

Udall (CO)	Wamp	Wilson (NM)
Udall (NM)	Watt	Wilson (SC)
Upton	Weiner	Wolf
Van Hollen	Weldon (FL)	Wu
Visclosky	Weldon (PA)	Wynn
Vitter	Weller	Young (AK)
Walden (OR)	Whitfield	Young (FL)
Walsh	Wicker	

NOT VOTING—39

Ackerman	Gephardt	Majette
Bachus	Gerlach	McCrery
Bell	Green (TX)	Meeks (NY)
Bishop (NY)	Gutknecht	Norwood
Blumenauer	Hastings (FL)	Paul
Camp	Hinche	Pitts
Carson (IN)	Isakson	Platts
Collins	John	Quinn
Culberson	Johnson (CT)	Reyes
Deal (GA)	Jones (OH)	Sweeney
Delahunt	LaHood	Tauzin
Diaz-Balart, L.	Lee	Waxman
Fattah	Lipinski	Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. THORNBERRY) (during the vote). Members are reminded to record their votes.

□ 1154

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

WATER SUPPLY, RELIABILITY, AND ENVIRONMENTAL IMPROVEMENT ACT

Mr. CALVERT. Mr. Speaker, pursuant to House Resolution 711, I call up the bill (H.R. 2828), to authorize the Secretary of the Interior to implement water supply technology and infrastructure programs aimed at increasing and diversifying domestic water resources, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 711, the bill is considered read for amendment.

The text of H.R. 2828 is as follows:

H.R. 2828

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Water Supply, Reliability, and Environmental Improvement Act”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Definitions.
- Sec. 4. Purposes.

TITLE I—DEPARTMENT OF INTERIOR, COMPETITIVE GRANT PROGRAM

- Sec. 101. General authority.
- Sec. 102. Authority to study, plan, design, and construct.
- Sec. 103. Criteria for grants.
- Sec. 104. Annual report.
- Sec. 105. Authorization of appropriations.
- Sec. 106. Limitation on eligibility for funding.

TITLE II—CALIFORNIA WATER SECURITY AND ENVIRONMENTAL ENHANCEMENT ACT

- Sec. 201. CALFED Bay-Delta Program.
- Sec. 202. Management.
- Sec. 203. Implementation schedule report.
- Sec. 204. Authorization of appropriations.

- Sec. 205. Federal share of costs.
- Sec. 206. Use of existing authorities and funds.
- Sec. 207. Compliance with State and Federal law.

TITLE III—SALTON SEA

- Sec. 301. Funding to address Salton Sea.

TITLE IV—ESTABLISHMENT OF CENTRALIZED REGULATORY OFFICE

- Sec. 401. Establishment of office.
- Sec. 402. Acceptance and expenditure of contributions.

TITLE V—RURAL WATER SUPPLY PROGRAM

- Sec. 501. Rural water supply program.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) BAY-DELTA SOLUTION AREA.—The term “Bay-Delta solution area” means the Bay-Delta watershed and the San Francisco Bay/Sacramento-San Joaquin Delta Estuary, California, and the areas in which diverted/exported water is used.

(2) BAY-DELTA WATERSHED.—The term “Bay-Delta watershed” means the Sacramento River-San Joaquin River Delta, and the rivers and watersheds that are tributary to that delta.

(3) CALFED BAY-DELTA PROGRAM.—The term “CALFED Bay-Delta Program” means the programs, projects, complementary actions, and activities undertaken through coordinated planning, implementation, and assessment activities of the State and Federal agencies in a manner consistent with the Objectives and Solution Principles of the CALFED Bay-Delta Program as stated in the Record of Decision.

(4) CONGRESSIONAL AUTHORIZING COMMITTEES.—The term “congressional authorizing committees” means the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(5) COMMISSIONER.—The term “commissioner” means the Commissioner of the Bureau of Reclamation.

(6) ENVIRONMENTAL WATER ACCOUNT.—The term “Environmental Water Account” means the water account established by the Federal agencies and State agencies pursuant to the Record of Decision to reduce incidental take and provide a mechanism for recovery of species.

(7) FEDERAL AGENCIES.—The term “Federal agencies” means the Federal agencies that are signatories to Attachment 3 of the Record of Decision.

(8) GOVERNOR.—The term “Governor” means the Governor of the State of California.

(9) IMPLEMENTATION MEMORANDUM.—The term “Implementation Memorandum” means the Calfed Bay-Delta Program Implementation Memorandum of Understanding dated August 28, 2000, executed by the Federal agencies and the State agencies, as such record of decision may be adapted or modified by the Secretary in accordance with applicable law.

(10) RECLAMATION STATES.—The term “Reclamation States” means the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, Wyoming, and Texas.

(11) RECORD OF DECISION.—The term “Record of Decision” means the Federal programmatic Record of Decision dated August 28, 2000, issued by the Federal agencies and supported by the State.

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

(13) STATE.—The term “State” means the State of California.

(14) STATE AGENCIES.—The term “State agencies” means the California State agencies that are signatories to Attachment 3 of the Record of Decision.

(15) WATER RESOURCE AGENCIES.—The term “Water resource agencies” means the Federal agencies that are signatories to Attachment 3 of the Record of Decision.

(16) WATER SUPPLY.—The term “water supply” means a quantity of water that is developed or derived from—

- (A) increased water yield;
- (B) recycling existing sources;
- (C) desalination of seawater or brackish water;
- (D) surface or ground water storage;
- (E) conservation; or
- (F) other actions or water management

tools that improve the availability and reliability of water supplies for beneficial uses in all water year types, including critically dry years.

(17) WATER YIELD.—The term “water yield” means a new quantity of water in storage that is reliably available in critically dry years for beneficial uses.

SEC. 4. PURPOSES.

The purposes of this Act are as follows:

(1) To enhance and improve water supply, water yield, and water reliability coordinated through the Secretary, in cooperation, and consultation with Water Resource Agencies.

(2) To foster and promote the development of supplemental and new water supplies, coordinated through the Secretary, in consultation and coordination with the Water Resource Agencies, through water reuse and salinity management.

(3) To establish a competitive, performance-based program, coordinated through the Secretary, in consultation and coordination with the Water Resource Agencies, to provide financial incentives to entities to develop demonstration projects designed to treat seawater and brackish water, wastewater and impaired ground water.

(4) To establish an office, in any Reclamation State requesting such an office, for the use of all Federal and State agencies that will be involved in issuing permits and conducting environmental reviews for water supply, water supply capital improvement projects, levee maintenance, and delivery systems in any Reclamation State requesting such an office.

(5) To provide assistance to States, municipalities, other local governmental agencies (including soil and water conservation districts) and investor-owned utilities that provide municipal water supply service pursuant to State law in the design and construction of projects to desalinate seawater and put to beneficial use impaired ground water and brackish water.

(6) To implement and abide by the 4 primary objectives and solution principles set forth in the CALFED Bay-Delta Program. To authorize funding and coordinate sustained funding sources, through the Secretary, for the implementation of a comprehensive program to achieve increased water yield and water supply, improved water quality, and enhanced environmental benefits as well as improved water system reliability, water use efficiency, watershed management, water transfers, and levee protection.

(7) To implement other related provisions to improve water supply and yield.

TITLE I—DEPARTMENT OF INTERIOR, COMPETITIVE GRANT PROGRAM

SEC. 101. GENERAL AUTHORITY.

(a) ESTABLISHMENT OF A WATER RESOURCES COORDINATION OFFICE.—There shall be established within the Office of the Secretary the

Office of the Federal Water Resources Coordinator (referred to in this title as the "Coordinator") who shall be responsible for coordinating the Water Resource Agencies activities addressing water desalination (including sea and brackish water), impaired ground water, brine removal, and water reuse projects and activities authorized under this title.

(b) **SECRETARIAL RESPONSIBILITY.**—The Secretary, through the Coordinator, shall carry out the responsibilities, as specifically identified as a responsibility of the Coordinator under this title, and may not delegate these responsibilities to the Water Resource Agencies. The Coordinator at its sole option may use the services of the Water Resource Agencies on any project deemed necessary.

(c) **ASSESSMENT OF EXISTING FEDERAL AUTHORITIES.**—The Secretary, through the Coordinator and in consultation with the Water Resource agencies, shall develop and transmit to Congress no later than 60 days after enactment of this Act, an assessment report that identifies the following:

(1) A list of authorities, including mandatory and discretionary trust funds, other than those under this title, to undertake activities under section 102.

(2) A list of all Water Resource Agencies expenditures since fiscal year 1998 undertaken for projects and activities related to this title.

(3) A plan of Water Resource Agencies coordination to meet the criteria, and guidelines as determined under this title.

(4) A detailed/coordinated Water Resource Agencies budget review document, including outyears funding requirements.

(5) Recommendations for alternative financing mechanisms.

(d) **ESTABLISHMENT OF GUIDELINES FOR ACTIVITIES UNDERTAKEN BY THE COORDINATOR.**—

(1) **RULES AND GUIDELINES.**—In carrying out activities under this title the Secretary, acting through the Coordinator, in coordination with the Water Resource Agencies, shall issue rules and guidelines for the submission of selection, solicitation, and timelines of eligible projects and activities seeking grants assistance to analyze, plan, develop and construct, including but not limited to, the following:

(A) Sea and brackish water desalination projects, including analysis and technology development, reclamation of wastewater, and impaired ground and surface waters.

(B) Brine management and disposal, including analysis and technology development. Such analysis shall include, but not be limited to, the effects of concentrate disposal and possible mitigation measures.

(C) Water reuse, including, but not limited to, techniques for cleanup and treatment of ground water contamination, especially ground water basins that are the primary source of drinking water supplies.

(2) **EQUITABLE SELECTION.**—The Secretary shall ensure the rules and guidelines provide for the equitable selection, to the maximum extent practicable, of projects and distribution of grants among the eligible activities identified under this section.

(3) **TIMEFRAME.**—Such rules and guidelines shall be issued not later than 90 days after the date of the enactment of this Act.

(e) **AGENCY PARTICIPATION.**—The Coordinator, in consultation with the Water Resource Agencies, shall—

(1) determine available and appropriate accounts, both mandatory and permanent, including Federal trust funds; and

(2) direct the Federal agency heads to spend authorized funds, if available within their agency, based on their proportional Federal interest.

SEC. 102. AUTHORITY TO STUDY, PLAN, DESIGN, AND CONSTRUCT.

(a) **IN GENERAL.**—The Secretary, through the Coordinator, in cooperation and consultation with the Water Resource Agencies, shall undertake a competitive grant program—

(1) to investigate and identify opportunities for the study, plan, and design of activities under this title; and

(2) to construct demonstration and permanent facilities, or the implementation of other programs and activities, to meet the criteria under this title.

(b) **CONDITIONS.**—No grant may be made under this title for the design and construction of any project until after—

(1) an appraisal investigation and a feasibility study (which may be performed, if applicable, by the non-Federal sponsor and submitted to the Secretary, through the Coordinator, for review) have been completed and approved by the Secretary, through the Coordinator;

(2) the Secretary, through the Coordinator, has determined that, if applicable, the non-Federal project sponsor has the financial resources available to fund the non-Federal share of the project's costs; and

(3) the Secretary, through the Coordinator, has approved, if applicable, a cost-sharing agreement with the non-Federal project sponsor that commits the non-Federal project sponsor to funding its share of the project's construction costs on an annual basis, and ongoing operations and maintenance.

SEC. 103. CRITERIA FOR GRANTS.

In making grants pursuant to this title, the Secretary, acting through the Coordinator shall give priority to those projects which meet at least one of the following criteria:

(1) The requirements of the Secretary, as applicable, and any applicable State requirements.

(2) Is agreed to by the Federal and non-Federal entities with authority and responsibility for the project.

(3) Increase water supply yield.

(4) Improve water use efficiency and water conservation.

(5) Reduce or stabilize demand on existing Federal and State water supply facilities.

(6) Improve water quality.

(7) Employ innovative approaches, including but not limited to, ground water recharge.

(8) Facilitate the transfer and adoption of technology.

(9) Employ regional solutions that increase the availability of locally and regionally developed water supplies.

(10) Remediate a contaminated ground water basin.

(11) Provide a secure source of new water supplies for national defense activities.

(12) Reduce the threat of a water supply disruption as a result of a natural disaster or acts of terrorism.

(13) Help Water Resource Agencies meet existing legal requirements, contractual water supply obligations, Indian trust responsibilities, water rights settlements, water quality control plans and department of health requirements, Federal and State environmental laws, the Federal Water Pollution Control Act, or other obligations.

(14) Promote and applies a regional or watershed approach to water resource management or cross-boundary issues, implements an integrated resources management approach, increases water management flexibility, or forms a partnership with other entities.

(15) Improve health and safety of the general public.

(16) Provide benefits outside the region in which the project occurs.

(17) Provide benefits to the agricultural community.

SEC. 104. ANNUAL REPORT.

The Secretary shall provide the Congress an annual report that includes the following:

(1) A list of projects, and project details, amount of past, current, and projected funding.

(2) Documentation of the accounts within the Water Resource Agencies funding.

(3) The benefits gained by projects, and to which beneficiaries and users, funded under this title.

(4) An assessment of how the project met each of the evaluation criteria under this title.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

(a) **ACTIVITIES AND PROJECTS UNDER THIS TITLE.**—

(1) **DETERMINATION OF WATER RESOURCES AGENCY PARTICIPATION.**—If existing authorities are not available to carry out activities addressed under this title, the Coordinator, in consultation with the Water Resource agencies, shall make the determination of Federal participation and Federal agency cost share.

(2) **FUNDING.**—Subject to section 105(a)(1) and section 105(b), there are authorized to be appropriated—

(A) \$50,000,000 for fiscal year 2004; and

(B) \$100,000,000 for each fiscal year thereafter.

(b) **LIMITATIONS ON GRANTS.**—

(1) **LOCATION OF PROJECT.**—Grants carried out by the Secretary, through the Coordinator, may be carried out through the 50 States.

(2) **PER STATE LIMIT.**—Except as provided in under this section, of the amount available in a fiscal year for grants under this title, not more than 30 percent may be used for projects in a single State.

(c) **COST SHARING.**—Except as provided under this section, and notwithstanding any other provision of this title. Grants for projects receiving Federal assistance under this title shall not exceed the lesser of \$50,000,000 (indexed annually for inflation) or 35 percent of the total cost of the project.

SEC. 106. LIMITATION ON ELIGIBILITY FOR FUNDING.

A project that receives funds under this Act shall be ineligible to receive Federal funds from any other source for the same purpose unless such funds are provided to ensure compliance with a Federal mandate.

TITLE II—CALIFORNIA WATER SECURITY AND ENVIRONMENTAL ENHANCEMENT ACT

SEC. 201. CALFED BAY-DELTA PROGRAM.

(a) **FINDINGS.**—Congress finds as follows:

(1) The mission of the CALFED Bay-Delta Program is to develop and implement a long-term comprehensive plan that will increase water supply and yield, improve water management, and restore the ecological health of the Bay-Delta solution area.

(2) The CALFED Bay-Delta Program was developed as a joint Federal-State program to deal effectively with the multijurisdictional issues involved in managing the Bay-Delta Watershed.

(b) **IN GENERAL.**—

(1) **AUTHORIZATION.**—The Federal agencies, in consultation with State agencies, are authorized to participate in the CALFED Bay-Delta Program, in accordance with this title, and consistent with the Objectives and Solution Principles set forth in the Record of Decision.

(2) **GOALS.**—The goals of the CALFED Bay-Delta Program shall consist of components that include water supply and yield, ecosystem restoration, water supply reliability,

conveyance, water use efficiency, water quality, water transfers, watersheds, Environmental Water Account, levee stability, and science.

(3) **BALANCE.**—CALFED Bay-Delta Program activities consisting of protecting water quality, including but not limited to, drinking water quality, restoring ecological health, improving water supply reliability, including additional water supply and water yield and conveyance, and protecting levees in the Bay-Delta watershed, shall progress in a balanced manner.

(c) **ADMINISTRATION OF ACTIVITIES.**—

(1) **IN GENERAL.**—The Secretary and the heads of the Federal agencies are authorized to carry out the activities described in this title, subject to the cost-share and other provisions of this title, if the activity—

(A) has been subject to environmental review and approval as required under applicable Federal and State law; and

(B) has been approved and certified by the Secretary to be consistent with the Objectives and Solution Principles of the CALFED Bay-Delta Program as stated in Record of Decision.

(2) **MULTIPLE BENEFIT PROJECTS FAVORED.**—The Secretary and Federal agencies are authorized to carry out the activities set forth in this title. In selecting projects and programs for increasing water yield and water supply, improving water quality, and enhancing environmental benefits, projects and programs with multiple benefits shall be emphasized.

(3) **ELEMENTS REGULATED.**—To the extent that CALFED Bay-Delta Program projects and elements are subject to regulation under section 404 of the Clean Water Act, the United States Army Corps of Engineers and the United States Environmental Protection Agency shall not consider, as alternatives to projects that are elements of the overall CALFED Bay-Delta Program, programs, projects, or actions beyond those described in the Record of Decision, nor shall they favor one CALFED Bay-Delta Program project or element over another.

(4) **BALANCE.**—The Secretary shall ensure that all elements of the CALFED Bay-Delta Program need to be completed and operated cooperatively to maintain the balanced progress in all CALFED Bay-Delta Program areas.

(d) **PROGRAM ACTIVITIES.**—

(1) **WATER STORAGE.**—Except as provided by section 207(b), the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than \$102,000,000 may be expended for the following:

(A) **WATER STORAGE SUPPLY AND YIELD.**—For purposes of implementing the CALFED Bay-Delta Program, the Secretary is authorized to undertake all necessary planning activities and feasibility studies required for the development of recommendations by the Secretary to Congress on the construction and implementation of specific water supply and yield, ground water management, and ground water storage projects and implementation of comprehensive water management planning. The requirements of section 9(a) of the Act of August 4, 1939 (43 U.S.C. 485h(a); 53 Stat. 1193) shall be deemed to be met through the performance of a feasibility study as authorized within this section as well as those feasibility studies authorized under the Consolidated Appropriations Resolution Fiscal Year 2003, Public Law 108-7, House Report 108-10, division D, title II, section 215.

(B) **FEASIBILITY STUDIES.**—All feasibility studies completed for storage projects as a result of this section shall include identification of project benefits and beneficiaries and a cost allocation plan consistent with the benefits to be received, for both governmental and non-governmental entities.

(C) **DISAPPROVAL RESOLUTION.**—If the Secretary determines a project to be feasible, and meets the requirements under subparagraph (B), the report shall be submitted to Congress. If Congress does not pass a disapproval resolution of the feasibility study during the first 120 days before Congress (not including days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three calendar days to a day certain) the project shall be authorized, subject to appropriations.

(D) **WATER SUPPLY AND WATER YIELD STUDY.**—(i) The Secretary, acting through the Bureau of Reclamation and in consultation with the State, shall conduct a study of available water supplies and water yield and existing demand and future needs for water—

(I) within the units of the Central Valley Project;

(II) within the area served by Central Valley Project agricultural water service contractors and municipal and industrial water service contractors; and

(III) within the Bay-Delta solution area.

(ii) **RELATIONSHIP TO PRIOR STUDY.**—The study under clause (i) shall incorporate and revise as necessary the study required by section 3408(j) of the Central Valley Project Improvement Act of 1992 (Public Law 102-575).

(E) **REPORT.**—The Secretary shall submit a report to the congressional authorizing committees by not later than 180 days after the date of the enactment of this title describing the following:

(i) Water yield and water supply improvements, if any, for Central Valley Project agricultural water service contractors and municipal and industrial water service contractors.

(ii) All water management actions or projects that would improve water yield or water supply and that, if taken or constructed, would balance available water supplies and existing demand for those contractors and other water users of the Bay-Delta watershed with due recognition of water right priorities and environmental needs.

(iii) The financial costs of the actions and projects described under clause (ii).

(iv) The beneficiaries of those actions and projects and an assessment of their willingness to pay the capital costs and operation and maintenance costs thereof.

(F) **OTHER ACTIVITIES.**—Studying, developing and implementing ground water management and ground water storage projects (not to exceed \$50,000,000); and

(G) **PLANNING.**—Comprehensive water management planning (not to exceed \$6,000,000).

(2) **CONVEYANCE.**—Except as provided by section 207(b), the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than \$77,000,000 may be expended for the following:

(A) South Delta Actions (not to exceed \$45,000,000);

(i) South Delta Improvements Program for the following:

(I) To increase the State Water Project export limit to 8500 cfs, subject to subclause (VI).

(II) To install permanent, operable barriers in the south Delta. The Federal Agencies shall cooperate with the State to accelerate installation of the permanent, operable barriers in the south Delta, with the intent to complete that installation not later than the end of fiscal year 2006.

(III) To design and construct fish screens and intake facilities at Clifton Court Forebay and the Tracy Pumping Plant facilities.

(IV) To increase the State Water Project export to the maximum capability of 10,300 cfs.

(ii) Reduction of agricultural drainage in south Delta channels and other actions necessary to minimize impacts of such drainage on water quality, including but not limited to, design and construction of the relocation of drinking water intake facilities to delta water users. The Secretary shall coordinate actions for relocating intake facilities on a time schedule consistent with subclause (i)(II).

(iii) Design and construction of lower San Joaquin River floodway improvements.

(iv) Installation and operation of temporary barriers in the south Delta until fully operable barriers are constructed.

(v) Actions to protect navigation and local diversions not adequately protected by the temporary barriers.

(vi) Actions to increase pumping shall be accomplished in a manner consistent with California law protecting:

(I) deliveries to, costs of, and water suppliers and water users, including but not limited to, agricultural users, that have historically relied on water diverted from the Delta; and

(II) the quality of water for existing municipal, industrial, and agricultural uses.

(vi) Actions at Franks Tract to improve water quality in the Delta.

(B) North Delta Actions (not to exceed \$12,000,000):

(i) Evaluation and implementation of improved operational procedures for the Delta Cross Channel to address fishery and water quality concerns.

(ii) Evaluation of a screened through-Delta facility on the Sacramento River.

(iii) Design and construction of lower Mokelumne River floodway improvements.

(C) Interties (not to exceed \$10,000,000):

(i) Evaluation and construction of an intertie between the State Water Project and the Central Valley Project facilities at or near the City of Tracy.

(ii) Assessment of the connection of the Central Valley Project to the State Water Project's Clifton Court Forebay with a corresponding increase in the Forebay's screened intake.

(D) Evaluation and implementation of the San Luis Reservoir lowpoint improvement project (not to exceed \$10,000,000).

(3) **WATER USE EFFICIENCY.**—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than \$153,000,000 may be expended for the following:

(A) Water conservation projects that provide water supply reliability, water quality, and ecosystem benefits to the Bay-Delta solution area (not to exceed \$61,000,000).

(B) Technical assistance for urban and agricultural water conservation projects (not to exceed \$5,000,000).

(C) Water recycling and desalination projects, including but not limited to projects identified in the Bay Area Water Recycling Plan and the Southern California Comprehensive Water Reclamation and Reuse Study (not to exceed \$84,000,000), as follows:

(i) In providing financial assistance under this clause, the Secretary shall give priority consideration to projects that include regional solutions to benefit regional water supply and reliability needs.

(ii) The Secretary shall review any feasibility level studies for seawater desalination and regional brine line projects that have been completed, whether or not those studies were prepared with financial assistance from the Secretary.

(iii) The Secretary shall report to the Congress within 90 days after the completion of

a feasibility study or the review of a feasibility study for the purposes of providing design and construction assistance for the construction of desalination and regional brine line projects.

(iv) The Federal share of the cost of any activity carried out with assistance under this clause may not exceed the lesser of 35 percent of the total cost of the activity or \$50,000,000.

(D) Water measurement and transfer actions (not to exceed \$1,500,000).

(E) Certification of implementation of best management practices for urban water conservation (not to exceed \$1,500,000).

(4) WATER TRANSFERS.—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than \$3,000,000 may be expended for the following:

(A) Increasing the availability of existing facilities for water transfers.

(B) Lowering transaction costs through permit streamlining.

(C) Maintaining a water transfer information clearinghouse.

(5) ENVIRONMENTAL WATER ACCOUNT.—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than \$75,000,000 may be expended for implementation of the Environmental Water Account.

(6) INTEGRATED REGIONAL WATER MANAGEMENT PLANS.—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than \$95,000,000 may be expended for the following:

(A) Establishing a competitive grants program to assist local and regional communities in California in developing and implementing integrated regional water management plans to carry out the Objectives and Solution Principles of the CALFED Bay-Delta Program as stated in the Record of Decision.

(B) Implementation of projects and programs in California that improve water supply reliability, water quality, ecosystem restoration, and flood protection, or meet other local and regional needs, that are consistent with, and make a significant contribution to, Stage 1 of the CALFED Bay-Delta Program.

(7) ECOSYSTEM RESTORATION.—(A) Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this title, no more than \$100,000,000 may be expended for projects under this subsection.

(B) The Secretary is authorized to undertake the following projects under this paragraph:

(i) Restoration of habitat in the San Francisco Bay-Delta watershed, San Pablo Bay, and Suisun Bay and Marsh, including tidal wetlands and riparian habitat.

(ii) Fish screen and fish passage improvement projects.

(iii) Implementation of an invasive species program, including prevention, control, and eradication.

(iv) Development and integration of State and Federal agricultural programs that benefit wildlife into the Ecosystem Restoration Program.

(v) Financial and technical support for locally-based collaborative programs to restore habitat while addressing the concerns of local communities.

(vi) Water quality improvement projects to manage salinity, selenium, mercury, pesticides, trace metals, dissolved oxygen, turbidity, sediment, and other pollutants.

(vii) Land and water acquisitions to improve habitat and fish spawning and survival in the Bay-Delta watershed.

(viii) Integrated flood management and levee protection projects for improving ecosystem restoration.

(ix) Scientific evaluations and targeted research on program activities, including appropriate use of adaptive management concepts.

(x) Preparation of management plans for all properties acquired, and update current management plans, prior to the purchase or any contribution to the purchase of any interest in land for ecosystem.

(xi) Strategic planning and tracking of program performance using established protocols and/or bio-indicators.

(C) Project Initiation Report for each project, describing project purpose, objective, and cost, shall be transmitted to Congress following Secretarial certification, 30 days (not including days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three calendar days to a day certain) prior to implementing ecosystem restoration actions as described under this paragraph. Such reports shall be required for all ecosystem projects, (including comprehensive projects that are composed of several components and are to be completed by staged implementation) exceeding \$20,000 in Federal funds. Annual ecosystem restoration project summary reports shall be submitted to Congress through the Secretary highlighting progress of the project implementation. The reports required to be submitted under this paragraph shall consider the following on each project:

(i) A description of ecological monitoring data to be collected for the restoration projects and how the data are to be integrated, streamlined, compatible, and designed to measure overall trends of ecosystem health in the Bay-Delta watershed.

(ii) Whether the restoration project has integrated monitoring plans and descriptions of protocols, or bio-indicators, to be used for gauging cost-effective performance of the project.

(iii) Whether the proposed project is a part of a larger, more comprehensive restoration project in a particular part of the solution area, and if so, how the proposed project contributes to the larger project.

(iv) A secretarial determination, or strategy, that utilizes existing Federal land, State land, or other land acquired for ecosystem restoration, with amounts provided by the United States or the State, to the extent that such lands are available within the CALFED solution area.

(v) A determination of the potential cumulative impacts, or induced damages of fee title, easement, and/or lease acquisition of land on local and regional economies, and adjacent land and landowners; and a description of how such impacts will be mitigated.

(vi) A description of actions that will be taken to mitigate any induced damages from the conversion of agriculture land including the degree to which wildlife and habitat values will increase due to the land conversion.

(D) Conditions, if applicable, for projects and activities under this paragraph are as follows:

(i) A requirement that before obligating or expending Federal funds to acquire land, the Secretary shall first determine that existing Federal land, State land, or other land acquired for ecosystem restoration with amounts provided by the United States or the State, to the extent such lands are available, is not available for that purpose. If no public land is available the Secretary, prior to any federal expenditure for private land acquisition, shall—

(I) make an accounting of all habitat types located on publicly owned land throughout the solution area;

(II) not convert prime farm land and unique farm land, to the maximum extent as practicable, as identified by local, State, or

Federal land use inventories, including the Natural Resources Conservation Service;

(III) not conflict with existing zoning for agriculture use; and

(IV) not involve other changes in existing environment due to location and nature of converting farmland to non-farmland use.

(ii) A requirement that in determining whether to acquire private land for ecosystem restoration, the Secretary shall—

(I) conduct appropriate analysis, including cost valuation to assure that private land acquisitions prioritize easements and leases over acquisition by fee title unless easements and leases are unavailable or unsuitable for the stated purposes;

(II) consider the potential cumulative impacts on the local and regional economies of transferring the property into government ownership and—

(aa) describe the actions that will be taken, to the maximum extent practicable, to mitigate any induced damages; and

(bb) determine that the land acquired will add increasing value to the purposes of ecosystem restoration;

(III) mitigate any potential induced damage, to the maximum extent practicable, of any conversion of agriculture land for ecosystem restoration due to the implementation of the CALFED Bay-Delta Program; and

(IV) partner with landowners and local agencies to develop cooperating landowner commitments that are likely to meet co-equal objectives of achieving local economic and social goals and implementing the ecosystem restoration goals.

(8) WATERSHEDS.—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than \$50,000,000 may be expended for the following:

(A) Building local capacity to assess and manage watersheds affecting the Bay-Delta solution area.

(B) Technical assistance for watershed assessments and management plans.

(C) Developing and implementing locally-based watershed conservation, maintenance, and restoration actions.

(9) WATER QUALITY.—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than \$50,000,000 may be expended for the following:

(A) Addressing drainage problems in the San Joaquin Valley to improve downstream water quality, including habitat restoration projects that reduce drainage and improve water quality, provided that—

(i) a plan is in place for monitoring downstream water quality improvements;

(ii) State and local agencies are consulted on the activities to be funded; and

(iii) this clause is not intended to create any right, benefit, or privilege.

(B) Implementing source control programs in the Bay-Delta watershed.

(C) Developing recommendations through technical panels and advisory council processes to meet the CALFED Bay-Delta Program goal of continuous improvement in water quality for all uses.

(D) Investing in treatment technology demonstration projects.

(E) Controlling runoff into the California aqueduct and other similar conveyances.

(F) Addressing water quality problems at the North Bay Aqueduct.

(G) Studying recirculation of export water to reduce salinity and improve dissolved oxygen in the San Joaquin River.

(H) Projects that may meet the Objectives and Solution Principles of the water quality component of CALFED Bay-Delta Program.

(I) Development of water quality exchanges and other programs to make high quality water available to urban areas.

(J) Development and implementation of a plan to meet all existing water quality standards for which the State and Federal water projects have responsibility.

(10) **LEEVE STABILITY.**—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than \$70,000,000 may be expended for the following:

(A) Assisting local reclamation districts in reconstructing Delta levees to a base level of protection not to exceed \$20,000,000.

(B) Enhancing the stability of levees that have particular importance in the system through the Delta Levee Special Improvement Projects program not to exceed \$20,000,000.

(C) Developing best management practices to control and reverse land subsidence on islands in the Bay-Delta watershed (not to exceed \$1,000,000).

(D) Refining the Delta Emergency Management Plan (not to exceed \$1,000,000).

(E) Developing a Delta Risk Management Strategy after assessing the consequences of failure levees in the Bay-Delta watershed from floods, seepage, subsidence, and earthquakes (not to exceed \$500,000).

(F) Developing a strategy for reuse of dredged materials on islands in the Bay-Delta watershed (not to exceed \$1,500,000).

(G) Evaluating and, where appropriate, rehabilitating the Suisun Marsh levees (not to exceed \$6,000,000).

(H) Integrated flood management, ecosystem restoration, and levee protection projects, including design and construction of lower San Joaquin River and lower Mokelumne River floodway improvements and other projects under the Sacramento-San Joaquin Comprehensive Study (not to exceed \$20,000,000).

(11) **MONITORING AND ANALYSIS.**—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than \$50,000,000 may be expended for the following:

(A) Establishing and maintaining an independent technical board, technical panels, and standing boards to provide oversight and peer review of the CALFED Bay-Delta Program.

(B) Conducting expert evaluations and scientific assessments of all CALFED Bay-Delta Program elements.

(C) Coordinating existing monitoring and scientific research programs.

(D) Developing and implementing adaptive management experiments to test, refine, and improve technical understandings.

(E) Establishing performance measures and monitoring and valuating the performance of all CALFED Bay-Delta Program elements.

(F) Preparing an annual science report.

(12) **PROGRAM MANAGEMENT, OVERSIGHT, AND COORDINATION.**—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than \$25,000,000 may be expended by the Secretary, in cooperation with the State, for the following:

(A) CALFED Bay-Delta Program-wide tracking of schedules, finances, and performance.

(B) Multi-agency oversight and coordination of CALFED Bay-Delta Program activities to ensure program balance and integration.

(C) Development of interagency cross-cut budgets and a comprehensive finance plan to allocate costs in accordance with the beneficiary pays provisions of the Record of Decision.

(D) Coordination of public outreach and involvement, including tribal, environmental justice, and public advisory activities under the Federal Advisory Committee Act.

(E) Development of annual reports.

(13) **DIVERSIFICATION OF WATER SUPPLIES.**—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than \$30,000,000 may be expended to diversify sources of level 2 refuge supplies and modes of delivery to refuges and to acquire additional water for level 4 refuge supplies.

(e) **AUTHORIZED ACTIONS.**—The Secretary and the Federal agency heads are authorized to carry out the activities authorized by this title through the use of grants, loans, contracts, and cooperative agreements with Federal and non-Federal entities where the Secretary or Federal agency head determines that the grant, loan, contract, or cooperative agreement is likely to assist in implementing the authorized activity in an efficient, timely, and cost-effective manner.

SEC. 202. MANAGEMENT.

(a) **COORDINATION.**—In carrying out the CALFED Bay-Delta Program, the Federal agencies shall coordinate, to the maximum extent practicable, their activities with the State agencies.

(b) **PUBLIC PARTICIPATION.**—In carrying out the CALFED Bay-Delta Program, the Federal agencies shall cooperate with local and tribal governments and the public through a federally chartered advisory committee or other appropriate means, to seek input on program elements such as planning, design, technical assistance, and development of peer review science programs.

(c) **OBJECTIVE REVIEW AND ANALYSIS.**—In carrying out the CALFED Bay-Delta Program, the Federal agencies shall seek to ensure, to the maximum extent practicable, that—

(1) all major aspects of implementing the CALFED Bay-Delta Program are subjected to credible and objective scientific review and economic analysis; and

(2) major decisions are based upon the best available scientific information.

(d) **AGENCIES' DISCRETION.**—This Act shall not affect the discretion of any of the Federal agencies or the State agencies or the authority granted to any of the Federal agencies or State agencies by any other Federal or State law.

(e) **STATUS REPORTS.**—The Secretary shall report, quarterly to the Congressional Committees, on the progress in achieving the water supply targets as described in Section 2.2.4 of the Record of Decision, the environmental water account requirements as described in Section 2.2.7, and the water quality targets as described in Section 2.2.9, and any pending actions that may affect the ability of the CALFED Bay-Delta Program to achieve those targets and requirements.

SEC. 203. IMPLEMENTATION SCHEDULE REPORT.

(a) The Secretary, in cooperation with the Governor, shall submit a report of the CALFED Bay-Delta Program not later than 90 days after the date of the enactment of this Act and December 15 of each year thereafter to the appropriate authorizing and appropriating Committees of the Senate and the House of Representatives that describes the status and projected implementation schedule of all components through fiscal year 2008 of the CALFED Bay-Delta Program. The Report shall contain the following:

(1) **STATEMENT OF BALANCE.**—The report shall identify the progress in each of the categories listed in paragraph (2). The Secretary, in cooperation with the Governor, shall prepare and certify a statement of whether the program is in balance taking into consideration the following:

(A) The status of all actions, including goals, schedules, and financing agreements and funding commitments.

(B) Progress on storage projects, including yield, conveyance improvements, levee im-

provements, water quality projects, and water use efficiency programs and reasons for any delays.

(C) Completion of key projects and milestones identified in the Ecosystem Restoration Program.

(D) Development and implementation of local programs for watershed conservation and restoration.

(E) Progress in improving water supply reliability and implementing the Environmental Water Account.

(F) Achievement of commitments under State and Federal endangered species laws.

(G) Implementation of a comprehensive science program.

(H) Progress toward acquisition of the State and Federal permits, including permits issued under section 404(a) of the Clean Water Act, for implementation of projects in all identified program areas.

(I) Progress in achieving benefits in all geographic regions covered by the CALFED Bay-Delta Program.

(J) Status of actions that compliment the Record of Decision.

(K) Status of mitigation measures addressed under section 201(d)(7).

(L) Revisions to funding commitments and CALFED Bay-Delta Program responsibilities.

(2) Accomplishments in the past fiscal year and year-to-date in achieving the objectives of—

(A) additional and improved water storage; including supply and yield;

(B) water quality;

(C) water use efficiency;

(D) ecosystem restoration;

(E) watershed management;

(F) levee system integrity;

(G) water transfers;

(H) water conveyance; and

(I) water supply reliability.

(3) **REVISED SCHEDULE.**—If the report and statement of balance under subsection (a) concludes that the CALFED Bay-Delta Program is not progressing in a balanced manner so that no certification of balanced implementation can be made, the Secretary, in consultation with the Governor, shall prepare a revised schedule to ensure that the CALFED Bay-Delta Program is likely to progress in a balanced manner consistent with the objectives and solution principles of the Record of Decision and in consideration of subsections (a) and (b) of this section. This revised schedule shall be subject to approval by the Secretary, in consultation with the Governor, and upon such approval shall be submitted to the appropriate authorizing and appropriating Committees of the Senate and the House of Representatives.

(b) **CROSSCUT BUDGET AND AUTHORIZATION OF APPROPRIATIONS.**—

(1) **CROSSCUT BUDGET.**—The President's Budget shall include the appropriate departmental and agency authorities, and request for the level of funding for each of the Federal agencies to carry out its responsibilities under the CALFED Bay-Delta Program. Such funds shall be requested for the Federal agency with authority and programmatic responsibility for the obligation of such funds. No later than 30 days after submission of the President's Budget to the Congress, the Director of the Office of Management and Budget shall submit to the appropriate authorizing and appropriating committees of the Senate and the House of Representatives an updated interagency budget crosscut report, as required under Public Law 108-7.

(2) **FINANCIAL SUMMARY.**—As part of the crosscut budget submission, a financial report certified by the Secretary, and the Office of Management and Budget, containing a detailed accounting of current year, budget year and all funds received and obligated by

all Federal and State agencies responsible for implementing the CALFED Bay-Delta Program in the previous fiscal year, a budget for the proposed projects (including a description of the project, authorization level, and project status) to be carried out through fiscal year 2008 the Federal portion of funds authorized under this title, and a list of all projects to be undertaken in the upcoming fiscal year with the Federal portion of funds authorized under this title.

SEC. 204. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary and the heads of the Federal agencies \$880,000,000 to pay the Federal share of programs and activities under this title for fiscal years 2004 through 2007, in accordance with the provisions of this title. The funds shall remain available without fiscal year limitation.

SEC. 205. FEDERAL SHARE OF COSTS.

(a) IN GENERAL.—The Federal share of the cost of implementing of the CALFED Bay-Delta Program as set forth in the Record of Decision shall not exceed 33.3 percent.

(b) CALFED BAY-DELTA PROGRAM BENEFICIARIES.—

(1) IN GENERAL.—The Secretary shall ensure that all beneficiaries, including the environment, shall pay for benefits received from all projects or activities carried out under the CALFED Bay-Delta Program. This requirement shall not be limited to storage and conveyance projects and shall be implemented so as to encourage integrated resource planning.

SEC. 206. USE OF EXISTING AUTHORITIES AND FUNDS.

(a) GENERALLY.—The heads of the Federal agencies shall use the authority under the alternative Acts identified by the Secretary to carry out the purposes of this title. Funds available under the alternative Acts shall be used before other funds made available under this title for the same activities.

(b) USE OF FUNDS.—In addition to funds authorized and appropriated for section 201(d)(1) or section 201(d)(2), the Secretary, in consultation with the heads of the Federal agencies, may use money appropriated for any activity authorized under this title for any activity authorized under section 201(d)(1) or section 201(d)(2) if the Secretary, in consultation with the heads of the Federal agencies, determines that the funds appropriated for the other activity cannot be used for that other activity. This section shall be construed to apply to funds appropriated after the date of the enactment of this Act unless the Act appropriating the funds specifically and explicitly states that this section shall not apply to those funds.

(c) USE OF UNEXPENDED BUDGET AUTHORITY.—The Secretary is authorized to utilize all unexpended budget authority under this title for any activity authorized under section 201(d)(1) or section 201(d)(2).

(d) REPORT.—Not later than 60 days after the date of the enactment of this Act and annual thereafter, the Secretary, in consultation with the heads of the Federal agencies, shall transmit to Congress a report that describes the following:

(1) A list of all existing authorities, including the authorities listed in subsection (a), under which the Secretary or the heads of the Federal agencies may carry out the purposes of this Act.

(2) A list funds authorized in the previous fiscal year for the authorities listed under paragraph (1).

(3) A list of the projects carried out with the funds listed in paragraph (2) and the amount of funds obligated and expended for each project.

SEC. 207. COMPLIANCE WITH STATE AND FEDERAL LAW.

Nothing in this Act—

(1) invalidates or preempts State water law or an interstate compact governing water;

(2) alters the rights of any State to any appropriated share of the waters of any body of surface or ground water, whether determined by past or future interstate compacts or final judicial allocations;

(3) preempts or modifies any State or Federal law or interstate compact governing water quality or disposal; or

(4) confers on any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any ground water resource.

TITLE III—SALTON SEA

SEC. 301. FUNDING TO ADDRESS SALTON SEA.

There is authorized to be appropriated to the Secretary \$300,000,000 for activities to address issues surrounding the Salton Sea.

TITLE IV—ESTABLISHMENT OF CENTRALIZED REGULATORY OFFICE

SEC. 401. ESTABLISHMENT OF OFFICE.

The Secretary shall establish an office, in Sacramento California, and may establish other offices in the capitol of any Reclamation State requesting such an office, for projects within their State, for the use of all Federal agencies and State agencies that are likely to be involved in issuing permits and conducting environmental reviews for water supply, water supply capital improvement projects, levee maintenance, and delivery systems in California or any Reclamation State requesting such an office.

SEC. 402. ACCEPTANCE AND EXPENDITURE OF CONTRIBUTIONS.

(a) IN GENERAL.—The Secretary may accept and expend funds contributed by non-Federal public entities to expedite the consideration of permits and the conducting of environmental reviews for all projects described in section 401 and to offset the Federal costs of processing such permits and conducting such reviews. The Secretary shall allocate funds received under this section among Federal agencies in accordance with the costs such agencies incur in processing such permits and conducting such reviews. The allocated funds shall be for reimbursements of such costs.

(b) PROTECTION OF IMPARTIAL DECISION-MAKING.—In carrying out this section, the Secretary and the heads Federal agencies receiving funds under this section shall ensure that the use of the funds accepted under this section will not impact impartial decision-making with respect to the issuance of permits or conducting of environmental reviews, either substantively or procedurally, or diminish, modify, or otherwise affect the statutory or regulatory authorities of such agencies.

TITLE V—RURAL WATER SUPPLY PROGRAM

SEC. 501. RURAL WATER SUPPLY PROGRAM.

(a) IN GENERAL.—The Secretary is authorized to establish a program to plan, design, and construct rural water systems in coordination with other Federal agencies with rural water programs, and in cooperation with non-Federal project entities.

(b) REQUIREMENTS.—Provisions to be included in the establishment of a rural water system shall include the following:

- (1) Appraisal investigations.
- (2) Feasibility studies.
- (3) Environmental reports.
- (4) Cost sharing responsibilities.
- (5) Responsibility for operation and maintenance.
- (6) Prohibition for funding for irrigation.

(c) CRITERIA.—The Secretary is authorized to develop criteria for determining which projects are eligible for participation in the program established under this section.

(d) REPORTS TO CONGRESS.—The Secretary shall submit to Congress the program developed under this section.

(e) RECLAMATION STATES.—The program established by this section shall be limited to Reclamation States.

The SPEAKER pro tempore. The committee amendment in the nature of a substitute printed in the bill is adopted.

The text of H.R. 2828, as amended, is as follows:

H.R. 2828

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

SEC. 1. SHORT TITLE.

This Act may be cited as the “Water Supply, Reliability, and Environmental Improvement Act”.

TITLE I—CALIFORNIA WATER SECURITY AND ENVIRONMENTAL ENHANCEMENT

SEC. 101. SHORT TITLE.

This title may be cited as the “California Water Security and Environmental Enhancement Act”.

SEC. 102. DEFINITIONS.

In this title:

(1) CALFED BAY-DELTA PROGRAM.—The terms “Calfed Bay-Delta Program” and “Program” mean the programs, projects, complementary actions, and activities undertaken through coordinated planning, implementation, and assessment activities of the State and Federal Agencies in a manner consistent with the Record of Decision.

(2) ENVIRONMENTAL WATER ACCOUNT.—The term “Environmental Water Account” means the cooperative management program established pursuant to the Record of Decision to reduce incidental take and provide a mechanism for recovery of species.

(3) FEDERAL AGENCIES.—The term “Federal agencies” means the Federal agencies that are signatories to Attachment 3 of the Record of Decision.

(4) GOVERNOR.—The term “Governor” means the Governor of the State of California.

(5) RECLAMATION STATES.—The term “Reclamation States” means the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, Wyoming, and Texas.

(6) RECORD OF DECISION.—The term “Record of Decision” means the Calfed Bay-Delta Program Record of Decision, dated August 28, 2000.

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

(8) STATE.—The term “State” means the State of California.

(9) STATE AGENCIES.—The term “State agencies” means the California State agencies that are signatories to Attachment 3 of the Record of Decision.

(10) WATER YIELD.—The term “water yield” means a new quantity of water in storage that is reliably available in critically dry years for beneficial uses.

SEC. 103. BAY DELTA PROGRAM.

(a) IN GENERAL.—

(1) RECORD OF DECISION AS GENERAL FRAMEWORK.—The Record of Decision is approved as a general framework for addressing the Calfed Bay-Delta Program, including its components relating to water storage and water yield, ecosystem restoration, water supply reliability, conveyance, water use efficiency, water quality, water transfers, watersheds, the Environmental Water Account, levee stability, governance, and science.

(2) SPECIFIC ACTIVITIES.—The Secretary and the heads of the Federal agencies are authorized to undertake, fund, participate in, and otherwise carry out the activities described in the Record of Decision, subject to the provisions of this title, so that the activities of the Calfed Bay-Delta Program consisting of protecting

drinking water quality, restoring ecological health, improving water supply reliability (including additional water storage and water yield and conveyance), and protecting Delta levees will progress in a balanced manner.

(b) AUTHORIZED ACTIVITIES.—

(1) **IN GENERAL.**—The Secretary and the heads of the Federal agencies are authorized to carry out the activities described in paragraphs (2) through (5) in furtherance of the Calfed Bay-Delta Program as set forth in the Record of Decision, subject to the cost-share and other provisions of this title.

(2) **MULTIPLE BENEFIT PROJECTS FAVORED.**—In selecting projects and programs for increasing water yield and water supply, improving water quality, and enhancing environmental benefits, projects and programs with multiple benefits shall be emphasized.

(3) **BALANCE.**—The Secretary shall ensure that all elements of the Calfed Bay-Delta Program need to be completed and operated cooperatively to maintain the balanced progress in all Calfed Bay-Delta Program areas.

(4) **EXISTING AUTHORIZATIONS FOR FEDERAL AGENCIES.**—The Secretary of the Interior and the heads of the Federal agencies are authorized to carry out the activities described in subparagraphs (A) through (J) of paragraph (5), to the extent authorized under existing law.

(5) DESCRIPTION OF ACTIVITIES UNDER EXISTING AUTHORIZATIONS.—

(A) **WATER STORAGE AND WATER YIELD.**—Activities under this subparagraph consist of—

(i) FEASIBILITY STUDIES AND RESOLUTION.—

(I) For purposes of implementing the Calfed Bay-Delta Program, the Secretary is authorized to undertake all necessary planning activities and feasibility studies required for the development of recommendations by the Secretary to Congress on the construction and implementation of specific water supply and water yield, ground water management, and ground water storage projects and implementation of comprehensive water management planning.

(II) **FEASIBILITY STUDIES REQUIREMENTS.**—All feasibility studies completed for storage projects as a result of this section shall include identification of project benefits and beneficiaries and a cost allocation plan consistent with the benefits to be received, for both governmental and non-governmental entities.

(III) **DISAPPROVAL RESOLUTION.**—If the Secretary determines a project to be feasible, and meets the requirements under subparagraph (B), the report shall be submitted to Congress. If Congress does not pass a disapproval resolution of the feasibility study during the first 120 days before Congress (not including days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three calendar days to a day certain) the project shall be authorized, subject to appropriations.

(ii) **WATER SUPPLY AND WATER YIELD STUDY.**—The Secretary, acting through the Bureau of Reclamation and in consultation with the State, shall conduct a study of available water supplies and water yield and existing demand and future needs for water—

(I) within the units of the Central Valley Project;

(II) within the area served by Central Valley Project agricultural water service contractors and municipal and industrial water service contractors; and

(III) within the Bay-Delta solution area.

(iii) **RELATIONSHIP TO PRIOR STUDY.**—The study under clause (ii) shall incorporate and revise as necessary the study required by section 3408(j) of the Central Valley Project Improvement Act of 1992 (Public Law 102-575).

(iv) **MANAGEMENT.**—The Secretary shall conduct activities related to developing and implementing groundwater management and ground-water storage projects.

(v) **COMPREHENSIVE WATER PLANNING.**—The Secretary shall conduct activities related to comprehensive water management planning.

(vi) **REPORT.**—The Secretary shall submit a report to the congressional authorizing committees by not later than 180 days after the date of the enactment of this title describing the following:

(I) Water yield and water supply improvements, if any, for Central Valley Project agricultural water service contractors and municipal and industrial water service contractors.

(II) All water management actions or projects that would improve water yield or water supply and that, if taken or constructed, would balance available water supplies and existing demand for those contractors and other water users of the Bay-Delta watershed with due recognition of water right priorities and environmental needs.

(III) The financial costs of the actions and projects described under clause (II).

(IV) The beneficiaries of those actions and projects and an assessment of their willingness to pay the capital costs and operation and maintenance costs thereof.

(B) CONVEYANCE.—

(i) **SOUTH DELTA ACTIONS.**—In the case of the South Delta, activities under this clause consist of the following:

(I) The South Delta Improvement Program through actions to accomplish the following:

(aa) Increase the State Water Project export limit to 8,500 cfs.

(bb) Install permanent, operable barriers in the south Delta. The Federal Agencies shall cooperate with the State to accelerate installation of the permanent, operable barriers in the south Delta, with the intent to complete that installation not later than the end of fiscal year 2006.

(cc) Increase the State Water Project export to the maximum capability of 10,300 cfs.

(II) Reduction of agricultural drainage in south Delta channels, and other actions necessary to minimize the impact of drainage on drinking water quality.

(III) Design and construction of lower San Joaquin River floodway improvements.

(IV) Installation and operation of temporary barriers in the south Delta until fully operable barriers are constructed.

(V) Actions to protect navigation and local diversions not adequately protected by temporary barriers.

(VI) Actions to increase pumping shall be accomplished in a manner consistent with California law protecting—

(aa) deliveries to, costs of, and water suppliers and water users, including but not limited to, agricultural users, that have historically relied on water diverted for use in the Delta; and

(bb) the quality of water for existing municipal, industrial, and agricultural uses.

(ii) **NORTH DELTA ACTIONS.**—In the case of the North Delta, activities under this clause consist of—

(I) evaluation and implementation of improved operational procedures for the Delta Cross Channel to address fishery and water quality concerns;

(II) evaluation of a screened through-Delta facility on the Sacramento River; and

(III) evaluation of lower Mokelumne River floodway improvements.

(iii) **INTERTIES.**—Activities under this clause consist of—

(I) evaluation and construction of an intertie between the State Water Project California Aqueduct and the Central Valley Project Delta Mendota Canal, near the City of Tracy; and

(II) assessment of a connection of the Central Valley Project to the Clifton Court Forebay of the State Water Project, with a corresponding increase in the screened intake of the Forebay.

(iv) **PROGRAM TO MEET STANDARDS.**—Prior to increasing export limits from the Delta for the purposes of conveying water to south-of-Delta Central Valley Project contractors or increasing deliveries through an intertie, the Secretary shall, within one year of the date of enactment of this title, in consultation with the Governor, develop and implement a program to meet all ex-

isting water quality standards and objectives for which the CVP has responsibility. In developing and implementing the program the Secretary shall include, to the maximum extent feasible, the following:

(I) A recirculation program to provide flow, reduce salinity concentrations in the San Joaquin River, and reduce the reliance on New Melones Reservoir for meeting water quality and fishery flow objectives through the use of excess capacity in export pumping and conveyance facilities.

(II) The implementation of mandatory source control programs and best drainage management practices to reduce discharges into the San Joaquin River of salt or other constituents from wildlife refuges that receive Central Valley Project water.

(III) The acquisition from willing sellers of water from streams tributary to the San Joaquin River or other sources to provide flow, dilute discharges from wildlife refuges, and to improve water quality in the San Joaquin River below the confluence of the Merced and San Joaquin rivers and to reduce the reliance on New Melones Reservoir for meeting water quality and fishery flow objectives.

(v) **USE OF EXISTING FUNDING MECHANISMS.**—In implementing the Program, the Secretary shall use money collected pursuant to section 3406(c)(1) of the Central Valley Project Improvement Act of 1992 (Public Law 102-575) to acquire from voluntary sellers water from streams tributary to the San Joaquin River or other sources for the purposes set forth in subclauses (I) through (III) of clause (iv).

(vi) **PURPOSE.**—The purpose of the authority and direction provided to the Secretary in clause (iv) is to provide greater flexibility in meeting the existing water quality standards and objectives for which the Central Valley Project has responsibility so as to reduce the demand on water from New Melones Reservoir used for that purpose and to allow the Secretary to meet with greater frequency the Secretary's obligations to Central Valley Project contractors from the New Melones Project.

(C) **WATER USE EFFICIENCY.**—Activities under this subparagraph consist of—

(i) water conservation projects that provide water supply reliability, water quality, and ecosystem benefits to the Bay-Delta system;

(ii) technical assistance for urban and agricultural water conservation projects;

(iii) water recycling and desalination projects, including groundwater remediation projects and projects identified in the Bay Area Water Plan and the Southern California Comprehensive Water Reclamation and Reuse Study and other projects, giving priority to projects that include regional solutions to benefit regional water supply and reliability needs;

(I) The Secretary shall review any feasibility level studies for seawater desalination and regional brine line projects that have been completed, whether or not those studies were prepared with financial assistance from the Secretary.

(II) The Secretary shall report to the Congress not later than 90 days after the completion of a feasibility study or the review of a feasibility study. For the purposes of this Act, the Secretary is authorized to provide assistance for projects as set forth and pursuant to the existing requirements of the Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102-575; title 16) as amended, and Reclamation Recycling and Water Conservation Act of 1996 (Public Law 104-266).

(iv) water measurement and transfer actions;

(v) certification of implementation of best management practices for urban water conservation; and

(vi) projects identified in the Southern California Comprehensive Water Reclamation and Reuse Study, dated April 2001 and authorized by section 1606 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43

U.S.C. 390h-4); and the San Francisco Bay Area Regional Water Recycling Program described in the San Francisco Bay Area Regional Water Recycling Program Recycled Water Master Plan, dated December 1999 and authorized by section 1611 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h-9) are determined to be feasible.

(D) **WATER TRANSFERS.**—Activities under this subparagraph consist of—

(i) increasing the availability of existing facilities for water transfers;

(ii) lowering transaction costs through regulatory coordination as provided in sections 301 through 302; and

(iii) maintaining a water transfer information clearinghouse.

(E) **INTEGRATED REGIONAL WATER MANAGEMENT PLANS.**—Activities under this subparagraph consist of assisting local and regional communities in the State in developing and implementing integrated regional water management plans to carry out projects and programs that improve water supply reliability, water quality, ecosystem restoration, and flood protection, or meet other local and regional needs, in a manner that is consistent with, and makes a significant contribution to, the Calfed Bay-Delta Program.

(F) **ECOSYSTEM RESTORATION.**—

(i) Activities under this subparagraph consist of—

(I) implementation of large-scale restoration projects in San Francisco Bay and the Delta and its tributaries;

(II) restoration of habitat in the Delta, San Pablo Bay, and Suisun Bay and Marsh, including tidal wetland and riparian habitat;

(III) fish screen and fish passage improvement projects, including the Sacramento River Small Diversion Fish Screen Program;

(IV) implementation of an invasive species program, including prevention, control, and eradication;

(V) development and integration of Federal and State agricultural programs that benefit wildlife into the Ecosystem Restoration Program;

(VI) financial and technical support for locally-based collaborative programs to restore habitat while addressing the concerns of local communities;

(VII) water quality improvement projects to manage and reduce concentrations of salinity, selenium, mercury, pesticides, trace metals, dissolved oxygen, turbidity, sediment, and other pollutants;

(VIII) land and water acquisitions to improve habitat and fish spawning and survival in the Delta and its tributaries;

(IX) integrated flood management, ecosystem restoration, and levee protection projects;

(X) scientific evaluations and targeted research on Program activities;

(XI) strategic planning and tracking of Program performance; and

(XII) preparation of management plans for all properties acquired, and update current management plans, prior to the purchase or any contribution to the purchase of any interest in land for ecosystem.

(ii) **A RESTORATION MANAGEMENT PLAN REPORT.**—The Secretary shall submit a restoration management plan report to Congress, 30 days (not including days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three calendar days to a day certain) prior to implementing ecosystem restoration actions as described under this paragraph. Such plan reports shall be required for all ecosystem projects, (including comprehensive projects that are composed of several components and are to be completed by staged implementation) exceeding \$20,000 in Federal funds. The Restoration Management Plan required to be submitted under this paragraph, shall, at a minimum—

(I) be consistent with the goal of fish, wildlife, and habitat improvement;

(II) be consistent with all applicable Federal and State laws;

(III) describe the specific goals, objectives, and opportunities and implementation timeline of the proposed project. Describe to what extent the proposed project is a part of a larger, more comprehensive project in the Bay-Delta watershed;

(IV) describe the administration responsibilities of land and water areas and associated environmental resources, in the affected project area including an accounting of all habitat types. Cost-share arrangements with cooperating agencies should be included in the report;

(V) describe the resource data and ecological monitoring data to be collected for the restoration projects and how the data are to be integrated, streamlined, and designed to measure the effectiveness and overall trend of ecosystem health in the Bay-Delta watershed;

(VI) identify various combinations of land and water uses and resource management practices that are scientifically-based and meet the purposes of the project. Include a description of expected benefits of the restoration project relative to the cost of the project;

(VII) analyze and describe cumulative impacts of project implementation, including land acquisition, and the mitigation requirements, subject to conditions described in clause (iii)(I). Complete appropriate actions to satisfy requirements of NEPA, CEQA, and other environmental permitting clearance; and

(VIII) describe an integrated monitoring plan and measurable criteria, or bio-indicators, to be used for evaluating cost-effective performance of the project.

(iii) **CONDITIONS.**—Conditions, if applicable, for projects and activities under this paragraph, and which are to be described in the restoration management plan report, are as follows:

(I) a requirement that before obligating or expending Federal funds to acquire land, the Secretary shall first determine that existing Federal land, State land, or other land acquired for ecosystem restoration with amounts provided by the United States or the State, to the extent such lands are available within the Calfed solution area, is not available for that purpose. If no public land is available the Secretary, prior to any federal expenditure for private land acquisitions, shall—

(aa) not convert prime farm land and unique farm land, to the maximum extent as practicable, as identified by local, State, or Federal land use inventories, including the Natural Resources Conservation Service;

(bb) not conflict with existing zoning for agriculture use; and

(cc) not involve other changes in existing environment due to location and nature of converting farmland to non-farmland use.

(II) a requirement that in determining whether to acquire private land for ecosystem restoration, the Secretary shall—

(aa) conduct appropriate analysis, including cost valuation to assure that private land acquisitions prioritize easements and leases over acquisitions by fee title unless easements and leases are unavailable or unsuitable for the stated purposes;

(bb) consider and partner with landowners and local agencies to develop cooperating landowner commitments that are likely to meet co-equal objectives of achieving local economic and social goals and implementing the ecosystem restoration goals; and

(cc) consider the potential cumulative impacts of fee title, easement, or lease acquisition on the local and regional economies and adjacent land and landowners, of transferring the property into government ownership, and—

(AA) describe the actions that will be taken, to the maximum extent practicable, to mitigate any induced damages; and

(BB) determine and describe the degree to which land acquired will add value to fish, wildlife, and habitat purposes.

(iv) **ANNUAL ECOSYSTEM RESTORATION PROJECT SUMMARY REPORT.**—The Secretary shall, by no later than December 31 of each year, submit to Congress an annual report on the use of financial assistance received under this title. The report shall highlight progress of project implementation, effectiveness, monitoring, and accomplishment. The report will identify and outline the need for amendments or revisions to the plan to improve the cost-effectiveness of project implementation.

(G) **WATERSHEDS.**—Activities under this subparagraph consist of—

(i) building local capacity to assess and manage watersheds affecting the Calfed Bay-Delta system;

(ii) technical assistance for watershed assessments and management plans; and

(iii) developing and implementing locally-based watershed conservation, maintenance, and restoration actions.

(H) **WATER QUALITY.**—Activities under this subparagraph consist of—

(i) addressing drainage problems in the San Joaquin Valley to improve downstream water quality (including habitat restoration projects that reduce drainage and improve water quality) if—

(I) a plan is in place for monitoring downstream water quality improvements;

(II) State and local agencies are consulted on the activities to be funded; and

(III) except that no right, benefit, or privilege is created as a result of this clause;

(ii) implementation of source control programs in the Delta and its tributaries;

(iii) developing recommendations through scientific panels and advisory council processes to meet the Calfed Bay-Delta Program goal of continuous improvement in Delta water quality for all uses;

(iv) investing in treatment technology demonstration projects;

(v) controlling runoff into the California aqueduct, the Delta-Mendota Canal, and other similar conveyances;

(vi) addressing water quality problems at the North Bay Aqueduct;

(vii) supporting and participating in the development of projects to enable San Francisco Area water districts and water entities in San Joaquin and Sacramento counties to work cooperatively to address their water quality and supply reliability issues, including—

(I) connections between aqueducts, water transfers, water conservation measures, institutional arrangements, and infrastructure improvements that encourage regional approaches; and

(II) investigations and studies of available capacity in a project to deliver water to the East Bay Municipal Utility District under its contract with the Bureau of Reclamation, dated July 20, 2001, in order to determine if such capacity can be used to meet the objectives of this clause;

(viii) development of water quality exchanges and other programs to make high quality water available for urban and other users;

(ix) development and implementation of a plan to meet all water quality standards for which the Federal and State water projects have responsibility;

(x) development of recommendations through technical panels and advisory council processes to meet the Calfed Bay-Delta Program goal of continuous improvement in water quality for all uses; and

(xi) projects that may meet the framework of the water quality component of the Calfed Bay-Delta Program.

(I) **SCIENCE.**—Activities under this subparagraph consist of—

(i) establishing and maintaining an independent science board, technical panels, and standing boards to provide oversight and peer review of the Program;

(ii) conducting expert evaluations and scientific assessments of all Program elements;

(iii) coordinating existing monitoring and scientific research programs;

(iv) developing and implementing adaptive management experiments to test, refine, and improve scientific understandings;

(v) establishing performance measures, and monitoring and evaluating the performance of all Program elements; and

(vi) preparing an annual science report.

(J) DIVERSIFICATION OF WATER SUPPLIES.—Activities under this subparagraph consist of actions to diversify sources of level 2 refuge supplies and modes of delivery to refuges.

(6) NEW AND EXPANDED AUTHORIZATIONS FOR FEDERAL AGENCIES.—The Secretary and the heads of the Federal agencies described in the Record of Decision are authorized to carry out the activities described in paragraph (7) during each of fiscal years 2005 through 2008, in coordination with the Bay-Delta Authority.

(7) DESCRIPTION OF ACTIVITIES UNDER NEW AND EXPANDED AUTHORIZATIONS.—

(A) CONVEYANCE.—Of the amounts authorized to be appropriated under section 110, not more than \$184,000,000 may be expended for the following:

(i) Feasibility studies, evaluation, and implementation of the San Luis Reservoir lowpoint improvement project.

(ii) Feasibility studies and actions at Franks Tract to improve water quality in the Delta.

(iii) Feasibility studies and design of fish screen and intake facilities at Clifton Court Forebay and the Tracy Pumping Plant facilities.

(iv) Design and construction of the relocation of drinking water intake facilities to Delta water users. The Secretary shall coordinate actions for relocating intake facilities on a time schedule consistent with subparagraph (5)(B)(i)(I)(bb) or other actions necessary to offset the degradation of drinking water quality in the Delta due to the South Delta Improvement Program.

(v) In addition to the other authorizations granted to the Secretary by this title, the Secretary shall acquire water from willing sellers and undertake other actions designed to decrease releases from New Melones Reservoir for meeting water quality standards and flow objectives for which the Central Valley Project has responsibility in order to meet allocations to Central Valley Project contractors from the New Melones Project. Of the amounts authorized to be appropriated under paragraph (7)(A), not more than \$5,260,000 may be expended for this purpose.

(B) ENVIRONMENTAL WATER ACCOUNT.—Of the amounts authorized to be appropriated under section 110, not more than \$90,000,000 may be expended for implementation of the Environmental Water Account provided that such expenditures shall be considered a nonreimbursable Federal expenditure. In order to reduce the use of New Melones reservoir as a source of water to meet water quality standards, the Secretary may use the Environmental Water Account to purchase water to provide flow for fisheries, to improve water quality in the San Joaquin river and Delta.

(C) LEVEE STABILITY.—Of the amounts authorized to be appropriated under section 110, not more than \$90,000,000 may be expended for—

(i) reconstructing Delta levees to a base level of protection;

(ii) enhancing the stability of levees that have particular importance in the system through the Delta Levee Special Improvement Projects program;

(iii) developing best management practices to control and reverse land subsidence on Delta islands;

(iv) refining the Delta Emergency Plan;

(v) developing a Delta Risk Management Strategy after assessing the consequences of Delta levee failure from floods, seepage, subsidence, and earthquakes;

(vi) developing a strategy for reuse of dredged materials on Delta islands;

(vii) evaluating, and where appropriate, rehabilitating the Suisun Marsh levees; and

(viii) not more than \$2,000,000 may be expended for integrated flood management, ecosystem restoration, and levee protection projects, including design and construction of lower San Joaquin River and lower Mokelumne River floodway improvements and other projects under the Sacramento-San Joaquin Comprehensive Study.

(D) PROGRAM MANAGEMENT, OVERSIGHT, AND COORDINATION.—Of the amounts authorized to be appropriated under section 110, not more than \$25,000,000 may be expended by the Secretary or the other heads of Federal agencies, either directly or through grants, contracts, or cooperative agreements with agencies of the State, for—

(i) program support;

(ii) program-wide tracking of schedules, finances, and performance;

(iii) multiagency oversight and coordination of Program activities to ensure Program balance and integration;

(iv) development of interagency cross-cut budgets and a comprehensive finance plan to allocate costs in accordance with the beneficiary pays provisions of the Record of Decision;

(v) coordination of public outreach and involvement, including tribal, environmental justice, and public advisory activities in accordance with the Federal Advisory Committee Act (5 U.S.C. App.); and

(vi) development of Annual Reports.

SEC. 104. MANAGEMENT.

(a) COORDINATION.—In carrying out the Calfed Bay-Delta Program, the Federal agencies shall coordinate their activities with the State agencies.

(b) PUBLIC PARTICIPATION.—In carrying out the Calfed Bay-Delta Program, the Federal agencies shall cooperate with local and tribal governments and the public through an advisory committee established in accordance with the Federal Advisory Committee Act (5 U.S.C. App.) and other appropriate means, to seek input on Program elements such as planning, design, technical assistance, and development of peer review science programs.

(c) SCIENCE.—In carrying out the Calfed Bay-Delta Program, the Federal agencies shall seek to ensure, to the maximum extent practicable, that—

(1) all major aspects of implementing the Program are subjected to credible and objective scientific review; and

(2) major decisions are based upon the best available scientific information.

(d) ENVIRONMENTAL JUSTICE.—The Federal agencies and State agencies, consistent with Executive Order 12898 (59 FR Fed. Reg. 7629), should continue to collaborate to—

(1) develop a comprehensive environmental justice workplan for the Calfed Bay-Delta Program; and

(2) fulfill the commitment to addressing environmental justice challenges referred to in the Calfed Bay-Delta Program Environmental Justice Workplan, dated December 13, 2000.

(e) LAND ACQUISITION.—Federal funds appropriated by Congress specifically for implementation of the Calfed Bay-Delta Program may be used to acquire fee title to land only where consistent with the Record of Decision and section 103(b)(5)(F)(iii).

(f) AGENCIES' DISCRETION.—This title shall not affect the discretion of any of the Federal agencies or the State agencies or the authority granted to any of the Federal agencies or State agencies by any other Federal or State law.

(g) STATUS REPORTS.—The Secretary shall report, quarterly to Congress, on the progress in achieving the water supply targets as described in Section 2.2.4 of the Record of Decision, the environmental water account requirements as described in Section 2.2.7, and the water quality targets as described in Section 2.2.9, and any

pending actions that may affect the ability of the Calfed Bay-Delta Program to achieve those targets and requirements.

SEC. 105. REPORTING REQUIREMENTS.

(a) REPORT.—

(1) IN GENERAL.—Not later than February 15 of each year, the Secretary, in cooperation with the Governor, shall submit to the appropriate authorizing and appropriating Committees of the Senate and the House of Representatives a report that—

(A) describes the status of implementation of all components of the Calfed Bay-Delta Program;

(B) sets forth any written determination resulting from the review required under subsection (b); and

(C) includes any revised schedule prepared under subsection (b).

(2) CONTENTS.—The report required under paragraph (1) shall describe—

(A) the progress of the Calfed Bay-Delta Program in meeting the implementation schedule for the Program in a manner consistent with the Record of Decision;

(B) the status of implementation of all components of the Program;

(C) expenditures in the past fiscal year for implementing the Program;

(D) accomplishments during the past fiscal year in achieving the objectives of additional and improved—

(i) water storage, including water yield;

(ii) water quality;

(iii) water use efficiency;

(iv) ecosystem restoration;

(v) watershed management;

(vi) levee system integrity;

(vii) water transfers;

(viii) water conveyance; and

(ix) water supply reliability;

(E) program goals, current schedules, and relevant financing agreements;

(F) progress on—

(i) storage projects;

(ii) conveyance improvements;

(iii) levee improvements;

(iv) water quality projects; and

(v) water use efficiency programs;

(G) completion of key projects and milestones identified in the Ecosystem Restoration Program;

(H) development and implementation of local programs for watershed conservation and restoration;

(I) progress in improving water supply reliability and implementing the Environmental Water Account;

(J) achievement of commitments under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and endangered species law of the State;

(K) implementation of a comprehensive science program;

(L) progress toward acquisition of the Federal and State permits (including permits under section 404(a) of the Federal Water Pollution Control Act (33 U.S.C. 1344(a))) for implementation of projects in all identified Program areas;

(M) progress in achieving benefits in all geographic regions covered by the Program;

(N) legislative action on—

(i) water transfer;

(ii) groundwater management;

(iii) water use efficiency; and

(iv) governance issues;

(O) the status of complementary actions;

(P) the status of mitigation measures; and

(Q) revisions to funding commitments and Program responsibilities.

(b) ANNUAL REVIEW OF PROGRESS AND BALANCE.—

(1) IN GENERAL.—Not later than November 15 of each year, the Secretary, in cooperation with the Governor, shall review progress in implementing the Calfed Bay-Delta Program based on—

(A) consistency with the Record of Decision; and

(B) balance in achieving the goals and objectives of the Calfed Bay-Delta Program.

(2) **REVISED SCHEDULE.**—If, at the conclusion of each such annual review or if a timely annual review is not undertaken, the Secretary, or the Governor, determine in writing that either the Program implementation schedule has not been substantially adhered to, or that balanced progress in achieving the goals and objectives of the Program is not occurring, the Secretary, in coordination with the Governor and the Bay-Delta Public Advisory Committee, shall prepare a revised schedule to achieve balanced progress in all Calfed Bay-Delta Program elements consistent with the Record of Decision.

(c) **FEASIBILITY STUDIES.**—Any feasibility studies completed as a result of this title shall include identification of project benefits and a cost allocation plan consistent with the beneficiaries pay provisions of the Record of Decision.

SEC. 106. CROSSCUT BUDGET.

(a) **IN GENERAL.**—The budget of the President shall include requests for the appropriate level of funding for each of the Federal agencies to carry out the responsibilities of the Federal agency under the Calfed Bay-Delta Program.

(b) **REQUESTS BY FEDERAL AGENCIES.**—The funds shall be requested for the Federal agency with authority and programmatic responsibility for the obligation of the funds, in accordance with paragraphs (2) through (5) of section 103(b).

(c) **REPORT.**—At the time of submission of the budget of the President to Congress, the Director of the Office of Management and Budget, in coordination with the Governor, shall submit to the appropriate authorizing and appropriating committees of the Senate and the House of Representatives a financial report certified by the Secretary containing—

(1) an interagency budget crosscut report that—

(A) displays the budget proposed, including any interagency or intra-agency transfer, for each of the Federal agencies to carry out the Calfed Bay-Delta Program for the upcoming fiscal year, separately showing funding requested under both pre-existing authorities and under the new authorities granted by this title; and

(B) identifies all expenditures since 2000 by the Federal and State governments to achieve the objectives of the Calfed Bay-Delta Program;

(2) a detailed accounting of all funds received and obligated by all Federal agencies and State agencies responsible for implementing the Calfed Bay-Delta Program during the previous fiscal year;

(3) a budget for the proposed projects (including a description of the project, authorization level, and project status) to be carried out in the upcoming fiscal year with the Federal portion of funds for activities under section 103(b); and

(4) a listing of all projects to be undertaken in the upcoming fiscal year with the Federal portion of funds for activities under section 103(b).

SEC. 107. FEDERAL SHARE OF COSTS.

(a) **IN GENERAL.**—The Federal share of the cost of implementing the Calfed Bay-Delta Program for fiscal years 2005 through 2008 in the aggregate, as set forth in the Record of Decision, shall not exceed 33.3 percent.

(b) **CALFED BAY-DELTA PROGRAM BENEFICIARIES.**—

(1) **IN GENERAL.**—The Secretary shall ensure that all beneficiaries, including the environment, shall pay for benefits received from all projects or activities carried out under the Calfed Bay-Delta Program. This requirement shall not be limited to storage and conveyance projects and shall be implemented so as to encourage integrated resource planning.

SEC. 108. USE OF EXISTING AUTHORITIES AND FUNDS.

(a) **GENERALLY.**—The heads of the Federal agencies shall use the authority under existing authorities identified by the Secretary to carry out the purposes of this title.

(b) **REPORT.**—Not later than 60 days after the date of the enactment of this Act and annual thereafter, the Secretary, in consultation with the heads of the Federal agencies, shall transmit to Congress a report that describes the following:

(1) A list of all existing authorities, including the authorities listed in subsection (a), under which the Secretary or the heads of the Federal agencies may carry out the purposes of this title.

(2) A list of funds authorized in the previous fiscal year for the authorities listed under paragraph (1).

(3) A list of the projects carried out with the funds listed in paragraph (2) and the amount of funds obligated and expended for each project.

SEC. 109. COMPLIANCE WITH STATE AND FEDERAL LAW.

Nothing in this title—

(1) invalidates or preempts State water law or an interstate compact governing water;

(2) alters the rights of any State to any appropriated share of the waters of any body of surface or ground water, whether determined by past or future interstate compacts or final judicial allocations;

(3) preempts or modifies any State or Federal law or interstate compact governing water quality or disposal; or

(4) confers on any non-federal entity the ability to exercise any Federal right to the waters of any stream or to any ground water resource.

SEC. 110. AUTHORIZATION OF APPROPRIATION.

There are authorized to be appropriated to the Secretary and the heads of the Federal agencies to pay the Federal share of the cost of carrying out the new and expanded authorities described in paragraphs (6) and (7) of section 103(b), \$389,000,000 for the period of fiscal years 2005 through 2008, to remain available until expended.

TITLE II—ESTABLISHMENT OF CENTRALIZED REGULATORY COORDINATION OFFICES

SEC. 201. ESTABLISHMENT OF OFFICES.

For projects authorized by this Act and located within the State of California, the Secretary shall establish a centralized office in Sacramento, California, for the use of all Federal agencies and State agencies that are or will be involved in issuing permits and preparing environmental documentation for such projects. The Secretary may, at the request of the Governor of any Reclamation State, establish additional centralized offices for the use of all Federal agencies and State agencies that are or will be involved in issuing permits and preparing environmental documentation for projects authorized by this Act, or under any other authorized Act, and located within such States.

SEC. 202. ACCEPTANCE AND EXPENDITURE OF CONTRIBUTIONS.

(a) **IN GENERAL.**—The Secretary may accept and expend funds contributed by non-Federal public entities to coordinate the preparation and review of permit applications and the preparation of environmental documentation for all projects authorized by this Act, or any other authorized Act, and to offset the Federal costs of processing such permit applications and environmental documentation. The Secretary shall allocate funds received under this section among Federal agencies with responsibility for the project under consideration and shall reimburse those agencies in accordance with the costs such agencies incur in processing permit applications and preparing environmental documentation.

(b) **PROTECTION OF IMPARTIAL DECISION-MAKING.**—In carrying out this section, the Secretary and the heads of Federal agencies receiving funds under this section shall ensure that the use of the funds accepted under this section will not impact impartial decisionmaking with respect to the issuance of permits or preparation of environmental documentation, either substantively or procedurally, or diminish, modify,

or otherwise affect the statutory or regulatory authorities of such agencies.

TITLE III—RURAL WATER SUPPLY PROGRAM

SEC. 301. RURAL WATER SUPPLY PROGRAM.

(a) **IN GENERAL.**—The Secretary shall conduct a study to determine the feasibility of constructing rural water systems in coordination with other Federal agencies with rural water programs, and in cooperation with non-Federal project entities.

(b) **REQUIREMENTS.**—The study referred to in subsection (a) shall consider each of the following:

(1) Appraisal investigations.

(2) Feasibility studies.

(3) Environmental reports.

(4) Cost sharing responsibilities.

(5) Responsibility for operation and maintenance.

(c) **CRITERIA.**—As part of the study referred to in subsection (a), the Secretary shall develop criteria for determining which projects are eligible for participation in the study referred to under this section.

(d) **REPORTS TO CONGRESS.**—The Secretary shall submit to Congress the study developed under this section.

(e) **RECLAMATION STATES.**—The program established by this section shall be limited to Reclamation States.

TITLE IV—SALTON SEA STUDY PROGRAM

SEC. 401. SALTON SEA STUDY PROGRAM.

(a) **IN GENERAL.**—The Secretary shall conduct a study to determine the feasibility of reclaiming the Salton Sea.

(b) **REQUIREMENTS.**—The study referred to in subsection (a) shall consider each of the following:

(1) Appraisal investigations.

(2) Feasibility studies.

(3) Environmental Reports.

(4) Cost sharing responsibilities.

(5) Responsibility for operation and maintenance.

(c) **REPORT TO CONGRESS.**—The Secretary shall submit to Congress the study developed under this section no later than 1 year after the date of enactment.

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider the further amendment printed in the report, if offered by the gentleman from California (Mr. CALVERT) or his designee, which shall be considered read, and shall be debatable for 20 minutes, equally divided and controlled by the proponent and an opponent.

The gentleman from California (Mr. CALVERT) and the gentlewoman from California (Mrs. NAPOLITANO) each will control 30 minutes of debate on the bill.

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

GENERAL LEAVE

Mr. CALVERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. R. 2828.

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

There was no objection.

Mr. CALVERT. Mr. Speaker, today's consideration of this bill is a giant step forward in resolving California's water supply problems.

Mr. Speaker, I yield such time as he may consume to the gentleman from

California (Mr. POMBO), the chairman of the full committee.

Mr. POMBO. Mr. Speaker, I thank the gentleman for yielding me this time.

I am pleased today to support the subcommittee chairman, the gentleman from California (Mr. CALVERT), on this historic legislation. For over 10 years we have been trying to move this process forward to develop a comprehensive water plan to benefit all of California, and this legislation does just that.

This legislation addresses the water needs of California by bringing adversaries together for the first time on many of these issues.

For over 30 years, sides have not resolved the Sacramento/San Joaquin Bay-Delta water quality issues. This legislation includes a historic agreement between these parties to once and for all improve water quality by addressing many concerns in the Delta and its tributaries.

By improving water quality, everybody benefits. Improved water quality in the Delta means better drinking water for our cities, better water for our farmers, and better water quality for our fish. This bill provides the Secretary with a variety of tools to address this very serious issue, including the purchase of water from voluntary sellers to meet water quality standards. It also gives direction for the implementation of an operational plan for the New Melones Reservoir that will rely on the best available science and coordinate releases to benefit both the fisheries and the water quality for municipal and agricultural users.

This bill increases California's water supply through water reclamation and recycling projects, water storage, better operation, and the coordination of Federal and State projects, and the development of water conservation projects that benefit all of California. With an ever-increasing demand for water in the State of California, there is a need to move all of the projects of every type forward quickly and efficiently, and this bill does that.

I again want to congratulate the gentleman from California (Mr. CALVERT) on the great work that he did on this bill, and the gentlewoman from California (Mrs. NAPOLITANO) for working with her subcommittee chairman to make this work. I appreciate all that she put in to make this a good bill.

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

Mr. Speaker, I would like to thank my friend and colleague, the gentleman from California (Mr. CALVERT), the subcommittee chairman and the sponsor of H.R. 2828, for his tireless work to keep the CALFED authorization moving forward, and also the gentleman from California (Chairman POMBO) for his unwavering support.

As ranking member of the Subcommittee on Water and Power, I have had the privilege of working with the

chairman on many water issues. His commitment to a fair and open legislative process is indeed very commendable.

The State of California needs a more reliable water supply; we can all agree on that. We now face, like many other States, severe restrictions specifically on the use of the Colorado River, and we must reduce our water use to meet the terms of the Colorado River Compact.

The gentleman from California (Chairman CALVERT) and others on our committee are well aware of my strong support for water recycling, desalinization, and groundwater cleanup projects. With H.R. 2828, the gentleman from California (Chairman CALVERT) has raised the importance of these projects to unprecedented levels. He deserves our combined thanks and our support for his commitment.

Efficient water use, water recycling, ground water treatment, new storage, and desalinization projects are all critically important if we in Southern California are to succeed in our effort to cut back our use of the Colorado River. With increased emphasis on using water more efficiently, we can increase our available water supply by more than half a million acre feet of water per year, and we can do it cheaply and quickly.

Mr. Speaker, by working together, we have taken a huge step forward towards authorizing the CALFED program. The gentlemen from California (Chairman POMBO) and (Chairman CALVERT) and their staffs have cooperated with us fully, and we have together made many improvements to this legislation. I look forward to continuing our progress on CALFED as we move this bill towards the White House. I urge all of my Democratic and Republican colleagues to support this legislation.

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

Mr. CALVERT. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Speaker, I want to compliment the gentleman from California (Mr. CALVERT). Putting this bill together has been very difficult and has taken a number of years. He and his staff and the gentleman from California (Mr. POMBO) and his staff have done an outstanding job.

I remember when CALFED was first unleashed, and it was I think in 1996, and it was done in an appropriations bill. So, really, this is the first proper authorization that we have actually had, and it has been a long time in coming.

It has been mentioned that this bill brings balance between the ecological work that has been done, which has received almost all of the focus and all of the funding, and balance for water yield. Yield means water that is available in critically dry years, that is reliably available; and this bill emphasizes that and creates studies and com-

mences processes that will produce what is needed to meet the growing needs of our State.

This bill also subjects to accountability everything that is going on in CALFED. These projects have been going on for nearly 10 years; and yet there has been very little accountability.

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Now we will have the accountability that we need so that the Congress can assess what is working and what is not, and so that Congress can also assure that we are meeting all the objectives of CALFED, not just some.

I also wish to draw attention to the limitation on the water use fees that are contained in the report accompanying this bill that provides that only direct beneficiaries of projects benefiting the Bay Delta region will be subject to the beneficiary pays provision. This means that upstream water users who participate in projects to improve the region are not subject to fees or taxes imposed on beneficiaries of the project. In addition, this legislation does not authorize the creation of a broad-based fee or tax for water users. Any fee or tax that is developed will be directly proportional to the benefit received from specific projects authorized by the program.

Mr. Speaker, I thank my colleagues and appreciate the cooperation we have had. I thank the gentlewoman from California (Mrs. NAPOLITANO) for her work and her staff and commend everyone for finally being able to bring this great package together. Everyone who cares about water and the future in California should be supporting this bill.

Mrs. NAPOLITANO. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, the CALFED process is an unprecedented undertaking and one that is crucial to the water security of all people in California, both northern and southern, urban and rural. That is why we need a balanced reauthorization bill that respects the hard work done over the past years by all CALFED stakeholders in the blueprint record of decision agreed upon in 2000.

I fear that H.R. 2828 does not achieve the delicate balance necessary because of the preauthorization of the dam projects that are controversial in their communities and among the stakeholders. So I would urge that H.R. 2828 be opposed and that the motion to recommit offered by the gentleman from California (Mr. GEORGE MILLER) and the gentlewoman from California (Mrs. TAUSCHER) that would correct the preauthorization provision be supported.

However, I do want to give credit to the gentlewoman from California (Mrs. NAPOLITANO) and to all who have worked on this, because I am confident that once we get through this process in working with our Senators who have

a parallel effort that avoids the flaw in this bill, that we will end up with a bill that all of us support. It is important that the CALFED process move forward.

Mr. CALVERT. Mr. Speaker, I yield myself 3½ minutes.

Mr. Speaker, before I make a statement about this bill, I want to also thank the ranking member, the gentlewoman from California (Mrs. NAPOLITANO) for all her great work on this bill. She has spent many hours and days traveling across the State of California. I think we probably were in most congressional districts throughout California as this process took place. Certainly I thank her for her great work in this legislation.

This bill represents great progress in helping solve the water problems of the west by making California more self-reliant and carefully using its own water supply. We have come a long way over the last few years. The Subcommittee on Water and Power conducted three field hearings in California, a legislative hearing, two mark-ups, and too many meetings to count to get where we are today.

Individually, many of the members of our committee have helped to shepherd often contentious quantification settlement agreements, for instance, that was delayed, but we finally came to a decisive conclusion. My friends in the upper-lower basin States should know that this bill today is another positive step in California weaning itself from historically overdrafting the Colorado River.

As we have found with the plumbing in California's water system, everything in the world of water is related to everything else. Thus, achievements like the quantification settlement agreement helped us conclude the carefully balanced agreement on CALFED that we have before us today. Water is not and should not be a partisan issue. I worked constructively with the Committee on Resources chairman, the gentleman from California (Mr. POMBO), Senator FEINSTEIN, as I mentioned, the ranking Democratic member; the gentlewoman from California (Mrs. NAPOLITANO); the gentleman from California (Mr. DOOLEY); the gentleman from California (Mr. CARDOZA); of course, the gentleman from California (Mr. GEORGE MILLER); and the full committee ranking member, the gentleman from West Virginia (Mr. RAHALL) and many, many more to make sure this bill before us is a consensus that I believe that it is.

I am proud to have many Democratic members of the Committee on Resources supporting this bill. The original intent of CALFED was to provide balance to a complex water delivery system, to ensure that everybody gets better together. That is what this bill does. H.R. 2828 simply and truly means that the environment, recreation, drinking water, agriculture and industries gets better together.

As our distinguished colleague, the gentleman from California (Mr. POMBO)

said, This bill makes historic strides in water quality improvements in the Sacramento-San Joaquin Bay Delta. Improved water quality helps everyone across the board. We have also created new water supplies for southern California through my friend, the gentlewoman from California's (Mrs. NAPOLITANO) water recycling amendment, and we enhanced surface storage to improve water quality for families in our colleagues' district in the Bay area and beyond as evidenced by the support of such water districts as the Northern California Water District, Contra Costa Water District, Central Contra Water District and many others.

We have created a right to know provision by making Federal agencies report how they will spend the money. Congress and the American taxpayer deserve government accountability and this bill provides it.

Mr. Speaker, I will continue to work with my colleagues in the House and the Senate to bring ultimate resolution to this bipartisan effort. Our bill includes and supports a diverse approach to solving our water problems, including conservation, reclamation, desalinization, conjunctive use, ground water storage and, of course, surface storage options that have been carefully studied and negotiated down to the bare minimum.

We have made significant progress and we can see the light at the end of the tunnel. With today's vote, we will pass this bill and we will make that light shine even brighter. I urge support.

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

Mrs. NAPOLITANO. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. DOOLEY).

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

Mr. DOOLEY of California. Mr. Speaker, I want to commend the gentleman from California (Mr. CALVERT) and the gentlewoman from California (Mrs. NAPOLITANO) for the terrific work they have done in crafting this legislation.

Obviously, one of the greatest challenges we face in California and, indeed, the entire west, is how do we provide adequate water for all of our needs, whether they be consumptive needs, as well as the environment. And this legislation is a step forward to providing greater certainty that in the future we will have the water resources that are needed for the expanding population. We will have the water resources that are needed for our agriculture sector as well as our industrial sector. Most importantly, it also ensures that we are going to provide the protection that our environment needs.

This legislation is clearly something that is going to meet the needs of all the citizens of California. And while there are some of our colleagues in California that do not think this is a

perfect piece of legislation, I would agree with them that it might not be perfect but it would be foolhardy for us to not allow this legislation to move forward so that we could eventually see a compromise and a final consensus developed that will, in fact, contribute to the needs of California.

Mr. Speaker, I rise in strong support of H.R. 2828, the Water Supply, Reliability, and Environmental Improvement Act and commend the leadership of my subcommittee Chairman KEN CALVERT and Ranking Member GRACE NAPOLITANO for bringing this important legislation to its place on the floor today.

I also want to recognize the very significant role that the senior Senator from California has played in developing and moving a counterpart bill in the Senate on a parallel track, paving the way for a bill to become law later this year.

This bipartisan water bill has been long in the making. Federal authorization for funding the Calfed Bay-Delta Program, commonly referred to as CALFED, expired in 2000—the same year that a consortium of Federal and State agencies issued a Record of Decision (ROD) setting forth a 30-year plan for CALFED.

Since 2000, various versions of reauthorizing legislation have been under consideration by the Congress. Until today, however, none of the earlier versions was able to reach the House floor.

The fact that today we finally have a bipartisan CALFED bill on the House floor reflects the long and arduous process of seeking input, balancing interests and making compromises. Many, many stakeholders were consulted in the development of this bill, including representatives of agricultural, urban, environmental, fishery, and business interests. None of them are likely to say that this is the "perfect" bill from their individual perspectives. But the bill we now have before us represents a constructive effort to forge a thoughtful and balanced approach to the management of California's water supplies. It deserves our support today.

A sound bill when it was introduced last year, H.R. 2828 improved when it was marked up by the Resources Committee on May 5, and several provisions of Senator FEINSTEIN's bill were incorporated. Additional refinements to the legislative language have been included in today's managers' amendment, enhancing the prospects for an expeditious conference with the Senate and enactment this year.

Many in this body are aware of the legal conflicts and tensions that have evolved over the years on California water issues. The intent of this bill is to reduce those conflicts and tensions by providing guidance and authority for improving water supply reliability and water quality, while at the same time enhancing the environment. The bill recognizes the CALFED 2000 Record of Decision as the framework for implementing the program, and ensures that implementation moves ahead on a balanced basis.

There are many important provisions in the bill. I will comment on only a few of them.

For those of us in the Central Valley of California, this bill provides important assurances of improved conveyance of water supplies through the Delta. It authorizes evaluation and construction of much-needed new barriers and interties. It also recognizes the importance of

improving drainage in south Delta channels to minimize impact on drinking water quality. It thus requires implementation of a program to meet water quality standards in the San Joaquin River and the Delta prior to increased pumping or deliveries.

The bill is designed to give the Secretary more flexibility in meeting water quality standards in the Delta while reducing the reliance on the New Melones Project for meeting water quality and fish flows standards. To help meet this goal, the Secretary is authorized to use a variety of tools, including the purchase of water from willing sellers on the tributaries of the San Joaquin River. The legislation further allows the Secretary to use the CVP Restoration Fund to help pay for these water purchases and other designated actions.

It is important to recognize that water purchases and the use of the Restoration Fund monies are merely tools that the Secretary may use to achieve a goal. They are not mandates that supercede existing water rights or water supply contracts or replace existing Restoration Fund priorities. The Program to Meet Standards created by H.R. 2828 does not give the Secretary any new authority to acquire or re-allocate water from anyone but willing sellers.

On another issue—that of cost allocation—the Committee report on H.R. 2828 makes clear that the costs of implementing the CALFED program are to be allocated in a way that relates directly to benefits to be received. This “beneficiaries pay” principle precludes the imposition of water-use fee, tax or surcharge that would force water agencies or individuals to pay for CALFED projects or programs from which they do not benefit. Nothing in this legislation provides the basis for the imposition of such a fee or tax.

Some critics of this bill are claiming that it cedes congressional authority over water storage projects. I wish to make it clear that such a claim is not true.

The bill does give the Secretary blanket authority under the framework of the CALFED program to undertake feasibility studies for water storage projects. Such an authorization makes sense, given the fact that a Record of Decision for the CALFED program has already been issued and the extensive Federal-State-stakeholder consultation process within CALFED itself provides for due deliberation of project proposals.

If as a result of a specific feasibility study, the Secretary determines that a particular project is indeed feasible, the Secretary cannot simply move ahead, but first must submit a report to Congress identifying project benefits and beneficiaries and a cost allocation plan. Congress then has 120 legislative days—not calendar days, but legislative days—to consider the report and recommendation, and pass a disapproval resolution if we disagree with the Secretary's recommendation. Such a disapproval resolution procedure, as we all know, is not an uncommon procedure for congressional oversight of proposed administration actions. In addition to the 120-day layover period, congressional approval through the enactment of appropriations for the project must occur. We all know this is no small step.

So the bill does delegate more authority to the Secretary at the beginning of the feasibility process, enabling proposals to be explored and developed on an expeditious basis, but

still retains the ultimate congressional authority to stop any particular water storage project as well as to determine its appropriations, if any. This process is thus a bit streamlined from the existing procedures for water storage projects. However, it provides adequate safeguards for congressional prerogatives while enhancing the expeditious consideration of worthy project proposals.

Before closing, I wish to thank the staff of the Water and Power Subcommittee, on both sides of the aisle, for their hard work and cooperation in helping us arrive to this point today. Their openness and professionalism are deeply appreciated by me and my staff.

Mr. Speaker, passage of this legislation is long overdue. If we are to have any chance of CALFED being reauthorized in this session of Congress, we must pass this bill today and forward it to the Senate for its consideration. I urge my colleagues to support this bill and vote “aye.”

Mr. CALVERT. Mr. Speaker, I yield 3½ minutes to the gentleman from California (Mr. RADANOVICH).

Mr. RADANOVICH. Mr. Speaker, in California, wine is for drinking and water is for fighting. The gentleman from California (Mr. POMBO) and the gentleman from California (Mr. CALVERT) and the gentlewoman from California (Mrs. NAPOLITANO) have done a Herculean job task of putting together all the interests in California in a water bill that is supported by just about every interest group out there, and that was an incredible task. That is why I am a proud co-sponsor and supporter of H.R. 2828.

The central valley of California comprises the largest agriculture producing county in the Nation, where over 250 of California's crops are grown. With its fertile soil and temperate climate, the valley produces 8 percent of the ag output of the United States on less than 1 percent of the Nation's total farmland. Valley farmers alone grow nearly half the fresh fruits and vegetables grown in the entire Nation.

The most fundamental challenge facing California's Central Valley is assuring adequate long term supplies of water to meet the demands of the agriculture, environmental and urban water needs. A dependable and affordable water supply is necessary to meet the long term needs of the State. The key to providing this water supply is adequate storage facilities to hold water in times of surplus for use during water shortages.

With H.R. 2828, California will have a more reliable and efficient water supply, and water throughout the west will be more stable because California will have the tools necessary to provide for its own water. Specifically, among other projects, H.R. 2828 allows for the continued storage studies in the Upper San Joaquin River and will provide critical water storage in the region that I represent.

The legislation also makes progress towards balance in CALFED Bay Delta program by underscoring the need for new surface storage facilities, as well as ensuring improved water quality

and providing continued support for ecosystem restoration activities.

There are a few provisions which I would like to clarify in the RECORD if I may. The first of these pertains to CALFED fees. H.R. 2828 sanctions the principle of beneficiary pays, and I support this standard. This means exactly what it says. Those who benefit from a CALFED project or program should pay for what they receive. It also means that those who do not benefit from CALFED programs and projects should not have to pay for the fees.

The legislation does not authorize or impose water diversion fees, charges or taxes on CALFED beneficiaries and non-beneficiaries. Such charges go against the beneficiaries pay principle of this bill and the CALFED record of decision, and this is the clear intention of the House Committee on Resources when it reported H.R. 2828.

The second issue I would like to clarify is the new program to meet standards which was created to give added flexibility to the Secretary of the Interior to meet existing water quality standard in the Delta. For the record, I wanted to state that nothing in H.R. 2828 requires water users in the San Joaquin River and its tributaries to provide more water or more money than they are currently providing to meet existing water quality standards and fishery objectives. Nothing in the legislation authorizes the Secretary to make involuntary acquisitions of water from the central valley project contractors or water rights holders on the tributaries of the San Joaquin.

Finally, nothing in the bill gives the program to meet standards a higher priority to receive funding for the restoration fund than existing programs and projects supported by the fund.

With that, Mr. Speaker, I encourage my colleagues to support the passage of H.R. 2828.

Mrs. NAPOLITANO. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. BACA).

Mr. BACA. Mr. Speaker, I rise in support of H.R. 2828, the Water Supply Reliability and Environmental Improvement Act known as the CALFED, a historical giant step in improving the quantity and quality of water in California.

CALFED is a State and Federal partnership formed to increase water storage and improve water reliability. It is crucial to the future of the home of the State of California. Without clean water or enough water, there can be no development of jobs and housing, I state no development of jobs and housing. And without clean water, my children, my grandchildren or any child cannot enjoy normal, healthy lives.

I am proud to be a co-sponsor of this legislation. I commend the gentleman from California (Mr. CALVERT). I commend the minority leader, the gentlewoman from California (Mrs. NAPOLITANO). I am also proud that this legislation includes the environmental justice language that I promoted. This

bill states that environmental justice a goal of CALFED, making sure that everyone, regardless of race or income deserves the same protections for environment and health hazards.

I recommend and I ask my colleagues to support this legislation. CALFED provides a means to respond to rapid population growths, especially in my area, in my district. California deserves to have a good quality of water and a good quantity of water. And it will help the State of California improve.

Mr. CALVERT. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I rise to again extend congratulations, as I did earlier, to my colleagues. I have lived in California since I was a freshman in college since 1971. I remember very vividly during the past 3 decades the constant struggle that has gone on between north and south over this issue of water, the battles over the Colorado River water. And this notion of coming to some kind of reconciliation on a partnership between the State of California and the Federal Government is something that many believed could never ever happen.

Because of the leadership of my colleague, the gentleman from California (Mr. CALVERT), working under the gentleman from California (Mr. POMBO) as chairman of the Committee on Resources, and closely with the gentlewoman from California (Mrs. NAPOLITANO), and I have seen so many Californians involved in this debate here on the House floor. The gentleman from California (Mr. DOOLITTLE) was speaking earlier, and I saw the gentleman from California (Mr. NUNES) talking, and I know we have a couple of people in our delegation who are not on board.

But the fact of the matter is we have been able to, I believe, bring together an overwhelming majority of Democrats and Republicans from California to deal with this very important and pressing need.

Remember, Mr. Speaker, there are 35 million people in our State. And I know that there are a lot of people around here who are not as crazy about California as those of us who represent it, but the fact of the matter is, California, is the largest State in our union, and virtually everyone around the country has some kind of tie to California.

□ 1215

So it is important for us to, as a body and as a government, address this very important need; and so I thank, again, my friend, the gentlewoman from California (Mrs. NAPOLITANO), who has worked so tirelessly. I was very honored to be at a water treatment facility that we have had as we worked to-

gether to deal with groundwater contamination in the area that the gentlewoman from California (Mrs. NAPOLITANO) and I represent with the discovery of per chlorate, which has created very serious problems. We have come together in a bipartisan way to address water issues, and passage of this legislation is going to be a great testament to the bipartisanship of our delegation.

Mrs. NAPOLITANO. Mr. Speaker, I yield 1½ minutes to the distinguished gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Mr. Speaker, I would like to acknowledge also the great work of the gentleman from California (Mr. CALVERT), the chairman, and the gentlewoman from California (Mrs. NAPOLITANO), the ranking member, for their tireless efforts in bringing about a much-needed piece of legislation. These two leaders have done a yeoman's job for us in bringing H.R. 2828, and they have come to my district many times to hold hearings on this issue of water.

I would like to specifically thank the chairman and the ranking member for including the strong water use efficiency section in H.R. 2828. This section will meet my community's strong demand for water supply and reliability, not by taking more water from the Bay-Delta ecosystem, not taking more water from the Colorado River in our neighboring States, but from recycling and cleaning up Southern California's existing water supply and investing in sea water desalination projects.

H.R. 2828 specifically clarifies that in addition to recycling and desalination projects, groundwater cleanup projects for contaminants such as per chlorate, nitrates, and volatile organic compounds will qualify for CALFED program funding.

Continued Federal investment in desalination technology, such as the one in Long Beach, will verify and further develop energy savings and optimize the process so that it can be enlarged and duplicated throughout the United States.

The Long Beach Water Department's desalination pilot plant is on the cutting edge, and I am looking forward to seeing this technology fully developed.

Again, I support and commend these two for their outstanding work.

Mr. CALVERT. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means.

(Mr. THOMAS asked and was given permission to revise and extend his remarks.)

Mr. THOMAS. Mr. Speaker, I would like to take my short time to address all those Members of the House of Representatives who are not from California. They do create a majority in this body after all.

We have a rather unique situation with the chairman of the full committee from California, the ranking member of the subcommittee from

California, and the chairman of the subcommittee from California; but that is not what is important.

What is important for my colleagues not from California to understand is this is a State of more than 30 million people that has a significant impact on the economy of the United States and, frankly, the quality of life in the United States.

In the 1930s, the Federal Government began developing the water resources on the east side of California. Californians in the 1960s took the responsibility on themselves to build a multi-billion dollar water project on the west side of California.

They have been discussing CALFED. The State and the Federal Government water projects have never been coordinated, and the resources of California have never been maximized for the benefit both of the environment and the economy and individuals.

Our colleague, the gentlewoman from California (Mrs. NAPOLITANO), talked about the fact that as other States, Arizona and others in the area of the Colorado River, have gained population, California is using a source of water that we have relied on for a long time. This is the first time that we have not had a partisan fight; that we are not going to have a regional fight; and that California has come together to begin to solve the water problems of the largest State in the Union.

I would ask my colleagues, if they are not from California, witness the bipartisanship, witness finally in California the understanding that north and south need to work together, and please, give us a strong vote on this legislation which is important to California and important to the United States.

Mrs. NAPOLITANO. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Speaker, I regretfully rise in opposition to the bill as it currently is constructed; and as a Californian, I fully understand the urgent need to pass legislation to reauthorize CALFED; but if we fail to reauthorize this program, we will sacrifice millions of dollars scheduled to go to important water infrastructure projects. But in its current form, this legislation will jeopardize the delicate balance of water interests in California that we have worked so hard to achieve and make it more difficult for us to reauthorize CALFED.

Instead of codifying the Record of Decision that was agreed to in the CALFED process, this bill disrupts the balance that it created. This bill sets the dangerous precedent of authorizing large-scale projects before they have undergone comprehensive review and analysis. The preauthorization language is bad policy and bad politics.

The gentleman from California (Mr. GEORGE MILLER), the gentleman from West Virginia (Mr. RAHALL), and I will offer a motion to recommit this bill

that would strip the preauthorization language from the legislation. I urge my colleagues to support the motion so that we can pass a CALFED bill this year and get it signed by the President.

Mr. CALVERT. Mr. Speaker, I yield myself what time I may consume for a short comment.

Congressional approval of water projects from planning through construction is not a new concept. The Corps of Engineers has authority through the Water Resources Development Act, WRDA, to implement projects following a favorable Chief's, or some people call it feasibility, report.

Through WRDA, Congress approves projects from planning through construction, subject to the conditions stated in a favorable Chief's report. Numerous examples of the corps' projects can be found in WRDA 1996, WRDA 1999, and WRDA 2000 which authorize construction following a favorable Chief's report.

In the last three WRDAs, over 50 projects were approved from planning through construction, with conditional authorization subject to a favorable Chief's report. New projects were conditionally authorized, and there were additional project modifications that were conditionally authorized.

WRDA projects conditionally authorized included the Bel Marin Keys Unit, California, well over \$100 million; Kill Van Kull, New York and New Jersey navigation project, \$325 million authorization to \$750 million; the Savannah Harbor Expansion navigation project \$230 million, and I can go on and on and on.

Are my colleagues saying we should replace the 120-day congressional authorization which is in the present bill with extensively used WRDA language that Congress has accepted and continues to support?

H.R. 2828 includes provisions that approve water recycling projects from planning through construction which was proposed by the Southern California Democrats. By the way, these four projects that are in this bill are in the Record of Decision which has been negotiated over the years, as all my friends know, and a very difficult negotiation, to bring this process of CALFED in a balanced manner forward.

So I would say to my colleagues, this is nothing new. People would like to see these projects built if, in fact, they are feasible; and all the environmental processes, NEPA, CEPA, Endangered Species Act, et cetera, et cetera, et cetera, must be met to make sure that these projects are viable and feasible under the law.

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

Mrs. NAPOLITANO. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentlewoman

for yielding time to me, and I want to commend her for her work on this legislation, also to the gentleman from California (Mr. CALVERT) for all of his work on this legislation.

Regretfully, I must oppose this legislation because I think at the moment, as this is currently drafted, this legislation fails to address what is, I believe, a fatal defect. Not only do I think it will delay the consideration of this legislation for a successful passage through the Congress, I also believe that it has a very real possibility of throwing much of this legislation back into the court, something we are trying to avoid with the CALFED process, and that is, the preauthorization of future California water projects.

I appreciate what the gentleman said about WRDA; but I think if he takes a close look at WRDA he will find, in fact, it is a much different process than what we envision here. In fact, the language of this legislation says that virtually any water project or water supply or water yield can move into construction after a feasibility study. It does not say a favorable report, as it says in the WRDA or the Chief's. It simply says if you have the feasibility study, you can move on; and I think what, in fact, we will see is that those people who are critics of many of the projects that all of us support in this legislation will start to raise Cain at the local level about the process being rigged.

They will take this to the courts, take this to the bow, and we will go through a process that is just going to be unacceptable in terms of meeting the goals that the gentleman from California (Mr. CALVERT) and the gentlewoman from California (Mrs. NAPOLITANO) have for this legislation.

The SPEAKER pro tempore (Mr. THORNBERRY). The Chair would inform the House that the gentleman from California (Mr. CALVERT) has 11 minutes remaining. The gentlewoman from California (Mrs. NAPOLITANO) has 21 minutes remaining.

Mrs. NAPOLITANO. Mr. Speaker, I yield 1½ minutes to the distinguished gentlewoman from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I would like to enter into a colloquy with the gentleman from California (Mr. CALVERT).

I rise in support, full support and strong support, of H.R. 2828. I think maximizing the use of our limited water resources in California is an issue that is close to my Orange County district, and it is close to me.

In fact, the gentleman from California (Mr. GARY G. MILLER) and I are the sponsors of a bill, H.R. 1156, which would allow Orange County to complete its revolutionary Groundwater Replenishment System. That system would create a new water supply of 72,000 acre feet per year and serve 2.3 million residents of the north and central portion of Orange County.

The bill would increase the authorized Federal share for this project from

\$20 million to \$80 million, and I would like to inquire if the Chairman continues to support this very important bill that, unfortunately, is not in this good CALFED bill, but which is very important to Orange County.

Mr. CALVERT. Mr. Speaker, will the gentlewoman yield?

Ms. LORETTA SANCHEZ of California. I yield to the gentleman from California.

Mr. CALVERT. Mr. Speaker, I thank the gentlewoman for her support and inquiry.

As the gentlewoman knows, I strongly support recycling as a way to reduce Southern California's dependence on imported water and help drought-proof the region. That is why I supported H.R. 1156, a bill championed by our colleagues, the gentleman from California (Mr. ROHRBACHER), whose district includes the Groundwater Replenishment System, and the gentlewoman here today from the 47th district.

I am fully supportive of House passage of H.R. 1156, H.R. 2991, introduced by our colleague the gentleman from California (Mr. DREIER), and other recycling bills reported by the House Committee on Resources, but I know that it is up to the leadership on both sides of the aisle to determine which bills are debated on the House floor.

In the meantime, I will continue to strongly support H.R. 1156, and I thank the gentlewoman's support for H.R. 2828.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I ask the support of our colleagues for this bill on the floor today.

Mrs. NAPOLITANO. Mr. Speaker, I am pleased to yield 1½ minutes to the distinguished gentleman from Southern California (Mr. FILNER).

(Mr. FILNER asked and was given permission to revise and extend his remarks.)

Mr. FILNER. Mr. Speaker, I rise to engage in a colloquy with the gentleman from California (Mr. CALVERT), the chairman, on an issue which I would hope to have seen more about in this bill, and that is the restoration of the Salton Sea.

As we know, an earlier version of the bill provided for a feasibility study and \$300 million in restoration funds. We all know about the importance of the Salton Sea in our ecology and in our economy. It is critical for the Pacific flyway for migratory birds, as well as the Colorado River's delta, and is home to a variety of wildlife, including fish, birds, microbes, and wetlands species. The sea also provides many recreational opportunities such as camping, bird watching, fishing, boating, hiking, hunting, and off-roading.

If the sea were no longer able to support life, it would cause irreparable harm to Southern California's ecosystem and economy.

The Salton Sea lies mostly in my district in Southern California. It is the third largest saline lake in the nation, and the largest inland body of water west of the Rockies. The Sea

is an important natural resource, one that is valued not only by residents of the area, but also by the many who come from around the country to enjoy its bounty.

The Salton Sea does not have an outlet to keep the water fresh, so as water evaporates from the saline lake, the salt left behind continues to concentrate. As the salinity of the Sea continues to rise, and the environmental quality continues to decline, it will no longer be able to support life and will begin to die. If that were to happen, it will cause irreparable harm to Southern California's ecosystem and economy.

The surrounding areas of the Coachella and Imperial Valleys rely on the Sea to support their agricultural and recreational economies. I share the concerns of many about what might occur if the elevation of the Sea drops, becomes too saline to support fish or birds, and further impairs air quality due to blowing sediment.

The Salton Sea is also an essential link in increasing and diversifying our domestic water resources, and therefore needs funding for restoration. A recently signed federal water transfer agreement between Southern California water agencies will reduce flows to the Salton Sea. While the water transfer will assist Southern California in staying within its Colorado River water allocation, inflows to the Sea may be reduced dramatically. With that diminished amount of inflow, the Salton Sea presents a particularly difficult challenge in protecting and restoring it, while at the same time reducing California's use of Colorado River water.

The gentleman from California (Mr. CALVERT) has been very supportive of the Salton Sea and has been involved in this issue for well over a decade.

I would like to inquire as to further support of the Salton Sea as part of the CALFED legislative process, and would ask for the gentleman to comment on that.

Mr. CALVERT. Mr. Speaker, will the gentleman yield?

Mr. FILNER. I yield to the gentleman from California.

Mr. CALVERT. Mr. Speaker, I thank the gentleman for his support of the Salton Sea. I would like to assure him that I and many of our Southern California colleagues, including the gentlewoman from California (Mrs. BONO) and certainly the gentleman from California (Mr. HUNTER), continue to strongly support the restoration of the Salton Sea, and we will work with him and others in our delegation to continue these efforts.

Mr. FILNER. Mr. Speaker, I thank the distinguished gentleman and look forward to that work and urge support of the bill.

□ 1230

Mr. CALVERT. Mr. Speaker, I yield 30 seconds to the gentleman from California (Mr. OSE).

Mr. OSE. Mr. Speaker, I rise today to enter into a very brief colloquy with the chairman of the subcommittee; that being, does this bill change existing law as it relates to area of origin?

Mr. CALVERT. Mr. Speaker, will the gentleman yield?

Mr. OSE. I yield to the gentleman from California.

Mr. CALVERT. Mr. Speaker, the answer to the gentleman's question is: No.

Mr. OSE. Mr. Speaker, I thank the gentleman.

Mrs. NAPOLITANO. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CARDOZA).

Mr. CARDOZA. Mr. Speaker, I rise today to urge my colleagues to support an issue that has been addressed in this House for nearly a decade yet has never made it quite this far before today. This is an enormous accomplishment and I applaud my colleagues, the gentleman from California (Mr. POMBO), the gentlewoman from California (Mrs. NAPOLITANO), and our subcommittee chairman, the gentleman from California (Mr. CALVERT), as well as our esteemed Senator from California, Senator FEINSTEIN, for overcoming numerous hurdles that have prevented this issue from passing in recent years.

This is an immense amount of work from both sides of the aisle and both Chambers that has gone into this measure; and, finally, we are poised to formalize our commitment to ensuring a safe, reliable water supply for California.

This proposal will greatly strengthen California's agricultural economy as well as address the needs of a fast-growing population, while at the same time maintaining our commitment to the environment. In fact, I believe this bill strongly enhances the environment and, in particular, the Delta of California.

This delicate balance, while difficult to achieve, is critical to the success of CALFED. In my mind, the true test of the value of the bill is whether it has achieved a level of compromise. While no one is completely satisfied with this measure, everyone's concerns were considered and addressed. This measure passes the test by leaps and bounds. This bill has brought together parties that in the past have had conflicts that have just torn the State apart. These stakeholders have worked diligently now for years to develop some creative opportunities for additional conveyance, while addressing some of the extremely tough water quality and water supply challenges in California.

Mr. Speaker, time is of the essence. If the Federal Government does not act now on this legislation, the future of CALFED and our agricultural economy and viability hangs in the balance. I believe that those of us who have pushed for additional surface storage are finally being heard. These projects are critical to California's future and must move forward now without pure obstructionists standing in the way.

This is a good bill for the environment, this is a good bill for the economy, and it is a good bill for California. I urge my colleagues to vote "aye."

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

Mr. Speaker, we have been going through trying to get reauthorization for CALFED for a number of years and have been unable to because of the differences of opinions from many areas of needs. I think it is time that we move forward and begin to work on getting this CALFED passed, which has had a lot of give on the side that we have been working on, and for that, I thank the chairman.

We look forward to making sure that we continue to work on anything else that some of my colleagues might want on another venue, and I certainly would urge all my colleagues, Democrat and Republican, to vote for this legislation.

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

Mr. CALVERT. Mr. Speaker, I yield myself such time as I may consume to close, and I want to again thank the gentlewoman from California (Mrs. NAPOLITANO) for her good work and her dedication on this legislation. She spent many hours and much of her time traveling through the State of California and throughout the western United States as we came to understand the issue of water.

There are very few subjects that bring out more emotion and passion than water, and certainly I have grown to understand the subject much better over the last number of years. I am looking forward to passing this bill today and moving ahead.

Mr. HERGER. Mr. Speaker, I rise today to oppose the bill offered by my good friend from California and Chairman of the Resources Subcommittee on Water and Power, Congressman KEN CALVERT.

Mr. Speaker, on balance, H.R. 2828 is not a good bill for rural Northern California. While it takes some positive steps forward to improve the administration of CALFED by instituting greater financial accountability and ecosystem reporting requirements, it still allows the implementation of an expensive, and ill-advised program that has not produced storage nor positive results for Northern California. The bill basically adopts and focuses on the CALFED Record of Decision (ROD) as a framework, which does not provide a comprehensive water solution for the State. CALFED has always been heavily weighted toward ecosystem restoration and increasing exports from the Delta. I don't see that changing sufficiently under this bill. New storage under CALFED has been only empty promises, and the language in H.R. 2828 doesn't ensure otherwise. The state should take a new direction that places a greater emphasis on water storage and constrains the ability of state and federal agencies to buy more land and water. In short, there is not much to be gained, but much to be lost under H.R. 2828 for our area. As such, I strongly oppose it.

I originally supported the CALFED program in concept. Recognizing the very serious water challenges facing our state, I shared the view held by many other Members of Congress from California that such a joint state-federal program could provide an opportunity for developing a framework to solve our water woes for the long-term. Unfortunately, rather than providing a realistic solution to allow the water

interests in the state to “get well together,” as CALFED had originally promised, the program has become heavily weighted toward ecosystem restoration and focused on buying land and water to shift around already constrained water supplies, rather than on developing new water storage to meet our state’s growing water needs. In addition, there has never been sufficient local control. Instead, federal agencies have been empowered to make important decisions about land and water resources impacting communities.

California faces a water deficit of potentially crisis proportions. The water supply in the state is already stretched to its practical limits. To put the current situation in perspective, recognize that the State Water Project was constructed when California’s population was only 16 million people. Today it is over 34 million, and growing at a rate of roughly 600,000 new citizens a year. Yet California’s water supply yield has increased by a mere 2 percent over the last 20 years. And the California Water Plan Update, Bulletin 160–98 from a few years ago indicates that existing supply shortages will get appreciably worse over the next 20 years as the state’s population continues to increase. Water deficits are projected to reach approximately 2.4 million acre feet in an average water year and 6.2 million acre feet in drought years by the year 2020. If history is any guide, Californians are likely to face major drought conditions not unlike the 500-year drought that is currently plaguing the Colorado basin states some time in the near future. Yet despite this pending crisis, the central focus of the CALFED program has been a plethora of costly environmental projects and plans to increase ability of the State and Federal water projects to move more water to Southern California.

CALFED has failed to make the hard decisions necessary to meet this incredible challenge. While it publicly recognizes water shortfalls, the storage solutions it has proposed will not provide sufficient supply benefits. A new Sites Reservoir, raising Shasta Dam and augmenting Los Vaqueros could be essential pieces of our water puzzle, but my concern is they really won’t inject significant additional water “yield” into the system. CALFED has taken solutions such as an Auburn Dam, a Yuba Dam, and other on-stream reservoirs off the table because of the environmental controversy they might cause, despite the fact that they present opportunities for new cost-effective water supplies, and provide other benefits like flood control, electricity generation and recreation.

Our current situation is so desperate, and the possible impacts to the economy and public safety of another sustained drought so horrific, that we’re not in a position to take these options off the table because they’re politically unpalatable. To the contrary, we should be vigorously pursuing them, setting deadlines and goals, streamlining environmental review requirements, and updating federal laws to ensure cost-effective, feasible projects will actually be built and provide water to communities and farmers. Yet, despite several years and millions of dollars of investments from the state and federal government, CALFED has only studied and restudied a limited number of small storage options, without moving the ball down the field. Meantime, our water needs continue to grow dramatically. Fundamentally, when the problem is too many people and not

enough water, I believe the answer is to create additional water storage, not sacrifice some parts of the state, including California’s thriving agriculture industry, so others can get better. Carving up and reallocating an already constrained water system will not allow everyone to “get well together.”

The “Water Supply, Reliability and Environmental Improvement Act” takes some positive steps forward in some areas, and will institute some accountability into a program that desperately needs it. For example, CALFED has spent taxpayer dollars without Congress or the public knowing or understanding where those funds have gone, and what the benefits for the state have been. H.R. 2828’s financial reporting requirements will help Congress better track those expenditures. In addition, the annual reporting requirements for ecosystem restoration provided for in the bill will help Congress better monitor those projects, including land and water purchases. The bill also clarifies that local fish screen projects are a legitimate and helpful way to help local farmers meet federal and state endangered species requirements. I believe each of these program changes represent positive steps forward.

That being said, I do not feel this bill goes far enough to fix a program that is fundamentally flawed and moving in the wrong direction. While its expedited “preauthorization” process for CALFED storage projects elevates storage as a principle and could set an important new precedent for future infrastructure development, it appears to authorize only those projects approved pursuant to the CALFED ROD. I have long argued that CALFED’s storage proposals are woefully insufficient to address our state’s water needs. According to some estimates, a small Shasta raise, a new Sites Reservoir and a project at Los Vaqueros—the CALFED ROD’s storage projects—the approximate yield would be only about 300,000 acre feet—far short of addressing a water shortfall in the millions of acre feet.

The bill also does not require expedited consideration for these projects. We have seen time and again how CALFED has dithered and stalled in pursuing new storage. In my view, a responsible CALFED should set hard and fast deadlines and move storage forward on an aggressive schedule. Moreover, the federal environmental review process, as we have seen on forest health projects, can take years and cost millions of dollars, only to be obstructed in the end by radical environmentalists through appeals and court challenges. The bill does not recognize and address those hard realities. In my view, it doesn’t do enough to streamline the environmental review process, or to address the obstacles that unbalanced environmental laws are likely to pose to their ultimate development.

There is nothing in the bill to prevent CALFED agencies from continuing to purchase land and water as proposed in the ROD. Indeed, the bill explicitly authorizes the purchase of land and water as an acceptable CALFED activity under existing authority. And while there are reporting requirements, the impetus is on Congress to specifically defund these agency-approved acquisitions, rather than on the agencies to ask Congress to specifically approve and justify them. Because of the community impacts and private property rights concerns of additional land and water

acquisitions, it should be the other way around.

I am also concerned by proposals to place the burden of CALFED funding on the shoulders of Sacramento Valley water users, but I understand Chairman Calvert has attempted to address that issue. In accordance with language contained in the report accompanying H.R. 2828, the “beneficiary pays” principle specifically applies to direct beneficiaries of projects that improve the Delta. According to this principle, project participants in the CALFED solution area are not considered direct beneficiaries of the CALFED program. Therefore, Sacramento Valley water users who participate in projects to improve the Delta are not subject to any fees or taxes imposed on beneficiaries of the CALFED program.

In closing, something needs to be done—and soon—about the water situation in California. It is only getting worse with each passing day. Today’s legislation takes some positive steps forward and I commend my colleagues for their efforts in this regard. However, I fear that the task at hand is so great that unless stronger and more aggressive changes are made to the CALFED program, the state will fail to meet today’s and tomorrow’s infrastructure challenges.

Mr. SMITH of Michigan. Mr. Speaker, I oppose H.R. 2828, the California Water Bill because it preauthorizes wasteful projects.

It forces federal taxpayers to pick up more than a \$1.5 billion tab for a California-only project. It would not prevent taxpayers from getting stuck with the cost for large water projects, and would open the Federal treasury to raids by disingenuous water users. H.R. 2828 would “preauthorize” major water projects. A “yes” vote on H.R. 2828 would mean Congress gives up its long-standing right to have a say over taxpayer funded projects. Why should the rest of the country pay for California’s water problem? They have 35 million taxpayers to pay for it.

Mr. DREIER. Mr. Speaker, I rise today in strong support of the Water Supply, Reliability and Environmental Improvement Act, H.R. 2828, widely known as CALFED. The mission of the CALFED Bay-Delta Program is to develop and implement a long-term comprehensive plan that improves water management for beneficial uses of the Bay-Delta System. The San Francisco Bay/Sacramento-San Joaquin Delta Estuary, the Bay-Delta, is a region of critical importance to California, often described as the hub of the State’s water supply system.

The authorization of the CALFED program has been a priority for California and its neighboring States for many years. And while the existing program has accomplished a great deal in managing our water supply and improving the ecosystem of the Bay-Delta, this bill provides the comprehensive Congressional accountability it has been lacking. H.R. 2828 provides the authority for Federal agencies to fully engage in a partnership with the State of California and the stakeholders of the CALFED program.

We have also long recognized the importance of improving management and coordination of existing water supply projects for meeting present and future water demands. Preserving and enhancing the ecosystem, while developing new sources of water for growing consumptive needs, and allocating existing

supplies to meet changing demands, is a great challenge.

This challenge was met head on by the House Resources Committee under the leadership of Chairman RICHARD POMBO, and Subcommittee on Water and Power Chairman KEN CALVERT. I congratulate both of them for their extraordinary work in achieving this level of negotiation, compromise, and support. What is even more remarkable is that the work produced by Mr. CALVERT will be voted on today without any amendments offered to it on the House floor, with the exception of the substitute that he crafted. This is a testament to his tenacity in providing Californians with the best water plan possible.

I also know that Mr. CALVERT and this legislation have widespread support back home in California, beginning with Governor Arnold Schwarzenegger. One of his first acts as then Governor-Elect in late October, 2003, was to send a strong letter of support for CALFED legislation to Congress expressing his desire to see Mr. CALVERT's legislation succeed and making CALFED authorization a priority for the State.

H.R. 2828 will provide a long-term comprehensive plan to address challenges in the Bay-Delta region by balancing water resource management issues including supply, quality, and ecosystem restoration. I strongly urge my colleagues to vote for the Water Supply, Reliability and Environmental Improvement Act.

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased that today the House is considering H.R. 2828, the Water Supply Reliability, and Environmental Improvement Act.

This bill reauthorizes the CALFED Bay-Delta Program, a Federal-State cooperative effort to manage water resources in California.

The purpose of the program is to increase the supply of available water for municipal, agricultural, and industrial use, and to engage in watershed restoration.

Water is a very precious resource, particularly in the West.

The supply of water is governed by State law. However, many Federal and State programs and projects also manage water resources and impact water supply.

Eighteen Federal and State agencies are partners in the CALFED program. Two of those agencies, the Environmental Protection Agency and the Army Corps of Engineers, fall under the jurisdiction of the Transportation and Infrastructure Committee.

EPA has some existing authorities that can help meet the goals of the CALFED program. The Corps also has many water resources development projects either under study or under construction in the Bay-Delta area, including the Sacramento/San Joaquin river basins comprehensive study.

This legislation does not authorize any EPA programs or Corps projects, even if a project is specifically mentioned in the August 28, 2000, programmatic record of decision that H.R. 2828 establishes as the general framework for addressing the CALFED program.

EPA and Corps activities in furtherance of the CALFED program must fall under existing authorities and nothing in this bill changes those authorities, or directs the USA of EPA or Corps funds.

Additional Corps projects in the Bay-Delta area may be authorized later, but those projects will go through the regular Corps of Engineers feasibility study process and regular

authorization process in a water resources development act.

This does not mean that EPA and the Corps are not full participants in the CALFED program. In carrying out existing programs and projects, EPA and the Corps will coordinate their activities with all the Federal agencies participating in CALFED, and the State of California.

I congratulate Mr. CALVERT and Mr. POMBO for bringing this legislation to the House floor. It has been a long time coming and reflects a lot of hard work by many Members.

I urge all Members to support this bill.

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

The SPEAKER pro tempore (Mr. THORNBERRY). All time for general debate has expired.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. CALVERT

Mr. CALVERT. Mr. Speaker, I offer an amendment in the nature of a substitute.

The SPEAKER pro tempore. The Clerk will designate the amendment in the nature of a substitute.

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

Amendment in the nature of a substitute offered by Mr. CALVERT:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Water Supply, Reliability, and Environmental Improvement Act".

TITLE I—CALIFORNIA WATER SECURITY AND ENVIRONMENTAL ENHANCEMENT

SEC. 101. SHORT TITLE.

This title may be cited as the "California Water Security and Environmental Enhancement Act".

SEC. 102. DEFINITIONS.

In this title:

(1) CALFED BAY-DELTA PROGRAM.—The terms "Calfed Bay-Delta Program" and "Program" mean the programs, projects, complementary actions, and activities undertaken through coordinated planning, implementation, and assessment activities of the State and Federal Agencies in a manner consistent with the Record of Decision.

(2) CALIFORNIA BAY-DELTA AUTHORITY.—The terms "California Bay-Delta Authority" and "Authority" mean the California Bay-Delta Authority, as set forth in the California Bay-Delta Authority Act (Cal. Water Code 79400 et seq.).

(3) ENVIRONMENTAL WATER ACCOUNT.—The term "Environmental Water Account" means the cooperative management program established under the Record of Decision.

(4) FEDERAL AGENCIES.—The term "Federal agencies" means—

(A) the Department of the Interior, including—

(i) the Bureau of Reclamation;

(ii) the United States Fish and Wildlife Service;

(iii) the Bureau of Land Management; and

(iv) the United States Geological Survey;

(B) the Environmental Protection Agency;

(C) the Army Corps of Engineers;

(D) the Department of Commerce, including the National Marine Fisheries service (also known as "NOAA Fisheries");

(E) the Department of Agriculture, including—

(i) the Natural Resources Conservation Service;

(ii) the Forest Service; and

(F) the Western Area Power Administration.

(5) GOVERNOR.—The term "Governor" means the Governor of the State of California.

(6) RECORD OF DECISION.—The term "Record of Decision" means the Calfed Bay-Delta Program Record of Decision, dated August 28, 2000.

(7) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(8) STATE.—The term "State" means the State of California.

(9) STATE AGENCIES.—The term "State agencies" means the California State agencies that are signatories to Attachment 3 of the Record of Decision.

(10) WATER YIELD.—The term "water yield" means a new quantity of water in storage that is reliably available in critically dry years for beneficial uses.

SEC. 103. BAY DELTA PROGRAM.

(a) IN GENERAL.—

(1) RECORD OF DECISION AS GENERAL FRAMEWORK.—The Record of Decision is approved as a general framework for addressing the Calfed Bay-Delta Program, including its components relating to water storage and water yield, ecosystem restoration, water supply reliability, conveyance, water use efficiency, water quality, water transfers, watersheds, the Environmental Water Account, levee stability, governance, and science.

(2) REQUIREMENTS.—In General.—The Secretary and the heads of the Federal agencies are authorized to carry out the activities under this title consistent with—

(A) the Record of Decision; and

(B) the requirement that Program activities consisting of protecting drinking water quality, restoring ecological health, improving water supply reliability (including additional storage and conveyance) and water yield, and protecting Delta levees will progress in a balanced manner.

(b) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—The Secretary and the heads of the Federal agencies are authorized to carry out the activities described in paragraphs (2) through (5) in furtherance of the Calfed Bay-Delta Program as set forth in the Record of Decision, subject to the cost-share and other provisions of this title, if the activity has been:

(A) subject to environmental review and approval, as required under applicable Federal and State law; and

(B) approved and certified by the relevant Federal agency to be consistent with the Record of Decision and within the scope of the agency's authority under existing law.

(2) MULTIPLE BENEFIT PROJECTS FAVORED.—In selecting projects and programs for increasing water yield and water supply, improving water quality, and enhancing environmental benefits, projects and programs with multiple benefits shall be emphasized.

(3) BALANCE.—The Secretary shall ensure that all elements of the Calfed Bay-Delta Program need to be completed and operated cooperatively to maintain the balanced progress in all Calfed Bay-Delta Program areas.

(4) AUTHORIZATIONS FOR FEDERAL AGENCIES UNDER APPLICABLE LAW.—

(A) SECRETARY OF THE INTERIOR.—The Secretary of the Interior is authorized to carry out the activities described in subparagraphs (A) through (J) of paragraph (5), to the extent authorized under the reclamation laws, the Central Valley Project Improvement Act (title XXXIV of Public Law 102-575; 106 Stat. 4706), the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and other applicable law.

(B) THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.—The Administrator of the Environmental Protection Agency may carry out the activities described in subparagraphs (C), (E), (F), (G), (H), and (I) of paragraph (5), in furtherance of the CalFed Bay-Delta program, to the extent authorized under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), and other laws in effect on the day before the date of enactment of this title.

(C) THE SECRETARY OF THE ARMY.—The Secretary of the Army may carry out the activities described in subparagraphs (B), (F), (G), (H), and (I) of paragraph (5), in furtherance of the CALFED Bay-Delta Program, to the extent authorized under flood control, water resource development, and other laws in effect on the day before the date of enactment of this title.

(D) SECRETARY OF COMMERCE.—The Secretary of Commerce is authorized to carry out the activities described in subparagraphs (B), (F), (G), and (I) of paragraph (5), to the extent authorized under the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and other applicable law.

(E) SECRETARY OF AGRICULTURE.—The Secretary of Agriculture is authorized to carry out the activities described in subparagraphs (C), (E), (F), (G), (H), and (I) of paragraph (5), to the extent authorized under title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.), the Farm Security and Rural Investment Act of 2002 (Public Law 107-171; 116 Stat. 134) (including amendments made by that Act), and other applicable law.

(5) DESCRIPTION OF ACTIVITIES UNDER EXISTING AUTHORIZATIONS.—

(A) WATER STORAGE AND WATER YIELD.—Activities under this subparagraph consist of—

(i) FEASIBILITY STUDIES AND RESOLUTION.—

(I) For purposes of implementing the CalFed Bay-Delta Program, the Secretary is authorized to undertake all necessary planning activities and feasibility studies required for the development of recommendations by the Secretary to Congress on the construction and implementation of specific water supply and water yield projects, and to conduct comprehensive water management planning.

(II) FEASIBILITY STUDIES REQUIREMENTS.—All feasibility studies completed for storage projects as a result of this section shall include identification of project benefits and beneficiaries and a cost allocation plan consistent with the benefits to be received, for both governmental and non-governmental entities.

(III) DISAPPROVAL RESOLUTION.—If the Secretary determines a project to be feasible, and meets the requirements under subparagraph (B), the report shall be submitted to Congress. If Congress does not pass a disapproval resolution of the feasibility study during the first 120 days before Congress (not including days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three calendar days to a day certain) the project shall be authorized, subject to appropriations.

(ii) WATER SUPPLY AND WATER YIELD STUDY.—The Secretary, acting through the Bureau of Reclamation and in consultation with the State, shall conduct a study of available water supplies and water yield and existing demand and future needs for water—

(I) within the units of the Central Valley Project;

(II) within the area served by Central Valley Project agricultural water service contractors and municipal and industrial water service contractors; and

(III) within the Bay-Delta solution area.

(iii) RELATIONSHIP TO PRIOR STUDY.—The study under clause (ii) shall incorporate and revise as necessary the study required by section 3408(j) of the Central Valley Project Improvement Act of 1992 (Public Law 102-575).

(iv) MANAGEMENT.—The Secretary shall conduct activities related to developing groundwater storage projects to the extent authorized under existing law.

(v) COMPREHENSIVE WATER PLANNING.—The Secretary shall conduct activities related to comprehensive water management planning to the extent authorized under existing law.

(vi) REPORT.—The Secretary shall submit a report to the congressional authorizing committees by not later than 180 days after the State's completion of the updated Bulletin 160 describing the following:

(I) Water yield and water supply improvements, if any, for Central Valley Project agricultural water service contractors and municipal and industrial water service contractors, including those identified in Bulletin 160.

(II) All water management actions or projects, including those identified in Bulletin 160, that would improve water yield or water supply and that, if taken or constructed, would balance available water supplies and existing demand for those contractors and other water users of the Bay-Delta watershed with due recognition of water right priorities and environmental needs.

(III) The financial costs of the actions and projects described under clause (II).

(IV) The beneficiaries of those actions and projects and an assessment of their willingness to pay the capital costs and operation and maintenance costs thereof.

(B) CONVEYANCE.—

(i) SOUTH DELTA ACTIONS.—In the case of the South Delta, activities under this clause consist of the following:

(I) The South Delta Improvement Program through actions to accomplish the following:

(aa) Increase the State Water Project export limit to 8,500 cfs.

(bb) Install permanent, operable barriers in the south Delta. The Federal Agencies shall cooperate with the State to accelerate installation of the permanent, operable barriers in the south Delta, with the intent to complete that installation not later than the end of fiscal year 2007.

(cc) Increase the State Water Project export to the maximum capability of 10,300 cfs.

(II) Reduction of agricultural drainage in south Delta channels, and other actions necessary to minimize the impact of drainage on drinking water quality.

(III) Evaluation of lower San Joaquin River floodway improvements.

(IV) Installation and operation of temporary barriers in the south Delta until fully operable barriers are constructed.

(V) Actions to protect navigation and local diversions not adequately protected by temporary barriers.

(VI) Actions to increase pumping shall be accomplished in a manner consistent with applicable law California and Federal protecting—

(aa) deliveries to, costs of, and water supplies for in-delta water users, including in-delta agricultural users that have historically relied on water diverted for use in the Delta;

(bb) the quality of water for existing municipal, industrial, and agricultural uses;

(cc) water supplies for areas of origin, and

(dd) Delta dependent native fish species.

(ii) NORTH DELTA ACTIONS.—In the case of the North Delta, activities under this clause consist of—

(I) evaluation and implementation of improved operational procedures for the Delta

Cross Channel to address fishery and water quality concerns;

(II) evaluation of a screened through-Delta facility on the Sacramento River; and

(III) evaluation of lower Mokelumne River floodway improvements.

(iii) INTERTIES.—Activities under this clause consist of—

(I) evaluation and construction of an intertie between the State Water Project California Aqueduct and the Central Valley Project Delta Mendota Canal, near the City of Tracy; and

(II) assessment of a connection of the Central Valley Project to the Clifton Court Forebay of the State Water Project, with a corresponding increase in the screened intake of the Forebay.

(iv) PROGRAM TO MEET STANDARDS.—Prior to increasing export limits from the Delta for the purposes of conveying water to south-of-Delta Central Valley Project contractors or increasing deliveries through an intertie, the Secretary shall, within one year of the date of enactment of this title, in consultation with the Governor, develop and initiate implementation of a program to meet all existing water quality standards and objectives for which the CVP has responsibility. In developing and implementing the program the Secretary shall include, to the maximum extent feasible, the following:

(I) A recirculation program to provide flow, reduce salinity concentrations in the San Joaquin River, and reduce the reliance on New Melones Reservoir for meeting water quality and fishery flow objectives through the use of excess capacity in export pumping and conveyance facilities.

(II) The Secretary shall develop and implement a best management practices plan to reduce the impact of the discharges from wildlife refuges that receive water from the federal government and discharge salt or other constituents into the San Joaquin River. Such plan shall be developed in coordination with interested parties in the San Joaquin Valley and the Delta. The Secretary shall also coordinate activities with other entities that discharge water into the San Joaquin River to reduce salinity concentrations discharged into the River, including the timing of discharges to optimize their assimilation.

(III) The acquisition from willing sellers of water from streams tributary to the San Joaquin River or other sources to provide flow, dilute discharges from wildlife refuges, and to improve water quality in the San Joaquin River below the confluence of the Merced and San Joaquin rivers and to reduce the reliance on New Melones Reservoir for meeting water quality and fishery flow objectives.

(IV) Use of existing funding mechanisms.—In implementing the Program, the Secretary may use money collected pursuant to Section 3407 of the Central Valley Project Improvement Act (Public Law 102-575; 106 Stat. 4727) to acquire from voluntary sellers water from streams tributary to the San Joaquin River or other sources for the purposes set forth in subclauses (I) through (III) of clause (iv).

(V) The purpose of the authority and direction provided to the Secretary in clause (iv) is to provide greater flexibility in meeting the existing water quality standards and objectives for which the Central Valley Project has responsibility so as to reduce the demand on water from New Melones Reservoir used for that purpose and to allow the Secretary to meet with greater frequency the Secretary's obligations to Central Valley Project contractors from the New Melones Project. The Secretary shall update the New Melones operating plan to consider, among other things, the actions outlined in this Act

designed to reduce the reliance on new Melones Reservoir for meeting water quality and fishery flow objectives and to insure that operation of New Melones Reservoir is governed by the best available science.

(C) **WATER USE EFFICIENCY.**—Activities under this subparagraph consist of—

(i) water conservation projects that provide water supply reliability, water quality, and ecosystem benefits to the Bay-Delta system;

(ii) technical assistance for urban and agricultural water conservation projects;

(iii) water recycling and desalination projects, including groundwater remediation projects and projects identified in the Bay Area Water Plan and the Southern California Comprehensive Water Reclamation and Reuse Study and other projects, giving priority to projects that include regional solutions to benefit regional water supply and reliability needs;

(I) The Secretary shall review any feasibility level studies for seawater desalination and regional brine line projects that have been completed, whether or not those studies were prepared with financial assistance from the Secretary.

(II) The Secretary shall report to the Congress not later than 90 days after the completion of a feasibility study or the review of a feasibility study. For the purposes of this Act, the Secretary is authorized to provide assistance for projects as set forth and pursuant to the existing requirements of the Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102-9575; title 16) as amended, and Reclamation Recycling and Water Conservation Act of 1996 (Public Law 104-266).

(iv) water measurement and transfer actions;

(v) implementation of best management practices for urban water conservation; and

(vi) projects identified in the Southern California Comprehensive Water Reclamation and Reuse Study, dated April 2001 and authorized by section 1606 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h-4); and the San Francisco Bay Area Regional Water Recycling Program described in the San Francisco Bay Area Regional Water Recycling Program Recycled Water Master Plan, dated December 1999 and authorized by section 1611 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h-9) are determined to be feasible.

(D) **WATER TRANSFERS.**—Activities under this subparagraph consist of—

(i) increasing the availability of existing facilities for water transfers;

(ii) lowering transaction costs through regulatory coordination; and

(iii) maintaining a water transfer information clearinghouse.

(E) **INTEGRATED REGIONAL WATER MANAGEMENT PLANS.**—Activities under this subparagraph consist of assisting local and regional communities in the State in developing and implementing integrated regional water management plans to carry out projects and programs that improve water supply reliability, water quality, ecosystem restoration, and flood protection, or meet other local and regional needs, in a manner that is consistent with, and makes a significant contribution to, the Calfed Bay-Delta Program.

(F) **ECOSYSTEM RESTORATION.**—

(i) **ACTIVITIES UNDER THIS SUBPARAGRAPH CONSIST OF—**

(I) implementation of large-scale restoration projects in San Francisco Bay and the Delta and its tributaries;

(II) restoration of habitat in the Delta, San Pablo Bay, and Suisun Bay and Marsh, including tidal wetland and riparian habitat;

(III) fish screen and fish passage improvement projects; including the Sacramento River Small Diversion Fish Screen Program.

(IV) implementation of an invasive species program, including prevention, control, and eradication;

(V) development and integration of Federal and State agricultural programs that benefit wildlife into the Ecosystem Restoration Program;

(VI) financial and technical support for locally-based collaborative programs to restore habitat while addressing the concerns of local communities;

(VII) water quality improvement projects to manage and reduce concentrations of salinity, selenium, mercury, pesticides, trace metals, dissolved oxygen, turbidity, sediment, and other pollutants;

(VIII) land and water acquisitions to improve habitat and fish spawning and survival in the Delta and its tributaries;

(IX) integrated flood management, ecosystem restoration, and levee protection projects;

(X) scientific evaluations and targeted research on Program activities; and

(XI) strategic planning and tracking of Program performance.

(ii) **ANNUAL ECOSYSTEM PROGRAM PLAN.**—

(I) Prior to October 1 of each year, with respect to an ecosystem restoration action carried out by or for the Secretary, the Secretary shall submit an annual ecosystem program plan report to the appropriate authorizing and appropriating committees of the Senate and the House of Representatives. The purpose of the report is to describe the projects and programs to implement the activities under this subsection in the following fiscal year, and to establish priorities for funding in subsequent years. For the ecosystem program, and each ecosystem project the report shall describe—

(aa) the goals and objectives

(bb) program accomplishments,

(cc) major activities,

(dd) the administration responsibilities of land and water areas and associated environmental resources, in the affected project area including an accounting of all habitat types. Cost-share arrangements with cooperating agencies should be included in the report, and

(ee) the resource data and ecological monitoring data to be collected for the restoration projects and how the data are to be integrated, streamlined, and designed to measure the effectiveness and overall trend of ecosystem health in the Bay-Delta watershed;

(ff) implementation schedules and budgets;

(gg) monitoring programs and performance measures; and

(hh) the status and effectiveness of minimizing and mitigating the impacts of the program on agricultural lands.

(ii) a description of expected benefits of the restoration program relative to the cost.

(II) For Federal projects and programs to be carried out by or for the Secretary not specifically identified in the annual program plans the Secretary, in coordination with the State, shall submit recommendations on proposed plans, not later than 45 days prior to approval, to the Senate Committee on Energy and Natural Resources, the House Resources Committee, and the public. The recommendations shall—

(aa) describe the project selection process, including the level of public involvement and independent science review;

(bb) describe the goals, objectives, and implementation schedule of the projects, and the extent to which the projects address regional and programmatic goals and priorities;

(cc) describe the monitoring plans and performance measures that will be used for

evaluating the performance of the proposed projects;

(dd) identify any cost-sharing arrangements with cooperating entities; and

(ee) identify how the proposed projects will comply with all applicable Federal and State laws, including the National Environmental Policy Act.

(III) Projects involving acquisition of private lands shall be included in subsection (I) of the Annual Ecosystem Program Plan. Each project identified shall—

(aa) describe the process and timing of notification of interested members of the public and local governments;

(bb) minimize and mitigate impacts on agricultural lands;

(cc) include preliminary management plans for all properties to be acquired with Federal funds. Such preliminary management plans shall include an overview of existing conditions, the expected ecological benefits, preliminary cost estimates, and implementation schedules;

(dd) identify federal land acquisition in total, by a county by county basis; and,

(ee) provide a finding of consistency with all applicable State and Federal law.

(G) **WATERSHEDS.**—Activities under this subparagraph consist of—

(i) building local capacity to assess and manage watersheds affecting the Calfed Bay-Delta system;

(ii) technical assistance for watershed assessments and management plans; and

(iii) developing and implementing locally-based watershed conservation, maintenance, and restoration actions.

(H) **WATER QUALITY.**—Activities under this subparagraph consist of—

(i) addressing drainage problems in the San Joaquin Valley to improve downstream water quality (including habitat restoration projects that reduce drainage and improve water quality) if—

(I) a plan is in place for monitoring downstream water quality improvements;

(II) State and local agencies are consulted on the activities to be funded; and

(III) except that no right, benefit, or privilege is created as a result of this clause;

(ii) implementation of source control programs in the Delta and its tributaries;

(iii) developing recommendations through scientific panels and advisory council processes to meet the Calfed Bay-Delta Program goal of continuous improvement in Delta water quality for all uses;

(iv) investing in treatment technology demonstration projects;

(v) controlling runoff into the California aqueduct, the Delta-Mendota Canal, and other similar conveyances;

(vi) addressing water quality problems at the North Bay Aqueduct;

(vii) supporting and participating in the development of projects to enable San Francisco Area water districts and water entities in San Joaquin and Sacramento counties to work cooperatively to address their water quality and supply reliability issues, including—

(I) connections between aqueducts, water transfers, water conservation measures, institutional arrangements, and infrastructure improvements that encourage regional approaches; and

(II) investigations and studies of available capacity in a project to deliver water to the East Bay Municipal Utility District under its contract with the Bureau of Reclamation, dated July 20, 2001, in order to determine if such capacity can be used to meet the objectives of this clause;

(viii) development of water quality exchanges and other programs to make high quality water available for urban and other users;

(ix) development and implementation of a plan to meet all water quality standards for which the Federal and State water projects have responsibility;

(x) development of recommendations through technical panels and advisory council processes to meet the Calfed Bay-Delta Program goal of continuous improvement in water quality for all uses; and

(xi) projects that may meet the framework of the water quality component of the Calfed Bay-Delta Program.

(I) SCIENCE.—Activities under this subparagraph consist of—

(i) supporting establishment and maintenance of an independent science board, technical panels, and standing boards to provide oversight and peer review of the Program;

(ii) conducting expert evaluations and scientific assessments of all Program elements;

(iii) coordinating existing monitoring and scientific research programs;

(iv) developing and implementing adaptive management experiments to test, refine, and improve scientific understandings;

(v) establishing performance measures, and monitoring and evaluating the performance of all Program elements; and

(vi) preparing an annual science report.

(J) DIVERSIFICATION OF WATER SUPPLIES.—Activities under this subparagraph consist of actions to diversify sources of level 2 refuge supplies and modes of delivery to refuges while maintaining the diversity of level 4 supplies pursuant to Central Valley Project Improvement Act section 3406(d)(2), Public Law 102-575 (106 Stat. 4723).

(6) NEW AND EXPANDED AUTHORIZATIONS FOR FEDERAL AGENCIES.—

(A) SECRETARY OF THE INTERIOR.—The Secretary of the Interior is authorized to carry out the activities described in subparagraphs (A), (B), (C) and (D) of paragraph (7) during each of fiscal years 2005 through 2008, in coordination with the State of California.

(B) THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY AND THE SECRETARY OF THE ARMY.—The Administrator of the Environmental Protection Agency and the Secretary of the Army may carry out activities described in subparagraph (D) of paragraph 7 during each of fiscal years 2005 through 2008, in coordination with the State of California.

(C) THE SECRETARIES OF AGRICULTURE AND COMMERCE.—The Secretary of Commerce, and the Department of Agriculture, are authorized to carry out the activities described in paragraph (7)(D) during each of fiscal years 2005 through 2008, in coordination with the State of California.

(7) DESCRIPTION OF ACTIVITIES UNDER NEW AND EXPANDED AUTHORIZATIONS.—

(A) CONVEYANCE.—Of the amounts authorized to be appropriated under section 109, not more than \$184,000,000 may be expended for the following:

(i) Feasibility studies, evaluation, and implementation of the San Luis Reservoir lowpoint improvement project and increased capacity of the intertie between the SWP California Aqueduct and the CVP Delta Mendota Canal, near the City of Tracy.

(ii) Feasibility studies and actions at Franks Tract to improve water quality in the Delta.

(iii) Feasibility studies and design of fish screen and intake facilities at Clifton Court Forebay and the Tracy Pumping Plant facilities.

(iv) Design and construction of the relocation of drinking water intake facilities to delta water users. The Secretary shall coordinate actions for relocating intake facilities on a time schedule consistent with subparagraph (5)(B)(i)(I)(bb) or other actions necessary to offset the degradation of drink-

ing water quality in the Delta due to the South Delta Improvement Program.

(v) In addition to the other authorizations granted to the Secretary by this title, the Secretary shall acquire water from willing sellers and undertake other actions designed to decrease releases from New Melones Reservoir for meeting water quality standards and flow objectives for which the Central Valley Project has responsibility in order to meet allocations to Central Valley Project contractors from the New Melones Project. The authorization under this provision is solely meant to add flexibility for the Secretary to meet the Secretary's obligation to the Central Valley Project contractors from the New Melones Project by reducing demand for water dedicated to meeting water quality standards in the San Joaquin River. Of the amounts authorized to be appropriated under paragraph (7)(A), not more than \$15,260,000 may be expended for this purpose.

(B) ENVIRONMENTAL WATER ACCOUNT.—Of the amounts authorized to be appropriated under section 109, not more than \$90,000,000 may be expended for implementation of the Environmental Water Account; *Provided* That such expenditures shall be considered a nonreimbursable Federal expenditure.

(C) LEVEE STABILITY.—Of the amounts authorized to be appropriated under section 109, not more than \$90,000,000 may be expended for—

(i) reconstructing Delta levees to a base level of protection;

(ii) enhancing the stability of levees that have particular importance in the system through the Delta Levee Special Improvement Projects program;

(iii) developing best management practices to control and reverse land subsidence on Delta islands;

(iv) refining the Delta Emergency Management Plan;

(v) developing a Delta Risk Management Strategy after assessing the consequences of Delta levee failure from floods, seepage, subsidence, and earthquakes;

(vi) developing a strategy for reuse of dredged materials on Delta islands;

(vii) evaluating, and where appropriate, rehabilitating the Suisun Marsh levees; and

(D) PROGRAM MANAGEMENT, OVERSIGHT, AND COORDINATION.—Of the amounts authorized to be appropriated under section 109, not more than \$25,000,000 may be expended by the Secretary or the other heads of Federal agencies, either directly or through grants, contracts, or cooperative agreements with agencies of the State, for—

(i) program support;

(ii) program-wide tracking of schedules, finances, and performance;

(iii) multiagency oversight and coordination of Program activities to ensure Program balance and integration;

(iv) development of interagency cross-cut budgets and a comprehensive finance plan to allocate costs in accordance with the beneficiary pays provisions of the Record of Decision;

(v) coordination of public outreach and involvement, including tribal, environmental justice, and public advisory activities in accordance with the Federal Advisory Committee Act (5 U.S.C. App.); and

(vi) development of Annual Reports.

SEC. 104. MANAGEMENT.

(a) COORDINATION.—In carrying out the Calfed Bay-Delta Program, the Federal agencies shall coordinate their activities with the State agencies.

(b) PUBLIC PARTICIPATION.—In carrying out the Calfed Bay-Delta Program, the Federal agencies shall cooperate with local and tribal governments and the public through an

advisory committee established in accordance with the Federal Advisory Committee Act (5 U.S.C. App.) and other appropriate means, to seek input on Program elements such as planning, design, technical assistance, and development of peer review science programs.

(c) SCIENCE.—In carrying out the Calfed Bay-Delta Program, the Federal agencies shall seek to ensure, to the maximum extent practicable, that—

(1) all major aspects of implementing the Program are subjected to credible and objective scientific review; and

(2) major decisions are based upon the best available scientific information.

(d) ENVIRONMENTAL JUSTICE.—The Federal agencies and State agencies, consistent with Executive Order 12898 (59 FR Fed. Reg. 7629), should continue to collaborate to—

(1) develop a comprehensive environmental justice workplan for the Calfed Bay-Delta Program; and

(2) fulfill the commitment to addressing environmental justice challenges referred to in the Calfed Bay-Delta Program Environmental Justice Workplan, dated December 13, 2000.

(e) LAND ACQUISITION.—Federal funds appropriated by Congress specifically for implementation of the Calfed Bay-Delta Program may be used to acquire fee title to land only where consistent with the Record of Decision and section 103(b)(5)(F)(ii)(I)(jj).

(f) AGENCIES' DISCRETION.—This title shall not affect the discretion of any of the Federal agencies or the State agencies or the authority granted to any of the Federal agencies or State agencies by any other Federal or State law.

(g) NO NEW AUTHORITY.—The United States Environmental Protection Agency and the United States Army Corps of Engineers.—

(1) IN GENERAL.—Nothing in this title confers any new authority, except as provided under section 103(b)(7)(D) to the United States Environmental Protection Agency and the United States Army Corps of Engineers.

(2) COORDINATION.—In carrying out activities identified in the Record of Decision under authorities provided under other provisions of law, the United States Environmental Protection Agency and the United States Army Corps of Engineers shall coordinate such activities with Federal agencies and State agencies.

(h) GOVERNANCE.—

(1) IN GENERAL.—In carrying out the Calfed Bay-Delta Program, the Secretary and the Federal agency heads may participate as nonvoting members of the California Bay-Delta Authority, as established in the California Bay-Delta Authority Act (Cal. Water Code 79400 et seq.), to the extent consistent with Federal law, for the full duration of the period the Authority continues to be authorized by State law.

SEC. 105. REPORTING REQUIREMENTS.

(a) REPORT.—

(1) IN GENERAL.—Not later than February 15 of each year, the Secretary, in cooperation with the Governor, shall submit to the appropriate authorizing and appropriating Committees of the Senate and the House of Representatives a report that—

(A) describes the status of implementation of all components of the Calfed Bay-Delta Program;

(B) sets forth any written determination resulting from the review required under subsection (b); and

(C) includes any revised schedule prepared under subsection (b).

(2) CONTENTS.—The report required under paragraph (1) shall describe—

(A) the progress of the Calfed Bay-Delta Program in meeting the implementation

schedule for the Program in a manner consistent with the Record of Decision;

(B) the status of implementation of all components of the Program;

(C) expenditures in the past fiscal year for implementing the Program;

(D) accomplishments during the past fiscal year in achieving the objectives of additional and improved—

(i) water storage, including water yield;

(ii) water quality; including the progress in achieving the water supply targets as described in Section 2.2.4 of the Record of Decision, the environmental water account requirements as described in Section 2.2.7, and the water quality targets as described in Section 2.2.9, and any pending actions that may affect the ability of the Calfed Bay-Delta Program to achieve those targets and requirements.

(iii) water use efficiency;

(iv) ecosystem restoration;

(v) watershed management;

(vi) levee system integrity;

(vii) water transfers;

(viii) water conveyance; and

(ix) water supply reliability;

(E) program goals, current schedules, and relevant financing agreements;

(F) progress on—

(i) storage projects;

(ii) conveyance improvements;

(iii) levee improvements;

(iv) water quality projects; and

(v) water use efficiency programs;

(G) completion of key projects and milestones identified in the Ecosystem Restoration Program; including progress on project effectiveness, monitoring, and accomplishments;

(H) development and implementation of local programs for watershed conservation and restoration;

(I) progress in improving water supply reliability and implementing the Environmental Water Account;

(J) achievement of commitments under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and endangered species law of the State;

(K) implementation of a comprehensive science program;

(i) progress on project effectiveness;

(L) progress toward acquisition of the Federal and State permits (including permits under section 404(a) of the Federal Water Pollution Control Act (33 U.S.C. 1344(a))) for implementation of projects in all identified Program areas;

(M) progress in achieving benefits in all geographic regions covered by the Program;

(N) legislative action on—

(i) water transfer;

(ii) groundwater management;

(iii) water use efficiency; and

(iv) governance issues;

(O) the status of complementary actions;

(P) the status of mitigation measures;

(Q) revisions to funding commitments and Program responsibilities; and

(R) a list of all existing authorities, including the authorities listed in section 103(b)(4) provided by the relevant Federal agency, under which the Secretary or the heads of the Federal agencies may carry out the purposes of this title."

(b) ANNUAL REVIEW OF PROGRESS AND BALANCE.—

(1) IN GENERAL.—Not later than November 15 of each year, the Secretary, in cooperation with the Governor, shall review progress in implementing the Calfed Bay-Delta Program based on—

(A) consistency with the Record of Decision; and

(B) balance in achieving the goals and objectives of the Calfed Bay-Delta Program.

(2) REVISED SCHEDULE.—If, at the conclusion of each such annual review or if a timely annual review is not undertaken, the Secretary, or the Governor, determine in writing that either the Program implementation schedule has not been substantially adhered to, or that balanced progress in achieving the goals and objectives of the Program is not occurring, the Secretary, in coordination with the Governor and the Bay-Delta Public Advisory Committee, shall prepare a revised schedule to achieve balanced progress in all Calfed Bay-Delta Program elements consistent with the Record of Decision.

(c) FEASIBILITY STUDIES.—Any feasibility studies completed as a result of this title shall include identification of project benefits and a cost allocation plan consistent with the beneficiaries pay provisions of the Record of Decision.

SEC. 106. CROSSCUT BUDGET.

(a) IN GENERAL.—The President's budget shall include such requests as the President considers necessary and appropriate for the level of funding for each of the Federal agencies to carry out its responsibilities under the Calfed Bay-Delta Program.

(b) REQUESTS BY FEDERAL AGENCIES.—The funds shall be requested for the Federal agency with authority and programmatic responsibility for the obligation of the funds, in accordance with paragraphs (2) through (5) of section 103(b).

(c) REPORT.—Not later than 30 days after the submission of the budget of the President to Congress, the Director of the Office of Management and Budget, in coordination with the Governor, shall submit to the appropriate authorizing and appropriating committees of the Senate and the House of Representatives a financial report certified by the Secretary containing—

(1) an interagency budget crosscut report that—

(A) displays the budget proposed, including any interagency or intra-agency transfer, for each of the Federal agencies to carry out the Calfed Bay-Delta Program for the upcoming fiscal year, separately showing funding requested under both pre-existing authorities and under the new authorities granted by this title; and

(B) identifies all expenditures since 1998 by the Federal and State governments to achieve the objectives of the Calfed Bay-Delta Program;

(2) a detailed accounting of all funds received and obligated by all Federal agencies and State agencies responsible for implementing the Calfed Bay-Delta Program during the previous fiscal year;

(3) a budget for the proposed projects (including a description of the project, authorization level, and project status) to be carried out in the upcoming fiscal year with the Federal portion of funds for activities under section 103(b); and

(4) a listing of all projects to be undertaken in the upcoming fiscal year with the Federal portion of funds for activities under section 103(b).

SEC. 107. FEDERAL SHARE OF COSTS.

(a) IN GENERAL.—The Federal share of the cost of implementing the Calfed Bay-Delta Program for fiscal years 2005 through 2008 in the aggregate, as set forth in the Record of Decision, shall not exceed 33.3 percent.

(b) CALFED BAY-DELTA PROGRAM BENEFICIARIES.—The Secretary shall ensure that all beneficiaries, including the environment, shall pay for benefits received from all projects or activities carried out under the Calfed Bay-Delta Program. This requirement shall not be limited to storage and conveyance projects and shall be implemented so as to encourage integrated resource planning.

SEC. 108. COMPLIANCE WITH STATE AND FEDERAL LAW.

Nothing in this title—

(1) invalidates or preempts State water law or an interstate compact governing water;

(2) alters the rights of any State to any appropriated share of the waters of any body of surface or ground water;

(3) preempts or modifies any State or Federal law or interstate compact governing water quality or disposal; or

(4) confers on any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any ground water resource; and,

(5) alters or modified any provision of existing Federal law, except as specifically provided in this title.

SEC. 109. AUTHORIZATION OF APPROPRIATION.

There are authorized to be appropriated to the Secretary and the heads of the Federal agencies to pay the Federal share of the cost of carrying out the new and expanded authorities described in paragraphs (6) and (7) of section 103(b), \$389,000,000 for the period of fiscal years 2005 through 2008, to remain available until expended.

TITLE II—SALTON SEA STUDY PROGRAM

SEC. 201. SALTON SEA STUDY PROGRAM.

(a) IN GENERAL.—The Secretary of the Interior shall conduct a study to determine the feasibility of reclaiming the Salton Sea.

(b) REQUIREMENTS.—The study referred to in subsection (a) shall consider each of the following:

(1) Appraisal investigations.

(2) Feasibility studies.

(3) Environmental Reports.

(4) Cost sharing responsibilities.

(5) Responsibility for operation and maintenance.

(c) REPORT TO CONGRESS.—The Secretary shall submit to Congress the study developed under this section no later than 1 year after the date of enactment.

The SPEAKER pro tempore. Pursuant to House Resolution 711, the gentleman from California (Mr. CALVERT) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from California (Mr. CALVERT) on his amendment.

Mr. CALVERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have been working hard to improve this bill since its introduction. The amendment in the nature of a substitute is a bipartisan amendment that has been carefully crafted based on input from Senator FEINSTEIN and her staff, the administration, the State of California, and water groups. This amendment was not crafted in a vacuum, and I believe it addresses many concerns voiced over the last several weeks.

Reflecting the dynamic that differing regions of California represent, as opposed to the whole State, the amendment also includes necessary policy provisions:

Bay-Delta water quality protections: Bay-Delta water quality issues have not been adequately addressed in the past and they need to be fixed now. It is not fair that the constituents of the gentleman from California (Mr. POMBO), or the constituents of the gentleman from California (Mr. GEORGE MILLER), or the constituents of the gentleman from California (Mr. CARDOZA) should bear the highest water quality burdens because of circumstances outside their control.

These water quality provisions addressed in this bill are the results of discussions between water users throughout California, including in Delta water uses. Most importantly, these provisions do not allow increased pumping unless water quality standards are met.

Water storage: Everyone wants to have more flexibility delivering water supplies throughout the State. Increased storage will give us more flexibility and improve water quality. In fact, my good friends in districts in the Bay area and beyond recently supported the Los Vaqueros expansion for these very purposes. My amendment provides that CALFED storage projects are subject to appropriate feasibility studies and if Congress does not act to disapprove them in 120 days, then construction is authorized.

Ensuring that adequate storage is part of a balanced CALFED is important here since CALFED expenditures so far have been imbalanced. This provision helps develop CALFED storage, and in no way undermines the regulatory process, including the Endangered Species Act, NEPA, SEQA, the Clean Water Act, and a number of other Federal acts and laws. Furthermore, these projects are still subject to appropriations.

Ecosystem restoration: The amendment has a "right to know" provision on how taxpayer dollars are being spent on ecosystem restoration. These provisions ask the Federal agencies to submit a management plan for CALFED-related ecosystem projects. These management plans would require a cost analysis, possible alternatives, disclosure of impacts, and required mitigation. All other projects, like storage projects, require much more detailed feasibility reports. We are only asking for a management plan that sits before Congress, which has no veto authority over such a management plan. This is nothing more than a good government plan that in no way hinders ecosystem restoration.

Mr. Speaker, there has never been a water bill that everybody likes. God knows I know that. But this is getting close. We have worked hard to resolve concerns and will continue to work with my colleagues and stakeholders on these issues. We cannot let the perfect be the enemy of the good. I urge my colleagues to support this amendment and the bill.

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

The SPEAKER pro tempore. Does the gentlewoman from California (Mrs. NAPOLITANO) seek to control the time in opposition to the amendment?

Mrs. NAPOLITANO. No, I do not.

The SPEAKER pro tempore. Does any Member seek to control time in opposition?

If not, without objection, the gentlewoman from California (Mrs. NAPOLITANO) may control the time reserved for opposition; and the gentlewoman is recognized for 10 minutes.

There was no objection.

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

Mr. Speaker, I certainly want to thank my good friend, the chairman of the subcommittee, the gentleman from California (Mr. CALVERT), for accommodating suggestions from minority staff and myself to improve this bill.

In particular, I am very pleased that the language that was inserted earlier in the week to allow the use of Central Valley Project Restoration Fund for the Environmental Water Account purchases has been deleted. This revision would make it clear that the CVP Restoration Fund cannot be used inappropriately.

I am very thankful and look forward to continuing to work on California's water projects, as well as other projects for the rest of the Nation.

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

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

The SPEAKER pro tempore. All time for debate on the amendment has expired.

Pursuant to House Resolution 711, the previous question is ordered on the bill, as amended, and on the further amendment in the nature of a substitute by the gentleman from California (Mr. CALVERT).

The question is on the amendment in the nature of a substitute offered by the gentleman from California (Mr. CALVERT).

The amendment in the nature of a substitute 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 OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

Mr. GEORGE MILLER of California. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. GEORGE MILLER of California. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. George Miller of California moves to recommit the bill H.R. 2828, to the Committee on Resources, with instructions to report the bill forthwith with the following amendment:

Strike Section 103(b)(5)(A)(i)(III).

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

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

Mr. Speaker, I rise in support of the motion to recommit, and every Member of the House who is concerned about runaway spending should join me in this vote.

The motion seeks to delete just one feature of this bill: The so-called "preauthorization of future California water projects" that ends a century of congressional review and design of massive, costly, and sometimes controversial water projects.

Passing this bill without deleting the so-called preauthorization provision grants a blank check to bureaucrats and Federal agencies to spend billions of dollars on dams, conveyance facilities, and other potentially controversial water projects in California without any further authorization by Congress.

This provision grants special privileges to California projects. They alone, not projects in Arizona, Colorado, or New Mexico, or anywhere else in the reclamation west, would be cleared for construction based upon a study done by the planners in the Department of the Interior. A study might reveal serious fiscal, legal, or environmental problems. But the project goes ahead anyway unless Congress passes a bill to stop it. If that bill is not brought to the floor of the House, the project goes forward.

So as projects in other States are forced to wait for bills to pass authorizing their construction, California moves to the front of the line, awaiting no authorization, freed from the scrutiny that will be imposed on projects in every other State. Those of you who have been here for a while know that water projects typically move in packages so that no State is left behind. Well, say goodbye to that process if this bill passes with the California preauthorization process, because many of the biggest, most expensive, most controversial projects will be off and running while you are still in the paddock.

Now, some may ask, why would I, as a Californian, raise this concern? Because I am a strong supporter of CALFED, I am a strong supporter of the record of decision, and I would like to support this legislation. But as the former chairman of both the Subcommittee on Water and Power and the full Committee on Resources, I know that a project that bypasses the authorization process is going to face withering opposition in the appropriations process and in the regulatory and judicial process and among the voters back at home, and that is why I offer this motion to recommit.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong support of the Miller-Tauscher motion to recommit.

As a member of California who represents a large part of the San Francisco Bay-Delta, I fully understand the importance of reauthorizing the CALFED program. Now more than

ever, California needs the Federal Government to be an active financial partner in helping restore the delta's ecosystem and meeting our State's growing water needs.

However, the preauthorization language in this bill severely jeopardizes our ability to renew this critical State-Federal partnership. Not only is it bad economic and environmental policy, but insisting on preauthorization, knowing that the other body will reject it, is a failed strategy for reaching agreement this year. Passing this bill as it is currently drafted is a divisive step that fails to really help Californians.

Mr. Speaker, with less than 30 legislative days remaining in the 108th Congress, we must have a smart strategy to get a CALFED bill done for the people of California before we adjourn. I urge my colleagues to support this motion, which will simply remove one paragraph from the bill and immediately return it to the House for consideration.

Our constituents sent us here to make timely progress on water policies that will help them. Removing this objectionable roadblock provision will help us move forward. I urge my colleagues to support the motion to recommit.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentlewoman for her comments, and say to the House that if this motion is passed, the bill would come back immediately to the House for its consideration and then it would move on to the Senate without this very controversial provision that has substantial Senate opposition and we can get on with passing this bill that the people have worked so terribly hard on and which our State needs.

Mr. CALVERT. Mr. Speaker, I rise in opposition to the motion to recommit.

Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. POMBO).

Mr. POMBO. Mr. Speaker, I thank the gentleman for yielding me this time.

This is not about setting a precedent over the way legislation is done. As the gentleman from California (Mr. CALVERT) has already pointed out, this is done very regularly in the process here.

□ 1245

My colleagues that offer this motion to recommit are not offering a motion to strip out everything that is authorized in this bill. They are only going after specifically the water storage projects. This is a bill that has been in the process, as has been said, many times for over 10 years of trying to come up with a compromise that everybody, Northern California, Southern California, east and west, everybody supported.

We were able to put together a compromise with the good work of the subcommittee chairman and ranking

member, and now we have somebody coming to the floor trying to blow that up. It is the same thing that we fought through with all of the water problems in California. You always have somebody who thinks they did not get everything they wanted or that somebody else may be getting something, and they try to blow it up. That is exactly what is going on here.

I urge my colleagues to vote against the motion to recommit.

Mr. CALVERT. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. NAPOLITANO), the ranking Democrat.

Mrs. NAPOLITANO. Mr. Speaker, I rise in opposition to the motion to recommit on H.R. 2828. The passage of this motion would prevent a bipartisan measure from moving forward, and we have worked in good faith with the chairman and his staff to try to develop the California water bill. And I know, as has been said, we do not all get what we want. I know I did not get everything I needed and wanted.

The gentleman from California (Chairman CALVERT) has stripped numerous provisions that I objected to, including language relating to the Clean Water Act, the Beneficiary Pays, the role of the Record of Decision, and the role of the Interior Department in implementing the CALFED program.

I am sympathetic to the issue. However, I cannot support this motion to recommit at this time.

Mr. CALVERT. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CARDOZA).

Mr. CARDOZA. Mr. Speaker, I regretfully rise in opposition to this motion. H.R. 2828 has been negotiated in a bipartisan manner, and I have been pleased to be part of such a fair and open process. The gentleman from California (Chairman POMBO) and the gentleman from California (Mr. CALVERT) have maintained a very open process, as both the gentlewoman from California (Mrs. NAPOLITANO) and I can attest.

The majority has accepted several of the requests that were put forward by the Democratic committee members, including critical water quality and water recycling language, and have acted in good faith. To send this bill back to committee now would mean the likely end to CALFED this year. If we do not act today and send this bill to conference where ongoing conversations with Senator FEINSTEIN can resume, we will lose precious time and I fear lose our remaining window of opportunity to address the water crisis in California.

Because of the job-creation impact, the building trades unions mentioned in my previous Dear Colleague wholeheartedly support final passage of H.R. 2828.

I urge my Democratic colleagues to defeat this motion.

Mr. CALVERT. Mr. Speaker, I yield myself such time as I may consume.

As my friend, the gentleman from California (Mr. GEORGE MILLER),

knows, negotiating water agreements is not easy; and we have had numerous conversations about the subject of water over the years. And certainly he has a long history in water in the State of California. As everyone knows who has been involved in water negotiations, they are difficult. There are conflicts all over the place. One of the concepts that we took when we went down this road was balance; and the Record of Decision that was a difficult Record of Decision to come to a conclusion, part of that was water storage on four projects. There were a lot more water projects that were being considered in that Record of Decision, but it was weaned down in difficult negotiations to really a limited amount of water storage.

Over \$12 million has been spent to date on looking at the feasibility of these four projects. All of the environmental laws must be met, and that is considerable, before any of these projects could ever become feasible. And even then if in fact they are deemed feasible, you would have to go through the appropriation process.

As I would point out to my friends, the Auburn Dam is an authorized project. I doubt if it will ever get appropriations to build. Unless a project is feasible, unless it has the political support in order to build, it will not happen.

And so I would say this motion to recommit takes the balance out of the process that we put together, and I believe it would remove all support for this CALFED process to continue. So I would urge my colleagues to vote "no" on the motion to recommit and vote "yes" on final passage.

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

The SPEAKER pro tempore (Mr. THORNBERRY). 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.

Mr. GEORGE MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the time for any electronic vote, if ordered, on the question of passage.

The vote was taken by electronic device, and there were—yeas 139, nays 255, not voting 40, as follows:

[Roll No. 354]

YEAS—139

Abercrombie	Andrews	Becerra
Alexander	Baird	Berkley
Allen	Baldwin	Berman

Boucher
Boyd
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Chandler
Clay
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Filner
Frank (MA)
Grijalva
Gutierrez
Harman
Hill
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)

Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Klecza
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Murtha
Nadler
Neal (MA)
Obey
Oliver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi

NAYS—255

Aderholt
Akin
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berry
Biggett
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Bradley (NH)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Costello
Cox
Cramer

Crane
Crenshaw
Cubin
Cunningham
Davis (AL)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Evans
Everett
Farr
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Hall
Harris
Hart

Pomeroy
Price (NC)
Rahall
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Townes
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watt
Weiner
Woolsey
Wu
Wynn

Millender-
McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Ortiz
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pombo
Porter
Portman

Ackerman
Bell
Bishop (NY)
Blumenauer
Brady (TX)
Carson (IN)
Collins
Culberson
Deal (GA)
Delahunt
Dicks
Fattah
Gephardt
Gerlach

NOT VOTING—40

Green (TX)
Gutknecht
Hastings (FL)
Hinchey
Isakson
John
Jones (OH)
King (NY)
Kirk
LaHood
Lee
Lipinski
Lofgren
Majette

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. THORNBERRY) (during the vote). Members are reminded to record their votes.

□ 1312

Mr. MORAN of Kansas and Mrs. CUBIN changed their vote from "yea" to "nay."

Ms. SLAUGHTER and Messrs. RYAN of Ohio, DAVIS of Illinois, STRICKLAND, RUSH, and ANDREWS changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. KIRK. Mr. Speaker, on July 9, 2004, I missed rollcall vote No. 354, the motion to recommit for H.R. 2828. I missed the vote due to a meeting I had with the President of the World Bank. Had I been present I would have voted "no."

The SPEAKER pro tempore. The question is on passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BOEHLERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill, H.R. 3598, as amended.

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

There was no objection.

MANUFACTURING TECHNOLOGY COMPETITIVENESS ACT OF 2004

The SPEAKER pro tempore. Pursuant to House Resolution 706 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. 3598.

□ 1312

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. 3598) to establish an interagency committee to coordinate Federal manufacturing research and development efforts in manufacturing, strengthen existing programs to assist manufacturing innovation and education, and expand outreach programs for small and medium-sized manufacturers, and for other purposes, with Mr. TERRY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New York (Mr. BOEHLERT) and the gentleman from Tennessee (Mr. GORDON) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. BOEHLERT).

□ 1315

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

Mr. Chairman, I am very pleased to be able to bring this bill before the House today, and I want to thank the gentleman from Michigan (Mr. EHLERS), chairman of the Subcommittee on Environment, Standards, and Technology of the Committee on Science for his insight and persistence in introducing this bill and refining it to the point that it can be signed into law.

Let me tell you what this bill is all about. It is about my favorite four letter word; and do not get nervous, it is a four letter word that you can use in polite company and on the floor of the people's House. This is a jobs bill. The programs that we reauthorize and create in this bill will enable American manufacturers to create and retain good, high-paying jobs in the United States of America.

Other than ensuring national security, this Congress has no task more important than promoting job creation and retention; that is, ensuring economic security.

I can say this is a jobs bill without fear of contradiction. Most of the programs in this bill are not new experiments. We are reauthorizing programs that have a proven track record of saving and creating jobs. What is more important?

The Manufacturing Extension Partnership program, which I and others