaders in recycling wastewater and in desalination, turning ocean water into usable potable water.

So San Diego has done, and is continuing to do, its part because we have done a good job of conserving, preparing and investing as needed to minimize the coming hardships. A real drought solution should not put any community at risk of losing future water supplies to another region without addressing better measures to conserve and store water.

This certainly is not the last drought California will face. We will continue to have water supply challenges, and we need to be continuing to prepare for the future. All users must become more resilient, and any action now should have the foresight to maintain water supplies for dry years that are sure to come.

I urge my colleagues to support my amendment to protect communities across California and to promote a long-term vision for protecting our scarce water resources. I reserve the balance of my time.

Mr. McCLINTOCK. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. McCLINTOCK. Mr. Chairman, California has been plagued by litigation and regulation, delay and obfuscation on its water policy, and we are now living with the result of that.

The gentleman offers us an amendment that is more of the same—in fact, in this case, delaying the bill until the Federal Government measures the water content of clouds. Enough is enough. It is a time now for action, and this bill calls for action.

I now yield 2 minutes to the gentleman from California (Mr. NUNES).

Mr. NUNES. Mr. Chairman, this amendment is another stall tactic. There have been several speakers who have talked about how this bill creates no water. Well, I hate to break it to people, but bills don't create water. It rains. That is why the founding fathers of our State, including Franklin Roosevelt and John F. Kennedy, two United States presidents, worked with the leadership of California to develop a system that could keep water for 5 years so we could withstand 5 years of drought.

I hate to have to use this, but this is how it works. Mr. Chairman, the sun melts the snow. The snow gets stored in the reservoirs, in this case this is Yosemite, where San Francisco gets all of its water. Then the water runs out. That is how it works. That is how the system was designed to work.

If you don't understand this chart, I have another chart. Once again, I apologize, Mr. Chairman, because this one is a little basic. But, sun—sun creates heat. Heat melts ice. Ice becomes water. Water we use to drink and irrigate our crops. That is how this works.

Government doesn't create water. Government can only help to create the infrastructure to hold the water in an area that is like California that is always in a drought.

So our friends from the coastal areas of California like to have it both ways. They like to drink their water from the Sierra Nevadas and pipe it over so it never has to go into the delta. At the same time, they dump their sewage into the delta that kills the fish.

So this bill was not designed to make it rain. Nobody can do that. We don't need to measure clouds. This bill is designed to get the water that we have in the wet years and hold it for the dry years.

Mr. PETERS of California. Mr. Chairman, I guess we have come to some agreement that the Government can't create water, and that is productive. I guess what I would say is that we are at 12 percent of snow pack in the Sierra Nevada, which has functioned as our water storage, and it is not there.

What I would say is that over decades, the State, the Federal Government, the cities and agencies within California have worked to deal with a framework for addressing this kind of situation, and the bill, as it is constituted, would change that.

All my amendment does is give some assurance to communities that in the event that there are water transfers that their particular water budgets would not be affected.

I think it is a reasonable assurance to give. I think the author of the bill might suggest it is already there. If it is, let's codify it, and it will make the bill much better to provide that assurance to cities, counties, agencies and the State that has worked so hard for developing a framework for dealing with this very situation.

I yield back the balance of my time.

Mr. McCLINTOCK. Mr. Chairman, I am pleased to yield the balance of my time to the gentleman from California (Mr. VALADAO), the author of the measure.

□ 1715

Mr. VALADAO. Mr. Chairman, we are coming to an end here and this bill is about to get voted on. What we have got going on here, and we have all figured it out from all the colorful presentations and all the pictures on both sides, we are in a drought. We know that. We can't make it rain; we also know that. But we also know that over the years our forefathers invested to make sure that we can alleviate the pain of what we are going through

today. We did not use that the way we were supposed to.

This is the third time this graph is coming up, and I think it is important. All the different years that we have gone through a drought, we have had decent allocations. The green here is the allocation for 2013, of 20 percent. Yet we had all this water in storage. What happened to this water? When everybody talks about how their communities are running out of water, this water should have been going to those districts, should have been going to those homes.

Kids, parents, families, farmers, this water should have been going to you to grow crops, to feed families. This is important. That is the most important part about this. We had a lot of water. We lost it all. It was dumped out into the ocean in the name of a fish.

Mr. GARAMENDI. Mr. Chairman, will the gentleman yield?

Mr. VALADAO. I yield to the gentleman from California.

Mr. GARAMENDI. I thank the gentleman for yielding.

We are going back and forth with a lot of numbers here, and there's something we need to understand. The allocation is a number that is taken from the nature of the—that the water year is supposed to be. That is the early allocation.

Mr. VALADAO. Reclaiming my time, the most important thing I have noticed over time with the studies and the reports is that the food prices do not affect the people in this room. We all know from all the news articles, at least half of the people in this room, money is no issue to you. For the average person sitting at home watching today, this has a direct impact on you at home. It has a direct impact on you at your grocery store, on your grocery bill.

This is an important piece of legislation, and I would love to see some other ideas that could actually deliver some water, not more ideas to take water from the valley and send it out to the ocean. We have seen that. We have done that. We have survived on that. We need to come up with some actual ideas and help protect water for our futures, for our communities in southern California like the author would like to see.

Mr. MCCLINTOCK. Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. Members are reminded to direct their remarks to the Chair.

The question is on the amendment offered by the gentleman from California (Mr. PETERS).

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

Mr. PETERS of California. 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.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part B of House Report 113–340 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mrs. NAPOLITANO of California.

Amendment No. 2 by Ms. MATSUI of California.

Amendment No. 3 by Mr. BERA of California.

Amendment No. 4 by Mrs. CAPPS of California.

Amendment No. 6 by Mr. HUFFMAN of California.

Amendment No. 7 by Mr. MCNERNEY of California.

Amendment No. 8 by Mr. PETERS of California.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MRS. NAPOLITANO

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Mrs. NAPOLITANO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 179, noes 239, not voting 13, as follows:

[Roll No. 42]

AYES—179

Andrews
Bass
Beatty
Becerra
Bera (CA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Deutch
Dingell
Doggett
Doyle
Duckworth
Edwards
Engel
Enyart
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Garamendi
Garcia
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hanabusa
Hastings (FL)
Heck (WA)
Higgins
Hinojosa
Holt
Honda
Horsford
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kuster
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maffei
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Michaud
Miller, George
Moore
Moran
Murphy (FL)
Nadler
Napolitano
Neal
Negrete McLeod
Nolan
O'Rourke
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters (CA)
Peters (MI)
Pingree (ME)
Pocan
Polis
Price (NC)
Quigley
Rahall
Rangel
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schneider
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Veasey
Vela
Velázquez
Visclosky
Wasserman Schultz
Waters
Waxman
Welch
Wilson (FL)
Yarmuth

NOES—239

Aderholt
Amash
Bachmann
Bachus
Barber
Barletta
Barr
Barrow (GA)
Barton
Benishek
Bentivolio
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Broun (GA)
Buchanan
Bucshon
Burgess
Byrne
Calvert
Camp
Campbell
Cantor
Capito
Cárdenas
Carter
Cassidy
Chabot
Coble
Coffman
Cole
Collins (GA)
Collins (NY)
Conaway
Cook
Costa
Cotton
Cramer
Crawford
Crenshaw
Culberson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Duffy
Duncan (SC)
Duncan (TN)
Ellison
Ellmers
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallego
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Goodlatte
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck (NV)
Hensarling
Herrera Beutler
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce
Kelly (PA)
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kirkpatrick
Kline
Labrador
LaMalfa
Lamborn
Lance
Lankford
Latham
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Marchant
Marino
Massie
Matheson
McAllister
McCarthy (CA)
McCaul
McClintock
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Perry
Peterson
Petri
Pittenger
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross
Rothfus
Royce
Runyan
Ryan (WI)
Salmon
Sanford
Scalise
Schock
Schrader
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Sinema
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stewart
Stivers
Stockman
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Valadao
Wagner
Walberg

Walden
Walorski
Walz
Weber (TX)
Webster (FL)
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IN)

NOT VOTING—13

Amodei
Chaffetz
Courtney
Daines
Gohmert
Gosar
Himes
Larson (CT)
McCarthy (NY)
Miller, Gary
Rush
Schwartz
Vargas

□ 1744

Mr. CRAWFORD, Mrs. KIRKPATRICK, and Messrs. FARENTHOLD and MCHENRY changed their vote from ''aye'' to ''no.''

Ms. LORETTA SANCHEZ of California changed her vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. HIMES. Mr. Chair, on February 5, 2014, I was unable to cast my vote for the amendment offered by Representative NAPOLITANO to H.R. 3964, rollcall vote No. 42. Had I been present, I would have voted "yea."

AMENDMENT NO. 2 OFFERED BY MS. MATSUI

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. MATSUI) 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 2-minute vote.

The vote was taken by electronic device, and there were—ayes 193, noes 228, not voting 10, as follows:

[Roll No. 43]

AYES—193

Andrews
Barber
Barrow (GA)
Barton
Bass
Beatty
Becerra
Bera (CA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Deutch
Dingell
Doggett
Doyle
Duckworth
Edwards
Ellison
Engel
Enyart
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Garcia
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hanabusa
Hastings (FL)
Heck (WA)
Higgins
Himes
Hinojosa
Holt
Honda
Horsford
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maffei
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Meng
Michaud
Miller, George
Moore
Moran
Murphy (FL)
Nadler
Napolitano
Neal
Negrete McLeod
Nolan
O'Rourke
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters (CA)
Peters (MI)
Pingree (ME)
Pocan
Polis
Price (NC)
Quigley
Rahall
Rangel
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Waxman
Welch
Wilson (FL)
Yarmuth

NOES—228

Aderholt
Amash
Bachmann
Bachus
Barletta
Barr
Benishek
Bentivolio
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Broun (GA)
Buchanan
Bucshon
Burgess
Byrne
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Chabot
Coble
Coffman
Cole
Collins (GA)
Collins (NY)
Conaway
Cook
Costa
Cotton
Cramer
Crawford
Crenshaw
Culberson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Goodlatte
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck (NV)
Hensarling
Herrera Beutler
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce
Kelly (PA)
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kirkpatrick
Kline
Labrador
LaMalfa
Lamborn
Lance
Lankford
Latham
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Marchant
Marino
Massie
Matheson
McAllister
McCarthy (CA)
McClintock
McHenry
McKeon
McKinley
McMorris Rodgers
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Perry
Peterson
Petri
Pittenger
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross
Rothfus
Royce
Runyan
Ryan (WI)
Salmon
Sanford
Scalise
Schock
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stewart
Stivers
Stockman
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walorski
Weber (TX)
Webster (FL)
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IN)

NOT VOTING—10

Amodei
Chaffetz
Daines
Gohmert
Gosar
McCarthy (NY)
McCaul
Miller, Gary
Rush
Schwartz

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1749

Mr. REED changed his vote from ''aye'' to ''no.''

Mr. CÁRDENAS changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MR. BERA OF CALIFORNIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. BERA) 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 2-minute vote.

The vote was taken by electronic device, and there were—ayes 194, noes 226, not voting 11, as follows:

[Roll No. 44]

AYES—194

Andrews
Barber
Bass
Beatty
Becerra
Bera (CA)
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Deutch
Dingell
Doggett
Doyle
Duckworth
Edwards
Ellison
Engel
Enyart
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Garcia
Gibson
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hanabusa
Hastings (FL)
Heck (WA)
Higgins
Himes
Hinojosa
Holt
Honda
Horsford
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy

Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maffei
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Meng
Michaud
Miller, George
Moore
Moran
Murphy (FL)
Nadler
Napolitano
Neal
Negrete McLeod
Nolan
O'Rourke
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters (CA)
Peters (MI)
Pingree (ME)
Pocan
Polis
Price (NC)
Quigley
Rahall
Rangel
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Waxman
Welch
Wilson (FL)
Yarmuth

NOES—226

Aderholt
Amash
Bachmann
Bachus
Barletta
Barr
Barrow (GA)
Barton
Benishek
Bentivolio
Bilirakis
Bishop (UT)
Black
Blackburn
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Broun (GA)
Buchanan
Bucshon
Burgess
Byrne
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Chabot
Coble
Coffman
Cole
Collins (GA)
Collins (NY)
Conaway
Cook
Costa
Cotton
Cramer
Crawford
Crenshaw
Culberson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Goodlatte
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck (NV)
Hensarling
Herrera Beutler
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce
Kelly (PA)
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
LaMalfa
Lamborn
Lance
Lankford
Latham
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Marchant
Marino
Massie
Matheson
McAllister
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McKinley
McMorris Rodgers
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Perry
Peterson
Petri
Pittenger
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross
Rothfus
Royce
Runyan
Ryan (WI)
Salmon
Sanford
Schock
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stewart
Stockman
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walorski
Weber (TX)
Webster (FL)
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IN)

NOT VOTING—11

Amodei
Chaffetz
Daines
Gohmert
Gosar
McCarthy (NY)
Miller, Gary
Rush
Scalise
Schwartz
Stivers

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1753

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MRS. CAPPS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Mrs. CAPPS) 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 2-minute vote.

The vote was taken by electronic device, and there were—ayes 194, noes 227, not voting 10, as follows:

[Roll No. 45]

AYES—194

Andrews
Barber
Barrow (GA)
Bass
Beatty
Becerra
Bera (CA)
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Deutch
Dingell
Doggett
Doyle
Duckworth
Edwards
Ellison
Engel
Enyart
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Garcia
Gibson
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hanabusa
Hanna
Hastings (FL)
Heck (WA)
Higgins
Himes
Hinojosa
Holt
Honda
Horsford
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Meng
Michaud
Miller, George
Moore
Moran
Murphy (FL)
Nadler
Napolitano
Neal
Negrete McLeod
Nolan
O'Rourke
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters (MI)
Pingree (ME)
Pocan
Polis
Price (NC)
Quigley
Rahall
Rangel
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Waxman
Welch
Wilson (FL)
Yarmuth

NOES—227

Aderholt
Amash
Bachmann
Bachus
Barletta
Barr
Barton
Bentivolio
Bilirakis
Bishop (UT)
Black
Blackburn
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Broun (GA)
Buchanan
Bucshon
Burgess
Byrne
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Chabot
Coble
Coffman
Cole
Collins (GA)
Collins (NY)
Conaway
Cook
Costa
Cotton
Cramer
Crawford
Crenshaw
Culberson
Daines
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Goodlatte
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guthrie
Hall
Harper
Harris
Hartzler
Hastings (WA)
Heck (NV)
Hensarling
Herrera Beutler
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce
Kelly (PA)
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
LaMalfa
Lamborn
Lance
Lankford
Latham
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Maffei
Marchant
Marino
Massie
Matheson
McAllister
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McKinley
McMorris Rodgers
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Perry
Peters (CA)
Peterson
Petri
Pittenger
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross
Rothfus
Royce
Runyan
Ryan (WI)
Salmon
Sanford
Scalise
Schock
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stewart
Stivers
Stockman
Stutzman

Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walorski
Weber (TX)
Webster (FL)
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IN)

NOT VOTING—10

Amodei
Benishek
Chaffetz
Gohmert
Gosar
McCarthy (NY)
Miller, Gary
Rogers (MI)
Rush
Schwartz

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1758

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6 OFFERED BY MR. HUFFMAN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. HUFFMAN) 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 2-minute vote.

The vote was taken by electronic device, and there were—ayes 189, noes 231, not voting 11, as follows:

[Roll No. 46]

AYES—189

Andrews
Barber
Bass
Beatty
Becerra
Bera (CA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Deutch
Dingell
Doggett
Doyle
Duckworth
Edwards
Ellison
Engel
Enyart
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Garcia
Grayson
Green, Al
Green, Gene
Grijalva
Hahn
Hanabusa
Hastings (FL)
Heck (WA)
Higgins
Himes
Hinojosa
Holt
Honda
Horsford
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maffei
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Meng
Michaud
Miller, George
Moore
Moran
Murphy (FL)
Nadler
Napolitano
Neal
Negrete McLeod
Nolan
O'Rourke
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters (CA)
Peters (MI)
Pingree (ME)
Pocan
Polis
Price (NC)
Quigley
Rahall
Rangel
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Vargas
Veasey
Vela
Visclosky
Walz
Wasserman Schultz
Waters
Waxman
Welch
Wilson (FL)
Yarmuth

NOES—231

Aderholt
Amash
Bachmann
Bachus
Barletta
Barr
Barrow (GA)
Barton
Benishek
Bentivolio
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Broun (GA)
Buchanan
Bucshon
Burgess
Byrne
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Chabot
Coble
Coffman
Cole
Collins (GA)
Collins (NY)
Conaway
Cook
Costa
Cotton
Cramer
Crawford
Crenshaw
Culberson
Daines
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Goodlatte
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck (NV)
Hensarling
Herrera Beutler
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce
Kelly (PA)
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
LaMalfa
Lamborn
Lance
Lankford
Latham
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Marchant
Marino
Massie
Matheson
McAllister
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McKinley
McMorris Rodgers
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Perry
Peterson
Petri
Pittenger
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross
Rothfus
Royce
Runyan
Ryan (WI)
Salmon
Sanford
Scalise
Schock
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stewart
Stivers
Stockman
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walorski
Weber (TX)
Webster (FL)
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IN)

NOT VOTING—11

Amodei
Chaffetz
Gohmert
Gosar
Gutiérrez
McCarthy (NY)
Miller, Gary
Rush
Schwartz
Serrano
Velázquez

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1801

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 7 OFFERED BY MR. MCNERNEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. MCNERNEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 193, noes 230, not voting 8, as follows:

[Roll No. 47]

AYES—193

Andrews
Barber
Bass
Beatty
Becerra
Bera (CA)
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Deutch
Dingell
Doggett
Doyle
Duckworth
Edwards
Ellison
Engel
Enyart
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Garcia
Gibson
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hanabusa
Hastings (FL)
Heck (WA)
Higgins
Himes
Hinojosa
Holt
Honda
Horsford
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maffei
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Meng
Michaud
Miller, George
Moore
Moran
Murphy (FL)
Nadler
Napolitano
Neal
Negrete McLeod
Nolan
O'Rourke
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters (CA)
Peters (MI)
Pingree (ME)
Pocan

Polis
Price (NC)
Quigley
Rahall
Rangel
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Waxman
Welch
Wilson (FL)
Yarmuth

NOES—230

Aderholt
Amash
Bachmann
Bachus
Barletta
Barr
Barrow (GA)
Barton
Benishek
Bentivolio
Bilirakis
Bishop (UT)
Black
Blackburn
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Broun (GA)
Buchanan
Bucshon
Burgess
Byrne
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Chabot
Coble
Coffman
Cole
Collins (GA)
Collins (NY)
Conaway
Cook
Costa
Cotton
Cramer
Crawford
Crenshaw
Culberson
Daines
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Goodlatte
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck (NV)
Hensarling
Herrera Beutler
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce
Kelly (PA)
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kirkpatrick
Kline
Labrador
LaMalfa
Lamborn
Lance
Lankford
Latham
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Marchant
Marino
Massie
Matheson
McAllister
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McKinley
McMorris Rodgers
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Perry
Peterson
Petri
Pittenger
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross
Rothfus
Royce
Runyan
Ryan (WI)
Salmon
Sanford
Scalise
Schock
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stewart
Stivers
Stockman
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walorski
Weber (TX)
Webster (FL)
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IN)

NOT VOTING—8

Amodei
Chaffetz
Gohmert
Gosar
McCarthy (NY)
Miller, Gary
Rush
Schwartz

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1805

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 8 OFFERED BY MR. PETERS OF CALIFORNIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. PETERS) 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 2-minute vote.

The vote was taken by electronic device, and there were—ayes 192, noes 231, not voting 8, as follows:

[Roll No. 48]

AYES—192

Andrews
Barber
Bass
Beatty
Becerra
Bera (CA)
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Deutch
Dingell
Doggett
Doyle
Duckworth
Edwards
Ellison
Engel
Enyart
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Garcia
Gibson
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hanabusa
Hastings (FL)
Heck (WA)
Higgins
Himes
Hinojosa
Holt
Honda
Horsford
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Meng
Michaud
Miller, George
Moore
Moran
Murphy (FL)
Nadler
Napolitano
Neal
Negrete McLeod
Nolan
O'Rourke
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters (CA)
Peters (MI)
Pingree (ME)
Pocan
Polis
Price (NC)
Quigley
Rahall
Rangel
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Waxman
Welch
Wilson (FL)
Yarmuth

NOES—231

Aderholt
Amash
Bachmann
Bachus
Barletta
Barr
Barrow (GA)
Barton
Benishek
Bentivolio
Bilirakis
Bishop (UT)
Black
Blackburn
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Broun (GA)
Buchanan
Bucshon
Burgess
Byrne
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Chabot
Coble
Coffman
Cole
Collins (GA)
Collins (NY)
Conaway
Cook
Costa
Cotton
Cramer
Crawford
Crenshaw
Culberson
Daines
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Goodlatte
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck (NV)
Hensarling
Herrera Beutler
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce
Kelly (PA)
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kirkpatrick
Kline
Labrador
LaMalfa
Lamborn
Lance
Lankford
Latham
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Maffei
Marchant
Marino
Massie
Matheson
McAllister
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McKinley
McMorris Rodgers
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Perry
Peterson
Petri
Pittenger
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross
Rothfus
Royce
Runyan
Ryan (WI)
Salmon
Sanford
Scalise
Schock
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stewart
Stivers
Stockman
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walorski
Weber (TX)
Webster (FL)
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IN)

NOT VOTING—8

Amodei
Chaffetz
Gohmert
Gosar
McCarthy (NY)
Miller, Gary
Rush
Schwartz

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1809

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR. 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. WOODALL) having assumed the chair, Mr. YODER, 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. 3964) to address certain water-related concerns in the Sacramento-San Joaquin Valley, and for other purposes, and, pursuant to House Resolution 472, 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 the 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. GARAMENDI. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. GARAMENDI. I am opposed.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Garamendi moves to recommit the bill H.R. 3964 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 the bill the following:

TITLE IX—PRESERVING LOCAL WATER SUPPLIES AND PROTECTING TRIBAL SOVEREIGNTY

SEC. 901. PRESERVING LOCAL WATER SUPPLIES.

Nothing in this Act shall preempt or supersede State, county, or local law, including State water law, that prohibits the export of ground water to other areas.

SEC. 902. PROTECTING TRIBAL SOVEREIGNTY.

Nothing in this Act shall undermine Native American tribal sovereignty, or reduce the quantity or quality of the water available to affected Indian tribes.

Mr. HASTINGS of Washington (during the reading). Mr. Speaker, I ask unanimous consent that the reading be dispensed with.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. GARAMENDI. Mr. Speaker, this is the final amendment to the bill, which, unfortunately, will not kill the bill or send it back to committee. If adopted, the bill will immediately proceed to final passage, as amended.

Perhaps all of you have heard that there is a drought in the West. If you haven't, I am here to tell you there is a serious drought in the West—not just California, but throughout the West.

This particular piece of legislation is said to deal with the drought. It does not. This legislation does two things that every one of us ought to be concerned about.

First of all, it is a water grab. It takes water from somebody and gives it to somebody else.

□ 1815

Secondly, if you are interested in states' rights, if you are interested in the power of a community to decide its own future, you had better be paying attention to this bill. This bill is very, very much about the power of a community, a power of a State to decide what it wants to do with its water.

This is an issue of profound importance to every State in the West that has a reclamation project, because this bill sets out for the very first time the Federal Government overriding State constitution, in this case the constitution of the State of California, State water law, and contracts. This is serious stuff.

If this were to somehow solve the crisis in California, you may accept it. But it does not. It does not create 1 gallon of water. It simply steals what little water there is available from some and gives it to another.

I yield 1 minute to my colleague from California (Mr. BERA).

Mr. BERA of California. I thank the gentleman.

Mr. Speaker, I speak in support of this motion because it will make this bill better. This is about protecting existing State law, and the current bill before us takes away State law.

It is about protecting our communities, our local rights, our county rights. This motion will make this bill much better.

It is incredibly important to the residents in the five delta counties and the folks that I represent, that they have water that they can drink. This motion allows us to honor those State, county, and local laws and makes this bill better. I urge my colleagues to support the motion.

Mr. GARAMENDI. Mr. Speaker, I yield 1 minute to my colleague from California (Mr. HUFFMAN).

Mr. HUFFMAN. Mr. Speaker, I thank my colleagues for offering this motion to improve a deeply flawed bill.

California is home to over 100 federally recognized tribes, including over two dozen in my congressional district. Many tribes, including the Hoopa, the Yurok, and the Karuk in my district, depend on wild salmon as both a vital source of economic opportunity and a respected way of life.

PARLIAMENTARY INQUIRY

Mr. HASTINGS of Washington. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. Does the gentleman from California yield for a parliamentary inquiry?

Mr. GARAMENDI. Will it take my time?

The SPEAKER pro tempore. It will.

Mr. GARAMENDI. I am afraid I cannot yield. Sorry, Mr. Chairman.

The SPEAKER pro tempore. The gentleman does not yield.

Mr. HUFFMAN. Mr. Chair, some of the water impacted by this bill is critically needed by tribes in my district. This bill explicitly waives State and Federal law in a way that almost certainly would lead to additional diversions from the Trinity River, which would undermine tribal fishing and water rights.

The Yurok Tribe in my district has written about provisions in this bill that they would undermine the Federal Government's ability to meet its Federal trust obligation to protect, preserve, and enhance the trust resources of that tribe.

This House has an obligation to clarify that this cynical bill would not diminish any protected tribal water and fishing rights, and so I urge a ''yes'' on this motion to recommit, and I thank the gentleman.

Mr. GARAMENDI. Mr. Speaker, I want to be very, very clear with my colleagues. California water issues go back to the very beginning of the State, the Gold Rush, and as they have said, whiskey's for drinking, water's for fighting.

Unfortunately, this bill does nothing to solve the current crisis in California. What it does, it sets in motion a series of pieces of legislation that will unravel 150 years of California water law and set in place extraordinary chaos.

It does deliver water from one area to another area, literally stealing that water and giving it to others.

It does override the California State Constitution and what we call the Public Trust Doctrine, that is, the water of California belongs to all the people of California. It is allocated by law, by precedent, and by water rights that are allocated. This overrides that.

We don't want the Federal Government to go there if you care anything about your State, about the water in your State, and about your community. We need a long-term and short-term solution.

Fortunately, in the omnibus bill, we did reinstate the Federal drought protection drought response act. We have many of the tools in place to deal with

the drought today. What we don't have is money.

I would ask the majority to put up a bill that delivers the money to carry out what is already in the law, which we did just 2 weeks ago.

Unfortunately, this bill puts in place a new water war which we do not and cannot have at a time when we need to come together to solve California water problems.

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

Mr. HASTINGS of Washington. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. Mr. Speaker, for any of you that were listening to the debate as we debated the amendment in the general debate on this, it is very, very evident that this bill is focused only on California—only on California. And the reason I make that point, because part of the reason that California is in this situation is because of Federal law and Federal regulations.

Now, one of the ironies here, there is a lot of ironies when you look at these motions to recommit, but my good friend, the sponsor of the motion to recommit, I believe, was in office, or overseeing, at some time when these water projects were passed for California. And here is the interesting point, because he makes the very, what is a valid point, one worries about preempting State law. But the Central Valley Project in California preempted California law when it was passed. Nobody heard anything about that then. The San Joaquin River project preempted State law.

I just want to make this point. No other State is affected. This is a California-centric piece of legislation.

Mr. GARAMENDI. Mr. Chairman, will the gentleman yield for a fact?

Mr. HASTINGS of Washington. I will not yield to the gentleman. He didn't give me that courtesy earlier. I am not going to give him that courtesy.

Finally, this is the final point that I want to make, and this is important. This is important.

We heard the solution to the California water problems is embodied in this bill. It is similar to a bill that we passed last year—with bipartisan support, I might add. We heard, today, my friends on the other side debate over and over, there are solutions. There are solutions to this, there are solutions to that. You know something? Nobody offered a solution. Furthermore, the other body in our legislative process has yet to offer a solution.

Now, I can understand people not liking this solution. I understand that. But somebody has to give us something to negotiate with. That is what the issue is all about.

We think this is right. We will find out if it is right if the House votes to pass this, and then we will go to the next process. But, for goodness sakes, give California a chance to get a solution.

This MTR does nothing to advance that. Vote ''no'' on the MTR and vote for the underlying bill.

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. GARAMENDI. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 5-minute vote on the motion to recommit will be followed by 5-minute votes on passage of the bill, if ordered, and the question of agreeing to the Speaker's approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—ayes 191, noes 231, not voting 9, as follows:

[Roll No. 49]

AYES—191

Andrews
Barber
Bass
Beatty
Becerra
Bera (CA)
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Deutch
Dingell
Doggett
Doyle
Duckworth
Edwards
Ellison
Engel
Enyart
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Garcia
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hanabusa
Hastings (FL)
Heck (WA)
Higgins
Himes
Hinojosa
Holt
Honda
Horsford
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maffei
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Michaud
Miller, George
Moore
Moran
Murphy (FL)
Nadler
Napolitano
Neal
Negrete McLeod
Nolan
O'Rourke
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters (CA)
Peters (MI)
Pingree (ME)
Pocan
Polis
Price (NC)
Quigley
Rahall
Rangel
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schneider
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Waxman
Welch
Wilson (FL)
Yarmuth

NOES—231

Aderholt
Amash
Bachmann
Bachus
Barletta
Barr
Barrow (GA)
Barton
Benishek
Bentivolio
Bilirakis
Bishop (UT)
Black
Blackburn
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Broun (GA)
Buchanan
Bucshon
Burgess
Byrne
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Chabot
Coble
Coffman
Cole
Collins (GA)
Collins (NY)
Conaway
Cook
Costa
Cotton
Cramer
Crawford
Crenshaw
Culberson
Daines
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Goodlatte
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck (NV)
Hensarling
Herrera Beutler
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce
Kelly (PA)
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
LaMalfa
Lamborn
Lance
Lankford
Latham
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Marchant
Marino
Massie
Matheson
McAllister
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McKinley
McMorris Rodgers
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Perry
Peterson
Petri
Pittenger
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross
Rothfus
Royce
Runyan
Ryan (WI)
Salmon
Sanford
Scalise
Schock
Schrader
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stewart
Stivers
Stockman
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walorski
Weber (TX)
Webster (FL)
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IN)

NOT VOTING—9

Amodei
Chaffetz
Gohmert
Gosar
McCarthy (NY)
McIntyre
Miller, Gary
Rush
Schwartz

□ 1829

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mrs. NAPOLITANO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 229, noes 191, not voting 11, as follows:

[Roll No. 50]

AYES—229

Aderholt
Bachmann
Bachus
Barletta
Barr
Barrow (GA)
Barton
Benishek
Bentivolio
Bilirakis
Bishop (UT)
Black
Blackburn
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Broun (GA)
Buchanan
Bucshon
Burgess
Byrne
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Chabot
Coble
Coffman
Cole
Collins (GA)
Collins (NY)
Conaway
Cook
Costa
Cotton
Cramer
Crawford
Crenshaw
Culberson
Daines
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Goodlatte
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck (NV)
Hensarling
Herrera Beutler
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce
Kelly (PA)
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kirkpatrick
Kline
Labrador
LaMalfa
Lamborn
Lance
Lankford
Latham
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Marchant
Marino
Matheson
McAllister
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McKinley
McMorris Rodgers
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Perry
Peterson
Petri
Pittenger
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross
Rothfus
Royce
Runyan
Ryan (WI)
Salmon
Sanford
Scalise
Schock
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stewart
Stivers
Stockman
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Upton
Valadao
Wagner
Walberg
Walden
Walorski
Weber (TX)
Webster (FL)
Wenstrup
Westmoreland
Williams
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yarmuth
Yoder
Yoho
Young (AK)
Young (IN)

NOES—191

Amash
Andrews
Barber
Bass
Beatty
Becerra
Bera (CA)
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Deutch
Dingell
Doggett
Doyle
Duckworth
Edwards
Ellison
Engel
Enyart
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Garcia
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hanabusa
Hastings (FL)
Heck (WA)
Higgins
Himes
Hinojosa
Holt
Honda
Horsford
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maffei
Maloney, Carolyn
Maloney, Sean
Massie
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Michaud
Miller, George
Moore
Moran
Murphy (FL)
Nadler
Napolitano
Neal
Negrete McLeod
Nolan
O'Rourke
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters (CA)
Peters (MI)
Pingree (ME)
Pocan
Polis
Price (NC)
Quigley
Rahall
Rangel
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Waxman
Welch
Wilson (FL)

NOT VOTING—11

Amodei
Chaffetz
Gohmert
Gosar
McCarthy (NY)
McIntyre
Miller, Gary
Rush
Schwartz
Turner
Whitfield

□ 1838

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

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

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

Pursuant to clause 1, rule I, the Journal stands approved.

HOUR OF MEETING ON TOMORROW

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

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

There was no objection.

TEAGUE AUTO GROUP OF EL DORADO, ARKANSAS

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

Mr. COTTON. Mr. Speaker, today I recognize Jeff Teague, president of the Teague Auto Group in El Dorado, Arkansas, who was recently named Time magazine's Auto Dealer of the Year. Awarded annually, this award recognizes the auto dealer who demonstrates exceptional business performance and distinguished community service.

Jeff and his father opened their first dealership as partners 33 years ago in Walnut Ridge, Arkansas. Through hard work and determination, they built their dealership into a thriving family business.

But more than a businessman, Jeff is also a dedicated member of the El Dorado community. He is involved with Arkansas Baptist Children's Homes and Family Ministries, the Main Street El Dorado Music Festival, Union County 4–H, the Salvation Army, the South Arkansas Historical Foundation, and the Boys and Girls Club of El Dorado.

I want to offer Jeff and his family my congratulations on this honor and thank him for all he does for the community of El Dorado.

CELEBRATING THE LIFE OF JOHN ROGERS, SR., AND BLACK HISTORY MONTH

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

Ms. KELLY of Illinois. Mr. Speaker, as we celebrate Black History Month, I rise to honor a remarkable American, John Rogers, Sr., a man of unrivaled determination and intellect who led an extraordinary life.

Mr. Rogers moved to Chicago at the age of 12, following the death of his parents, and later earned his pilot's license and enlisted in the Army Air Forces, where he flew in 120 combat missions in World War II as a member of the famed Tuskegee Airmen.

He went on to attend the University of Chicago's Law School on the GI Bill and served for 21 years as a Cook County juvenile court judge. He was known as much for his compassion as he was for his conviction, and believed as much in giving second chances as he did in doing things right the first time.

Mr. Rogers was a great leader and role model. He passed away last month at the age of 95, but he leaves behind a