

S. 686

At the request of Ms. MIKULSKI, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 686, a bill to establish the Social Work Reinvestment Commission to advise Congress and the Secretary of Health and Human Services on policy issues associated with the profession of social work, to authorize the Secretary to make grants to support recruitment for, and retention, research, and reinvestment in, the profession, and for other purposes.

S. 819

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 819, a bill to provide for enhanced treatment, support, services, and research for individuals with autism spectrum disorders and their families.

S. 883

At the request of Mr. KERRY, the names of the Senator from Delaware (Mr. CARPER), the Senator from Idaho (Mr. CRAPO), the Senator from Montana (Mr. BAUCUS) and the Senator from Massachusetts (Mr. KIRK) were added as cosponsors of S. 883, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

S. 991

At the request of Mr. INHOFE, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 991, a bill to declare English as the official language of the United States, to establish a uniform English language rule for naturalization, and to avoid misconstructions of the English language texts of the laws of the United States, pursuant to Congress' powers to provide for the general welfare of the United States and to establish a rule of naturalization under article I, section 8, of the Constitution.

S. 1067

At the request of Mr. FEINGOLD, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1067, a bill to support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, and for other purposes.

S. 1076

At the request of Mr. MENENDEZ, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1076, a bill to improve the accuracy of fur product labeling, and for other purposes.

S. 1197

At the request of Mr. DORGAN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1197, a bill to establish a grant program for automated external defibrillators in elementary and secondary schools.

S. 1273

At the request of Mr. DORGAN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1273, a bill to amend the Public Health Service Act to provide for the establishment of permanent national surveillance systems for multiple sclerosis, Parkinson's disease, and other neurological diseases and disorders.

S. 1379

At the request of Mr. THUNE, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1379, a bill to encourage energy efficiency and conservation and development of renewable energy sources for housing, commercial structures, and other buildings, and to create sustainable communities.

S. 1382

At the request of Mr. DODD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1382, a bill to improve and expand the Peace Corps for the 21st century, and for other purposes.

S. 1583

At the request of Mr. ROCKEFELLER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1583, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2014, and for other purposes.

S. 1628

At the request of Mr. UDALL of Colorado, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 1628, a bill to amend title VII of the Public Health Service Act to increase the number of physicians who practice in underserved rural communities.

S. 1660

At the request of Ms. KLOBUCHAR, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1660, a bill to amend the Toxic Substances Control Act to reduce the emissions of formaldehyde from composite wood products, and for other purposes.

S. 1685

At the request of Mr. SANDERS, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1685, a bill to provide an emergency benefit of \$250 to seniors, veterans, and persons with disabilities in 2010 to compensate for the lack of a

cos-of-living adjustment for such year, and for other purposes.

S. 1688

At the request of Mr. BENNETT, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1688, a bill to prevent congressional reapportionment distortions by requiring that, in the questionnaires used in the taking of any decennial census of population, a checkbox or other similar option be included for respondents to indicate citizenship status or lawful presence in the United States.

S. 1694

At the request of Mr. ROCKEFELLER, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1694, a bill to allow the funding for the interoperable emergency communications grant program established under the Digital Television Transition and Public Safety Act of 2005 to remain available until expended through fiscal year 2012, and for other purposes.

S. 1709

At the request of Ms. STABENOW, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1709, a bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to establish a grant program to promote efforts to develop, implement, and sustain veterinary services, and for other purposes.

S. 1728

At the request of Mrs. MCCASKILL, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Illinois (Mr. BURRIS) were added as cosponsors of S. 1728, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyer credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

S. 1731

At the request of Mr. REED, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1731, a bill to require certain mortgagees to make loan modifications, to establish a grant program for State and local government mediation programs, to create databases on foreclosures, and for other purposes.

AMENDMENT NO. 2601

At the request of Mr. SANDERS, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of amendment No. 2601 proposed to H.R. 3326, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1759. A bill to authorize certain transfers of water in the Central Valley

Project, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I rise today on behalf of myself and Senator BOXER to introduce the Water Transfer Facilitation Act of 2009.

The measure should reduce unnecessary delays in water transfers at a time when Central Valley farmers have been hard hit by a 3-year drought. It would allow new water transfers of roughly 250,000 to 300,000 acre-feet of water per year, depending on the rainfall that year.

Here is how the bill would work: it would grant new authority to the Bureau of Reclamation to approve water transfers between sellers and buyers in the San Joaquin Valley. The measure also would streamline environmental reviews for Central Valley water transfers by ensuring that they occur on a programmatic basis, instead of project-by-project basis as is current practice.

Here is why we need this bill: this past water year, South of Delta agriculture users received 10 percent of their contractual allocation from the Central Valley Project. At the same time others in the San Joaquin Valley, such as the Friant Division and the exchange contractors, had a surplus of water and were willing to sell some of their water to Westlands Water District, where fields have been fallowed and communities have close to 40 percent unemployment—yet there were serious obstacles to making those transfers happen.

That is why I am introducing this bill. It will address those obstacles.

Specifically, the bill will do three things to ease the drought crisis:

First, it would authorize transfers within San Joaquin Valley between Divisions of the Central Valley Project and among contractors within a Division by removing two of the biggest obstacles to these transfers.

Water users tell me that the Bureau of Reclamation has not allowed transfers of water if the water could have been used for irrigation or stored, or if the total amount of water transferred was more than what had been received on average the 3 years prior to 1992. These two conditions previously prevented a whole host of potential transfers of water.

Neither of these restrictions is necessary for environmental reasons, and removal of these two obstacles alone could make up to 100,000 or 150,000 acre-feet of water available for transfer to the communities most in need, according to the Bureau of Reclamation.

So, this bill would explicitly grant the Bureau the authority to approve these types of East-West transfers, as long as they qualify under environmental regulations.

Second, the bill directs the Department of the Interior to facilitate transfers from the Sacramento Valley to the San Joaquin Valley by doing programmatic consideration of all the environmental concerns, rather than re-

quiring individual review on each transfer as is current practice.

Water users and the Bureau of Reclamation estimate that this step could facilitate up to 150,000 or 200,000 acre-feet of transfers each year.

Third, the bill also requires the Bureau of Reclamation to prepare a report and recommendations on how to facilitate transfers more efficiently and expeditiously, including transfers in all directions and between the state and federal projects.

The bill is supported by a great number of water users across the Central Valley, including: Friant Water Users Authority; San Joaquin River Exchange Contractors Authority; Delta-Mendota Canal Authority; Westlands Water District; Metropolitan Water District; Glen Colusa Irrigation District; Northern California Water Association; Banta-Carbona Irrigation District; Tehama-Colusa Canal Authority; Association of California Water Agencies; Placer County Water Agency; Conaway Preservation Group; Reclamation District 2035; and San Luis Water District.

Companion legislation is also being introduced today by Representatives COSTA and CARDOZA in the House of Representatives.

There is no question that the drought and federal pumping restrictions have had huge impacts on Central Valley Agriculture.

Nearly 500,000 acres of fields have been fallowed. Fields of fruit and nut trees have been stumped and uprooted. Some farmers simply chose to forego planting their row crops at all.

The agricultural industry estimates that about \$700 million in revenues have been lost.

About 21,000 agriculture jobs have been lost, nearly all in San Joaquin Valley.

For example, Mendota unemployment is currently 37.4 percent.

Workers who once tended America's "bread basket" are now standing in bread lines.

The impacts are not limited to agriculture:

Urban areas like Los Angeles are imposing rate hikes for non-conserving households, limiting lawn irrigation, and other conservation measures.

Municipal industrial users south of Delta are restricted to 60 percent of their contractual allocation.

The truth is that this crisis has been building for some time—and there are several causes to blame.

California's population is close to 40 million, but its water infrastructure hasn't been updated in three decades.

Due to groundwater pumping, the Central Valley lost 60 million acre-feet of groundwater since 1962.

This year, Federal agencies imposed pumping restrictions to protect endangered species—yet there is some misconception about the scope of these restrictions.

In 2009, roughly 25 percent of delivery shortages for farms and water users

due to pumping restrictions, about 500,000 acre-feet.

The other 75 percent of the restrictions were due to lack of run-off, about 1.6 million acre-feet.

So, the drought is largely to blame for California's water shortages.

Invasive and non-native species are also a threat. The non-native striped bass, although a popular sport fish, are top predators on native fish like the smelt.

Pollution remains a problem, despite water quality standards. Ammonia discharge may be a problem from wastewater treatment discharge, and toxic insecticides accumulate and contribute to the deterioration of the ecosystem.

So, California's water crisis is a complicated issue that cannot be simply solved by saying "Turn on the Pumps."

It is clear that we need solutions for the Delta, both long-term and short-term.

I am working with my colleagues on both.

The bill we are introducing today will provide more flexibility in the system, allowing water to flow more freely around the Central Valley. Just this past water year, 600,000 acre feet were transferred around the Central Valley, and this bill will allow even more water to flow.

But transfers alone cannot provide the entire solution—they are costly, and they are still constrained by the pumping restrictions.

So this legislation is just one of several steps we are taking to provide timely relief to farmers in the San Joaquin Valley.

In the Energy and Water Appropriations bill, there is \$10 million for the construction of short term projects that could provide more water supply or flexibility, including Two Gates and the Intertie.

We also provided funding for the science that will be relied on by the Bay Delta Conservation Plan—our best long-term option to restore the Delta and improve water supply.

We also included funding for water recycling projects, and are working to authorize more projects to help communities develop local water supplies based on groundwater and desalination.

Finally, there is \$750,000 for the National Academy of Sciences review of the two biological opinions that currently govern water flows in the Central Valley. The independent scientific study, announced by Secretaries Salazar and Locke last week, should be completed within six months.

The National Academy study will assess whether there are other ways to provide the same protections for endangered species, while supplying more water to the drought-stricken Central Valley. And it will put to rest any lingering questions about whether pumping restrictions in the Delta are based on the best available science.

It is a critical step to moving forward with any near-term and long-term solutions for the Delta.

This bill we are introducing today is but one of several steps we are taking to address the water crisis in California.

We look forward to an early hearing on this bill, and working with others towards its passage and implementation. I thank Senator BINGAMAN for his commitment to hold an early hearing on the bill.

Mr. President, I ask that the text of the bill and the letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1759

*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 Transfer Facilitation Act of 2009".

#### SEC. 2. AUTHORIZATION OF IRRIGATION WATER TRANSFERS, CENTRAL VALLEY PROJECT.

(a) IN GENERAL.—Subject to subsection (b), the following voluntary water transfers shall be considered to meet the conditions described in subparagraphs (A) and (I) of section 3405(a)(1) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575; 106 Stat. 4709):

(1) A transfer of irrigation water among Central Valley Project contractors from the Friant, San Felipe, West San Joaquin, and Delta divisions.

(2) A transfer of water among current or prior temporary or long-term water service, repayment, water rights settlement, or exchange contractors within a division of the Central Valley Project.

(b) CONDITION.—A transfer under subsection (a) shall be subject to the condition that the transfer not interfere with—

(1) the San Joaquin River Restoration Settlement Act (Public Law 111-11; 123 Stat. 1349), including the priorities described in section 10004(a)(4)(B) of that Act (123 Stat. 1350) relating to implementation of paragraph 16 of the Settlement (as defined in section 10003 of that Act (123 Stat. 1349)); and

(2) the Settlement.

#### SEC. 3. FACILITATION OF WATER TRANSFERS, CENTRAL VALLEY PROJECT.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service and the Commissioner of the Bureau of Reclamation (referred to in this section as the "Secretary"), using such sums as are necessary, shall initiate and complete, on the most expedited basis practicable, the programmatic development of environmental documentation to facilitate voluntary water transfers within the Central Valley Project.

(b) INCLUSIONS.—The environmental documentation under subsection (a) shall include all applicable environmental reviews, permitting, and consultations, including the environmental documentation needed to address concerns with respect to the Giant Garter Snake (*Thamnophis gigas*).

#### SEC. 4. REPORT ON CENTRAL VALLEY PROJECT WATER TRANSFERS.

(a) IN GENERAL.—Not later than January 10, 2010, the Commissioner of the Bureau of Reclamation (referred to in this section as the "Commissioner") shall submit to the appropriate committees of Congress a report that—

(1) describes the status of efforts to help facilitate and improve the water transfers under this Act; and

(2) provides recommendations on ways to facilitate, and improve the process for—

(A) water transfers within the Central Valley Project; and

(B) water transfers between the Central Valley Project and State water projects.

(b) UPDATES.—Not later than July 15, 2010, and every 180 days thereafter until the Commissioner determines that no further Federal action is warranted or authorized with respect to the water transfers under this Act, the Commissioner shall update the report submitted under subsection (a).

#### SEC. 5. TECHNICAL CORRECTIONS.

Section 3405(a)(1) of the Central Valley Project Improvement Act (Public Law 102-575; 106 Stat. 4710) is amended—

(1) in the first sentence, by striking "transfers to" and inserting "transfers of"; and

(2) in subparagraph (A), by striking "to combination" and inserting "or combination".

ASSOCIATION OF CALIFORNIA  
WATER AGENCIES,  
October 5, 2009.

Re ACWA support for Water Transfer Legislation.

Senator DIANNE FEINSTEIN,  
Hart Senate Office Building,  
Washington, DC.

Senator BARBARA BOXER,  
Hart Senate Office Building,  
Washington, DC

DEAR SENATORS FEINSTEIN AND BOXER: Thank you for introducing water transfer legislation for the Central Valley Project (CVP) which ACWA is pleased to support. As California's water supply challenges multiply, this legislation can provide greater flexibility for management of CVP water supplies. As you know, ACWA's 450 public agency members are collectively responsible for 90 percent of the water delivered in California for residential and agricultural uses.

California's water supply situation is dire and worsening. Three years of below average precipitation along with heavy regulatory restrictions through the ESA and Biological Opinions, have seriously diminished California's water supplies. Under these conditions, it is essential that short term actions, such as provided by your legislation to flexibly enable water supplies to move across the San Joaquin Valley, be pursued.

Again, thank you for introducing water transfer legislation. ACWA looks forward to working with you to secure its passage in an expedited manner.

Sincerely,

TIMOTHY QUINN,  
Executive Director.

SAN JOAQUIN RIVER  
WATER AUTHORITY,

San Joaquin, CA, October 5, 2009.

Re Support for Transfer Legislation for the Central Valley Project.

Senator DIANNE FEINSTEIN,  
Hart Senate Office Building,  
Washington, DC.

DEAR SENATOR FEINSTEIN: On behalf of the San Joaquin River Exchange Contractors Water Authority (Exchange Contractors), we thank you for introducing transfer legislation for the Central Valley Project (CVP) and we support your efforts and this legislation as a means of providing greater flexibility for management of CVP water supplies.

The diminished water deliveries to the CVP as a result of various regulatory restrictions, including the most recent delta smelt and salmon Biological Opinions and three years of below average precipitation statewide, have, as you know, created a desperate situation in the San Joaquin Valley.

While long-term solutions are being sought, numerous short term efforts are needed to help bridge the water supply gap and great flexibility, as provided in your legislation, to move water supplies within the San Joaquin Valley would be a useful tool.

The Exchange Contractors consist of four member agencies serving over 240,000 acres in the San Joaquin Valley in Fresno, Madera, Merced, and Stanislaus Counties.

We look forward to engaging in this effort and working closely with you and your staff in advancing this legislation and addressing California water issues.

Sincerely,

STEVE CHEDESTER,  
Executive Director.

FRIANT WATER USERS AUTHORITY,  
Lindsay, CA, October 1, 2009.

Subject SUPPORT for Transfer legislation for the Central Valley Project.

Hon. DIANNE FEINSTEIN,  
Hart Senate Office Building,  
Washington, DC.

DEAR SENATOR FEINSTEIN, On behalf of Friant Water Users Authority (Authority), we thank you for introducing transfer legislation for the Central Valley Project (CVP) and we support your efforts and this legislation as a means of providing greater flexibility for management of CVP water supplies.

The diminished water deliveries to the CVP as a result of three years of below average precipitation amplified by various regulatory restrictions, including the ESA and the most recent delta smelt and salmon Biological Opinions, have, as you know, created a desperate situation in the San Joaquin Valley.

While long-term solutions are being sought, numerous short term efforts are needed to help bridge the water supply gap and greater flexibility, as provided in your legislation, to move water supplies across the San Joaquin Valley would be a useful tool: In addition, the legislation would help Friant districts affected by the SJR Settlement improve management of surface and groundwater supplies.

The Authority consists of nineteen member water, irrigation and public utility districts. The Friant Service area includes approximately one million acres and 15,000 mostly small family farms on the east side of the southern San Joaquin Valley (Madera, Fresno, Tulare and Kern County). Friant Division water supplies are also relied upon by several cities and towns, including the City of Fresno, as a major portion of their municipal and industrial water supplies.

We look forward to engaging in this effort and working closely with you and your staff in advancing this legislation and addressing California water issues.

Sincerely,

RONALD D. JACOBSMA,  
Consulting General Manager.

PLACER COUNTY WATER AGENCY,  
Auburn, CA, October 6, 2009.

Re Support for Central Valley Project water transfer legislation.

Hon. DIANNE FEINSTEIN,  
U.S. Senate, Hart Senate Office Building,  
Washington, DC

DEAR SENATOR FEINSTEIN: On behalf of Placer County Water Agency (PCWA), we thank you for introducing legislation authorizing and establishing a programmatic approach to promote and manage water transfers in California. We support your efforts and this legislation as a means of providing greater regulatory certainty for the management of Central Valley Project (CVP) water supplies for water users.

As you may be aware, PCWA has participated in water transfers in the past to help meet the needs of water users within the CVP and is intimately aware of the impacts diminished water deliveries cause to farmers and communities. Because of PCWA's experience with previous water transfers, we also would like an opportunity to meet you and your staff to discuss additional regulatory improvements to Reclamation law that would streamline future transfers.

Because of below average precipitation and regulatory requirements placed upon the CVP and its water users through the requirements established by the recent National Marine Fisheries Service biological opinions for endangered smelt and salmon, the impact to water users is severe. Your legislation will provide much needed relief in the form of a flexible and useful tool that will allow water to be transferred from willing parties to those in need within the State of California.

We look forward to working with you and your staff in the coming months in this important legislative effort, and appreciate your leadership in advancing this legislation and addressing California water issues so important to our collective future.

Sincerely,

GRAHAM L. ALLEN,  
*Chairman, Board of Directors.*

THE METROPOLITAN WATER  
DISTRICT OF SOUTHERN CALIFORNIA,  
*Los Angeles, CA, October 5, 2009.*

Hon. DIANNE FEINSTEIN,  
*U.S. Senate,  
Washington, DC.*

DEAR SENATOR FEINSTEIN: The Metropolitan Water District of Southern California is pleased to support the legislation you are introducing related to water transfers for the Central Valley Project (CVP). This legislation will help provide good water management while providing flexibility for CVP customers.

As a regional wholesale water provider, Metropolitan provides water for nearly 19 million people throughout our six-county service area in Southern California. As Metropolitan and the entire state continue to address water supply challenges throughout California, the vitality of our economy and environment has been seriously affected. Your proposed legislation will help address these critically important issues.

Please let me know if we can be helpful in any way.

Sincerely,

JEFFREY KIGHTLINGER,  
*General Manager.*

NORTHERN CALIFORNIA  
WATER ASSOCIATION,  
*Sacramento, CA, October 2, 2009.*

Re support for water transfer legislation.

Hon. DIANNE FEINSTEIN,  
*U.S. Senate,  
Washington, DC.*

DEAR SENATOR FEINSTEIN: On behalf of the Northern California Water Association (NCWA), we thank you for introducing legislation authorizing and establishing a permanent long-term program to promote and manage water transfers in the Central Valley of California. We support your efforts and this legislation as a means of providing greater flexibility in the management of Central Valley Project (CVP) and other water supplies to help meet unmet needs critical to the future of the State of California.

As you are aware, the devastating impacts of diminished water deliveries to the CVP as a result of three years of below average precipitation have been made even greater by the various regulatory restrictions, includ-

ing the requirements established by the recent federal biological opinions for endangered fish under the ESA. Your legislation will provide immediate, much needed relief in the form of a flexible and useful tool that will allow water to be transferred from willing parties to those in need within the CVP.

NCWA was formed in 1992 to present a unified voice working to resolve California's water issues and protect the water rights and supplies of the diverse Northern California region, now and into the future. NCWA represents 54 agricultural water districts and agencies, private water companies, and individual water rights holders with rights and entitlements to the surface waters and groundwater resources of the Sacramento Valley. Many of our members can and will actively participate in this water transfer program. The language in your legislation directing the Bureau of Reclamation to work with other federal agencies to implement the necessary long-term environmental processes addressing impacts of a water transfer program on the ESA-listed Giant Garter Snake will be imperative to its usefulness and success.

We look forward to working with you and your staff in the coming months in this important legislative effort, and appreciate your leadership in advancing this legislation and addressing California water issues so important to our collective future.

Sincerely,

DONN ZEA,  
*President and CEO.*

WESTLANDS WATER DISTRICT,  
*Fresno, CA, October 6, 2009.*

Re Water Transfer Facilitation Act of 2009.

Hon. DIANNE FEINSTEIN,  
*U.S. Senate,  
Washington, DC.*

DEAR SENATOR FEINSTEIN: I am writing on behalf of Westlands Water District to express its support for your bill, the Water Transfer Facilitation Act of 2009, authorizing certain transfers of water in the Central Valley Project and other purposes. Water transfers are a critical tool for providing water supplies for areas that are faced with chronic water supply shortages. However, the approval process for many transfers often distract from their usefulness. Your legislation will bring important reform to existing transfer authorization thus increasing the efficacy of this essential water management tool.

As you are keenly aware, the chronic water supply shortages impacting the area of the San Joaquin Valley served by the Central Valley Project demands that water users in the affected area rely on water transfers. Moreover, the need to transfer water is often urgent and in response to climactic conditions that are frequently sporadic and ephemeral. Regrettably, bureaucratic process can unnecessarily thwart successful execution of a transfer. The clarity your legislation brings to existing authorizations will only improve the capability of water managers throughout the State to effectively respond to the ongoing crisis and put our scant water resources to use even more efficiently.

The westside of the San Joaquin Valley is inarguably the most transfer dependent region of the State. Your efforts to address this important matter are greatly appreciated. If there is anything I can do to be of help in connection with your efforts, please let me know.

Very truly yours,

THOMAS W. BIRMINGHAM,  
*General Manager General Counsel.*

SAN LUIS AND DELTA MENDOTA

WATER AUTHORITY,

*Los Banos, CA, October 5, 2009.*

Re Water Transfer Facilitation Act of 2009.

Hon. DIANNE FEINSTEIN,  
*U.S. Senate,  
Washington, DC.*

Hon. BARBARA BOXER,  
*U.S. Senate,  
Washington, DC.*

Hon. DENNIS CARDOZA,  
*House of Representatives,  
Washington, DC.*

Hon. JIM COSTA,  
*House of Representatives,  
Washington, DC.*

DEAR SENATOR FEINSTEIN, SENATOR BOXER, MR. CARDOZA, AND MR. COSTA: I am writing on behalf of the San Luis & Delta-Mendota Water Authority to express our enthusiastic support for your bill, the Water Transfer Facilitation Act of 2009, authorizing certain transfers of water in the Central Valley Project and other purposes. Water transfers are essential to sound water management and often are time sensitive. Your legislation will bring important reform to existing transfer authorization thus increasing the efficacy of this essential water management tool.

As you are keenly aware, coping with California's water crisis and, in particular, the chronic water supply shortages impacting the Central Valley Project demands utilization of various best management practices including water transfers. Moreover, the need to transfer water is often urgent and in response to climactic conditions that are frequently sporadic and ephemeral. Regrettably, bureaucratic process can unnecessarily thwart successful execution of a transfer and the best management of this all too precious resource. The clarity your legislation brings to existing authorizations will only improve the capability of water managers throughout the State to effectively respond to the ongoing crisis and put our scant water resources to use even more efficiently.

The Westside of the great San Joaquin Valley is inarguably the most transfer dependent region of the State. Your efforts to address this important matter as well as your vast knowledge of and longstanding commitment to water resource issues vital to the State are most deeply appreciated. If there is anything I can do to be of further service to you in this cause, please do not hesitate to call.

Very truly yours,

DANIEL G NELSON,  
*Executive Director.*

Mrs. BOXER. Mr. President, I rise to discuss the Water Transfer Facilitation Act of 2009. Senator FEINSTEIN and I have introduced this legislation to facilitate voluntary water transfers within the San Joaquin Valley.

Three years of below-average precipitation have restricted water supplies for much of California. Drought conditions have particularly affected agricultural communities in the San Joaquin Valley.

As a result of these water shortages, more than 500,000 acres of cropland have been fallowed in the San Joaquin Valley, and some cities on the west side of the Valley are facing nearly 40 percent unemployment.

Senator FEINSTEIN and I have worked with Representatives CARDOZA and COSTA to identify measures to address these water shortages. We included a measure in the Energy and Water appropriations bill allowing voluntary

water transfers between water users on the east and west side of the San Joaquin Valley.

The final provision included in the conference report will allow these transfers for a two-year trial period. We are now seeking to extend this provision permanently and to enable more water users to participate in these transfers.

In addition, our legislation directs the Department of the Interior to use a programmatic approach to environmental review for certain types of water transfers, helping to expedite them.

Finally, it requires the Department of the Interior to prepare a report and recommendations on how to facilitate water transfers throughout California, including between the State and Federal water projects.

These water transfers are an important tool for improving flexibility in managing water supplies, providing a mechanism for getting water to those communities who need it most. Preliminary estimates suggest that this legislation may enable the transfer of as much as 250,000 to 300,000 acre-feet of water per year to communities in need. This will provide a crucial resource to agricultural communities in California that lost 90 percent of their expected water allocations this year.

I look forward to working with my colleagues in the Senate and in the California delegation to advance this important legislation.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 307—TO REQUIRE THAT ALL LEGISLATIVE MATTERS BE AVAILABLE AND FULLY SCORED BY CBO 72 HOURS BEFORE CONSIDERATION BY ANY SUBCOMMITTEE OR COMMITTEE OF THE SENATE OR ON THE FLOOR OF THE SENATE

Mr. BUNNING (for himself, Mr. JOHANNES, Mr. DEMINT, Mr. CRAPO, Mr. VITTER, Mr. THUNE, Mr. RISCH, Mr. GREGG, Mr. GRASSLEY, Mr. WICKER, Mr. ENSIGN, Mr. COBURN, Mr. INHOFE, Mr. SESSIONS, Mr. VOINOVICH, Mr. CHAMBLISS, Mr. CORNYN, Mr. BROWNBACK, Mr. BARRASSO, Mr. ENZI, Mr. BURR, Mr. CORKER, Mr. KYL, Mr. MCCAIN, Mr. ALEXANDER, and Mr. ROBERTS) submitted the following resolution; which was referred to the Committee on Rules and Administration:

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#### SECTION 1. PUBLIC AVAILABILITY OF LEGISLATION AND THE COST OF THAT LEGISLATION.

(a) COMMITTEES.—Rule XXVI of the Standing Rules of the Senate is amended by inserting at the end thereof the following:

“14. (a) It shall not be in order in a subcommittee or committee to proceed to any legislative matter unless the legislative matter and a final budget scoring by the Congressional Budget Office for the legislative matter has been publically available on the Internet as provided in subparagraph (b) in

searchable form 72 hours (excluding Saturdays, Sundays and holidays except when the Senate is in session on such a day) prior to proceeding.

“(b) With respect to the requirements of subparagraph (a)—

“(1) the legislative matter shall be available on the official website of the committee; and

“(2) the final score shall be available on the official website of the Congressional Budget Office.

“(c) This paragraph may be waived or suspended in the subcommittee or committee only by an affirmative vote of  $\frac{2}{3}$  of the Members of the subcommittee or committee. An affirmative vote of  $\frac{2}{3}$  of the Members of the subcommittee or committee shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this paragraph.

“(d)(1) It shall not be in order in the Senate to proceed to a legislative matter if the legislative matter was proceeded to in a subcommittee or committee in violation of this paragraph.

“(2) This subparagraph may be waived or suspended in the Senate only by an affirmative vote of  $\frac{2}{3}$  of the Members, duly chosen and sworn. An affirmative vote of  $\frac{2}{3}$  of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this subparagraph.

“(e) In this paragraph, the term ‘legislative matter’ means any bill, joint resolution, concurrent resolution, conference report, or substitute amendment but does not include perfecting amendments.”.

(b) SENATE.—Rule XVII of the Standing Rules of the Senate is amended by inserting at the end thereof the following:

“6. (a) It shall not be in order in the Senate to proceed to any legislative matter unless the legislative matter and a final budget scoring by the Congressional Budget Office for the legislative matter has been publically available on the Internet as provided in subparagraph (b) in searchable form 72 hours (excluding Saturdays, Sundays and holidays except when the Senate is in session on such a day) prior to proceeding.

“(b) With respect to the requirements of subparagraph (a)—

“(1) the legislative matter shall be available on the official website of the committee with jurisdiction over the subject matter of the legislative matter; and

“(2) the final score shall be available on the official website of the Congressional Budget Office.

“(c) This paragraph may be waived or suspended in the Senate only by an affirmative vote of  $\frac{2}{3}$  of the Members, duly chosen and sworn. An affirmative vote of  $\frac{2}{3}$  of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this paragraph.

“(d) In this paragraph, the term ‘legislative matter’ means any bill, joint resolution, concurrent resolution, conference report, or substitute amendment but does not include perfecting amendments.”.

#### SEC. 2. PROTECTION OF CLASSIFIED INFORMATION.

Nothing in this resolution or any amendment made by it shall be interpreted to require or permit the declassification or posting on the Internet of classified information in the custody of the Senate. Such classified information shall be made available to Members in a timely manner as appropriate under existing laws and rules.

#### SENATE RESOLUTION 308—RECOGNIZING AND SUPPORTING THE GOALS AND IDEALS OF NATIONAL RUNAWAY PREVENTION MONTH

Mr. SHELBY (for himself and Mrs. LINCOLN) submitted the following resolution; which was considered and agreed to:

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Whereas the number of runaway and homeless youth in the United States is staggering, with studies suggesting that between 1,600,000 and 2,800,000 youth live on the streets each year;

Whereas the problem of children who run away from home is widespread, as youth between 12 and 17 years of age are at a higher risk of homelessness than adults;

Whereas runaway youth are often expelled from their homes by their families, discharged by State custodial systems without adequate transition plans, separated from their parents by death and divorce, or physically, sexually, and emotionally abused at home;

Whereas runaway youth are often too poor to secure their own basic needs and are ineligible or unable to access adequate medical or mental health resources;

Whereas effective programs that provide support to runaway youth and assist them in remaining at home with their families can succeed through partnerships created among families, community-based human service agencies, law enforcement agencies, schools, faith-based organizations, and businesses;

Whereas preventing youth from running away from home and supporting youth in high-risk situations is a family, community, and national priority;

Whereas the future of the Nation is dependent on providing opportunities for youth to acquire the knowledge, skills, and abilities necessary to develop into safe, healthy, and productive adults;

Whereas the National Network for Youth and its members advocate on behalf of runaway and homeless youth and provide an array of community-based support to address their critical needs;

Whereas the National Runaway Switchboard provides crisis intervention and referrals to reconnect runaway youth with their families and link youth to local resources that provide positive alternatives to running away from home; and

Whereas during the month of November, the National Network for Youth and the National Runaway Switchboard are co-sponsoring National Runaway Prevention Month, in order to increase public awareness of the circumstances faced by youth in high-risk situations and to address the need to provide resources and support for safe, healthy, and productive alternatives for at-risk youth, their families, and their communities: Now, therefore, be it

*Resolved*, That the Senate recognizes and supports the goals and ideals of National Runaway Prevention Month.

#### SENATE CONCURRENT RESOLUTION 46—RECOGNIZING THE BENEFITS OF SERVICE-LEARNING AND EXPRESSING SUPPORT FOR THE GOALS OF THE NATIONAL LEARN AND SERVE CHALLENGE

Mrs. MURRAY (for herself, Mr. COCHRAN, Mr. DODD, Ms. MIKULSKI, Mr. FEINGOLD, Ms. COLLINS, Mr. BAYH, and Mrs. GILLIBRAND) submitted the following concurrent resolution; which