

EXTENSIONS OF REMARKS

FULL-YEAR CONTINUING
APPROPRIATIONS ACT, 2011

SPEECH OF

HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes:

Mr. NUNES. Mr. Chair, after four years of complete neglect by the Democratic majority, the San Joaquin Valley of California is in utter shambles. The previous Congress inexplicably and utterly failed to comprehend that shutting off the water supply to an agricultural economy would create economic devastation. As a result, unemployment rates rose to 20% and are as high as 40% in some parts of the Valley.

For the past several years, I have fought to restore the water flow and bring back the lost jobs. Every attempt I made to offer legislation was rebuffed by the Democrat majority. Instead, they chose poverty over prosperity and environmental activists over farm workers. The message sent to families in the San Joaquin Valley was that Congress doesn't care that hungry people stand for hours in food lines. It was more important to nourish a fish than nourish a child. In a final insult to the people of the San Joaquin Valley, carrots from China were among the food products provided in those lines.

Those dark days are coming to an end. A new dawn has come in the House of Representatives—one that will bring jobs and water back to the parched San Joaquin Valley. The bill before us today is the first step in that direction.

Over the last three years, the San Joaquin Valley has seen water supply cuts imposed and justified by draconian biological opinions on the delta smelt and salmon developed by the Fish and Wildlife Service (FWS) and the National Marine Fisheries Services (NMFS). The United States District Court for the Eastern District of California has held that these opinions are unlawful and illogical; the National Academy of Sciences has said those opinions are not supported by science.

With respect to the delta smelt biological opinion issued by the FWS on December 15, 2008, it has been remanded to the agency for preparation of a new biological opinion. The Court's December 14, 2010 decision identified an overarching legal flaw in the "reasonable and prudent alternative actions" proposed by FWS. Specifically, the Court found that the FWS failed to comply with its own regulations that govern the development and evaluation of reasonable and prudent alternatives. The Court held that "the RPA Actions manifestly interdict the water supply for domestic human consumption and agricultural use for over

twenty million people who depend on the Projects for their water supply," and commented that, "'Trust us' is not acceptable. FWS has shown no inclination to fully and honestly address water supply needs beyond the species, despite the fact that its own regulation requires such consideration."

The language that was included in Section 1475 of the bill (H.R. 1) before the House today was specifically addressed by the Court. The Court found that the delta smelt reasonable and prudent alternative Actions 1, 2 and 3 are scientifically flawed because of FWS's use of raw salvage numbers without accounting for changes in population abundance across years, was "scientifically inappropriate." The Court further found that "the PTM study does not justify the imposition of -5,000 cfs as an upper limit in Actions 1, 2, or 3," and directed FWS "to perform an accurate scientific analysis and justify its ultimate decision regarding the imposition of a water flow ceiling."

Additionally, the Court found that FWS's finding that project pumping reduces delta smelt prey, despite serious criticism of the underlying analysis by FWS's own peer review panel "suggests another unlawful, results-driven choice, ignoring best available science." The Court said that FWS's attempt to blame the Central Valley Project and State Water Project for essentially all other stressors on the delta smelt population "has not been justified, nor is it logical or explained by any science." The Court also said the entire modeling method employed by FWS in the delta smelt biological opinion was flawed, arbitrary and capricious, and ignored the best available science, all of which indicated that "a bias was present." The Court concluded that because "the impacts of regulating Project Operations are so consequential, such unsupported attributions (a result in search of a rationale) are unconscionable."

With respect to the salmon biological opinion issued by the NMFS, on June 4, 2009, the Court granted a preliminary injunction against implementation of reasonable and prudent alternative Actions IV.2.1 and IV.2.3—both of which are addressed in Section 1475 of H.R. 1. In its May 18, 2010 findings, the Court declared "there is little to no justification in the record for the exact flow ratios chosen for RPA Action IV.2.1." It explained that "the record does not support a finding that the specific Vernalis flow to export ratios imposed by Action IV.2.1. . . . are necessary to avoid jeopardy and/or adverse modification to any of the Listed Species."

In addressing Action IV.2.3, the Court found "NMFS did not address relative population impacts in developing or explaining RPA Action IV.2.3." The Court ruled that "salvage data was not scaled for population size, which any prudent and competent fish biologist and statistician would have done, making NMFS' reliance on the salvage data scientifically erroneous." Also, the Court found that "[t]here are serious questions whether there is support in the record for the general proposition that ex-

ports reduce survival of salmonids in the interior Delta."

Last year, the National Academy of Science (NAS) issued a report on both of these biological opinions, including the reasonable and prudent alternatives imposed by each; the report was titled a "Scientific Assessment of Alternatives for Reducing Water Management Effects on Threatened and Endangered Fishes in California's Bay Delta." In particular, regarding the delta smelt biological opinion, the NAS found that "there is substantial uncertainty regarding the amount of flow that should trigger a reduction in exports." It also found "the historical distribution of smelt on which the relationship with OMR flows was established no longer exists. Delta smelt are now sparsely distributed in the central and southern delta . . . and pump salvage has been extremely low, less than four percent of the 50-year average index."

Regarding Action IV.2.3 in the salmon biological opinion, the report concluded that "the threshold levels needed to protect fish is not definitively established." The report counseled that "[u]ncertainty in the effect of the flow triggers needs to be reduced, and more flexible triggers that might require less water should be evaluated." The report also found that "there is little direct evidence to support the position that this action alone will benefit the San Joaquin salmon" absent increased San Joaquin River flows. In reference to Action IV.2.1, the report found that while flows may help out migration, reducing the "effectiveness of reducing exports to improve steelhead smolt survival is less certain," and that there is a "weak influence of exports in all survival relationships."

As a final criticism of the reasonable and prudent alternatives in the two biological opinions, the report decried the lack of a "quantitative analytical framework that ties them together within species, between smelt and salmonid species, and across the watershed. This type of systematic, formalized analysis is necessary to provide an objective determination of the net effect of the actions on the listed species and on water users." The report found the lack of any such analysis to be "a serious deficiency." As the NAS report observed, "[t]his issue has been raised repeatedly in peer reviews, but still has not been incorporated in the NMFS and FWS analyses."

Despite what the opponents of turning on the pumps say, Section 1475 of H.R. 1 will not prevent the Bureau of Reclamation from complying with the Endangered Species Act in carrying out its vital function to deliver water supplies. Instead, Section 1475 is intended to enable the Central Valley Project to operate unencumbered by the proposed agency alternatives that the Court has already found do not comply with law and therefore should not be enforced.

Furthermore, the bill will ban federal funding for the restoration of the San Joaquin River during the 2011 fiscal year. This is the first step in efforts to replace the flawed billion dollar salmon run. It also demonstrates Congressional intent to suspend restoration flows for

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Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

2011, thereby keeping the water on the east side of the valley. Through the replacement of the existing restoration plan, we will be able to establish both an environmentally and economically responsible San Joaquin River restoration. This will include a year-round, live river on the San Joaquin but will also ensure a robust east side agriculture economy.

I call on my colleagues to support this bill and these vital provisions which will ensure that farmers in the San Joaquin Valley have water to irrigate their fields, grow crops that feed this nation, and put thousands of people back to work.

FULL-YEAR CONTINUING
APPROPRIATIONS ACT, 2011

SPEECH OF

HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2011

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes:

Mr. CARSON of Indiana. Mr. Chair, I am deeply troubled by the latest attacks on healthcare organizations such as Planned Parenthood that provide preventive and family planning care for millions of women and men across this country.

These centers play key roles in the lives of many who cannot always acquire preventive services elsewhere.

At a time when Americans continue to struggle to afford basic healthcare, eliminating Title X funding would have a devastating impact on women, men and teens in our communities.

As one of the nation's leading advocates for reproductive health, providing access to contraception to breast and cervical cancer screenings, Planned Parenthood serves a very important purpose. I vow to continue my strong support for these vital healthcare services.

FULL-YEAR CONTINUING
APPROPRIATIONS ACT, 2011

SPEECH OF

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2011

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes:

Mr. BLUMENAUER. Mr. Chair, I rise in opposition to language in H.R. 1 that would prevent the Department of Housing and Urban Development from spending money on the Sustainable Communities Initiative. The language in the bill is short-sighted and represents a missed opportunity for communities around the country. Not only will it end a very successful HUD program that has helped

communities large and small plan for growth and coordinate economic development investments, but it could halt a very successful partnership between HUD, the Department of Transportation, and the Environmental Protection Agency that promotes interagency coordination.

Despite the obvious connections between housing, transportation, and land use, these three agencies have not always worked well together in the past. But Secretaries Donovan, LaHood, and Administrator Jackson and their agencies have spent the last year cutting down red tape and coordinating investments to meet multiple economic, environmental, and community objectives.

These efforts not only save money, but they make government more efficient and ensure that the federal government is a better partner to local communities. As we reduce federal investments and watch our communities struggle, this seems like something all members of the House can get behind.

The Sustainable Communities Initiative at HUD provides resources to help communities realize their own visions for more economically competitive communities that generate more jobs, lower housing and transportation costs, and use limited public funds more wisely. Another important function of the Sustainable Communities Initiative at HUD is to provide competitive grant funding. Working with the DOT and EPA, the Initiative offers grants to communities to integrate transportation, housing, land use and energy planning using state of the art data and tools.

These grants go to communities all around the country, large and small, urban and rural. The interest in these has been extraordinary. In 2010, when HUD announced the challenge grants, a total of 630 communities requested \$1.2 billion in funding. HUD was only able to award 61 grants worth \$69 million. HUD's sustainable communities regional planning grants were as popular: 225 regions applied for \$450 million, and HUD was able to award 45 regions a total of \$98 million. This funding is helping to create jobs, drive economic development, provide housing and transportation choices, increase walkability, and improve quality of life.

Eliminating the Sustainable Communities Initiative will deprive the communities who weren't awarded funding in the last round from the opportunity to have their projects funded next time. Because the bill also rescinds unobligated funds, projects that were awarded grants and are already in the pipeline could be cancelled. Even though the grants have been awarded, many of the final contracts have not been signed.

I'd like to highlight a number of the 2010 Community Challenge Planning Grant projects that could be threatened as a result of the bill we have on the Floor today.

The City of Augusta, GA, Augusta State University, and other partners will be awarded \$1.8 million for the Augusta Sustainable Development Implementation Program, which will help plan the redevelopment of the Priority Development Corridor, a 4.5 mile north-south "spine" in the core of Augusta. The project will include a multi-modal transportation corridor; a revision of current codes to facilitate a vibrant, mixed-use, mixed-income development; and a plan for green, affordable housing in Georgia's second-largest city.

The City of Covington, KY, will be awarded \$359,000 to create a Downtown Action Plan

with the active involvement of citizens and stakeholders. Among other things, the plan will increase the number of workers who live downtown near jobs, decreasing traffic and pollution. Partners in the project include the National Development Council, Northern Kentucky University Center for Economic Analysis and Development, Transit Authority of Northern Kentucky, Ohio Kentucky Indiana Regional Council of Governments, Northern Kentucky Area Planning Council and the Covington Business Council.

The City of Flint, MI will be awarded \$1.5 million to replace its existing city master plan with an integrated plan for sustainable development. The outreach process will include neighborhood-level discussion about residents' vision for the plan. Among others, project partners include the Genesee County Chamber of Commerce, University of Michigan-Flint, Hurley Medical Center, and the Community Foundation of Greater Flint.

If this language passes, Grand Traverse County, MI could lose a \$400,000 grant to create a Housing Inventory and Assessment, a County Master Plan, neighborhood revitalization, and affordable housing. The City of Hattiesburg, MS could lose \$150,000 for a plan to lay the foundation for a commercial and residential mixed-use, mixed-income housing district. The City of Claremont, NH could lose \$58,000 to undertake a comprehensive zoning analysis that will identify tools to maintain its historic cityscape, encourage development to maximize use of existing infrastructure, drive private investment and economic development to downtown, and improve the quantity and quality of housing. Oklahoma City could lose \$500,000 to develop a plan that provides an inventory and analysis of existing land availability, identify additional lands that may be designated for industrial use, assess infrastructure needs of that land, set priorities to help guide investment, and facilitate new industrial development.

Many more communities, which I don't have time to list now, have received funding and assistance from the Sustainable Communities Initiatives.

Keep in mind that this is a voluntary grant program. These communities have approached HUD to seek funding to support their own visions for economic revitalization. The grant applications are created from the ground up by local governments in partnership with community and business organizations. An important aspect of each of these projects is citizen outreach and public engagement.

I hope my colleagues will join me in rejecting this short-sighted proposal.

INTRODUCING THE INVESTING IN
OUR FUTURE ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. STARK. Mr. Speaker, I rise today to introduce the Investing in Our Future Act. This bill will discourage speculation in the financial markets, help us shrink the deficit, and help create a better world for future generations.

Today is the Global Day of Action when hundreds of organizations are calling on the world's governments to create financial transactions taxes to generate billions of dollars to