

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 2898) TO PROVIDE DROUGHT RELIEF IN THE STATE OF CALIFORNIA, AND FOR OTHER PURPOSES, AND PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 3038) TO PROVIDE AN EXTENSION OF FEDERAL-AID HIGHWAY, HIGHWAY SAFETY, MOTOR CARRIER SAFETY, TRANSIT, AND OTHER PROGRAMS FUNDED OUT OF THE HIGHWAY TRUST FUND, AND FOR OTHER PURPOSES

JULY 14, 2015.—Referred to the House Calendar and ordered to be printed

Mr. NEWHOUSE, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 362]

The Committee on Rules, having had under consideration House Resolution 362, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 2898, the Western Water and American Food Security Act of 2015, under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources. The resolution waives all points of order against consideration of the bill. The resolution makes in order as original text for purpose of amendment an amendment in the nature of a substitute consisting of the text of Rules Committee Print 114-23 and provides that it shall be considered as read. The resolution waives all points of order against that amendment in the nature of a substitute. The resolution makes in order only those further amendments printed in this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The resolution waives all points of order against the amendments printed in this

report. The resolution provides one motion to recommit with or without instructions.

Section 2 of the resolution provides for consideration of H.R. 3038, the Highway and Transportation Funding Act of 2015, Part II, under a closed rule. The resolution provides one hour of debate equally divided among and controlled by the chairs and ranking minority members of the Committee on Transportation and Infrastructure and the Committee on Ways and Means. The resolution waives all points of order against consideration of the bill. The resolution provides that the bill shall be considered as read. The resolution waives all points of order against provisions in the bill. The resolution provides one motion to recommit.

EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of H.R. 2898 includes waivers of the following:

- Clause 3(e)(1) of rule XIII (“Ramseyer”), requiring a committee report accompanying a bill amending or repealing statutes to show, by typographical device, parts of statute affected. The waiver is provided because the submission provided by the Committee on Natural Resources was insufficient to meet the standards established by the rule in its current form. The Committee on Rules continues to work with the House Office of Legislative Counsel and committees to determine the steps necessary to comply with the updated rule;
- Clause 4(a) of rule XIII, which prohibits consideration of legislation in the House until the third calendar day on which each report of a committee on that measure or matter has been available to Members, Delegates and the Resident Commissioner. The waiver is necessary because the Committee on Natural Resources filed a supplemental report to accompany H.R. 2898 on July 14, 2015. The supplemental report includes the cost estimate from the Congressional Budget Office which was not available at the time of filing.

Although the resolution waives all points of order against the amendment in the nature of a substitute made in order as original text to H.R. 2898, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendments to H.R. 2898 printed in this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against consideration of H.R. 3038, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against provisions in H.R. 3038, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

COMMITTEE VOTES

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

Rules Committee record vote No. 87

Motion by Ms. Slaughter to report open rules for H.R. 2898 and H.R. 3038. Defeated: 3–9.

| Majority Members | Vote | Minority Members | Vote |
|------------------------------|------|-------------------------------|------|
| Ms. Foxx | Nay | Ms. Slaughter | Yea |
| Mr. Cole | Nay | Mr. McGovern | Yea |
| Mr. Woodall | Nay | Mr. Hastings of Florida | Yea |
| Mr. Burgess | Nay | Mr. Polis | Yea |
| Mr. Stivers | Nay | | |
| Mr. Collins | Nay | | |
| Mr. Byrne | Nay | | |
| Mr. Newhouse | Nay | | |
| Mr. Sessions, Chairman | Nay | | |

SUMMARY OF THE AMENDMENTS TO H.R. 2898 MADE IN ORDER

1. McClintock (CA): MANAGER'S Makes one technical change and one clarifying change to the bill. (10 minutes)

2. McNerney (CA), DeSaulnier (CA), Garamendi (CA), Costa (CA): Adds water hyacinth to the list of invasive species to be considered for the pilot project established under the legislation. (10 minutes)

3. Garamendi (CA): Directs the Secretaries to collaborate with the California Department of Water Resources to install a fish screen at the Delta Cross Channel Gates. (10 minutes)

4. LaMalfa (CA): Updates feasibility study completion requirements to align with a recently-signed MOU between the project joint powers authority and the Bureau of Reclamation. (10 minutes)

5. Calvert (CA), LaMalfa (CA), Denham (CA), Valadao (CA): Creates a more balanced approach between user group interests on the Restoration Fund Advisory Board by adding a seat for a member representing a wildlife entity that primarily focuses on waterfowl. (10 minutes)

6. Costa (CA): Requires the Secretary of the Interior to publish an annual report detailing the instream flows released for the Central Valley Project and measured outcomes as a result of those flows. (10 minutes)

7. LaMalfa (CA), Walden (OR): Improves due process by providing contractors of a federal water project in California and Oregon ESA applicant status, ensuring that contractors are properly informed of and may provide input to ESA consultations that may impact operations of the project. (10 minutes)

8. Grijalva (AZ): Funds water reclamation programs and water reuse projects so that the Bureau of Reclamation may investigate more opportunities to reclaim and reuse wastewater and naturally impaired ground and surface water in the 17 Western states and Hawaii. (10 minutes)

TEXT OF AMENDMENTS TO H.R. 2898 MADE IN ORDER

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

In the table of contents, in the matter regarding section 204, strike "calfed" and insert "CALFED".

Page 155, line 19, strike “All repayment contracts” and insert “Except for those repayment contracts under which the contractor has previously negotiated for prepayment, all repayment contracts”.

Page 157, line 11, strike “The following” and insert “Except for those repayment contracts under which the contractor has previously negotiated for prepayment, the following”.

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

Page 39, line 10, after “water weed,” insert “water hyacinth,”.

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

Page 48, after line 19, insert the following:

(4) collaborate with the California Department of Water Resources to install a fish screen at the Delta Cross Channel Gates in coordination with operations to protect migrating smelt and salmonids;

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

Page 65, strike lines 1 through 6 and insert the following (and redesignate the subsequent provisions accordingly):

(2) complete the feasibility study described in clause (i)(II) of section 103(d)(1)(A) of Public Law 108–361 and submit such study to the appropriate committees of the House of Representatives and the Senate not later than November 30, 2016;

(3) complete a publicly available draft of the feasibility study described in clause (ii)(I) of section 103(d)(1)(A) of Public Law 108–361 and submit such study to the appropriate committees of the House of Representatives and the Senate not later than November 30, 2016;

(4) complete the feasibility study described in clause (ii)(I) of section 103(d)(1)(A) of Public Law 108–361 and submit such study to the appropriate committees of the House of Representatives and the Senate not later than November 30, 2017;

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

Page 81, line 3, strike “3” and insert “2”.

Page 81, line 12, strike “and”.

Page 81, line 15, strike the period and insert “; and”.

Page 81, after line 15, insert the following:

“(vi) 1 member shall be a representative of a wildlife entity that primarily focuses on waterfowl.”.

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

Page 92, after line 19, insert the following:

SEC. 611. REPORT ON RESULTS OF WATER USAGE.

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

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

Page 92, line 20, insert the following new section:

SEC. 611. KLAMATH PROJECT CONSULTATION APPLICANTS.

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

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

Page 162, line 5, strike "into the" and all that follows through line 15, and insert "for projects that reclaim and reuse wastewaters."