

# RECOGNIZING FIU VP OF GOVERNMENT RELATIONS STEVE SAULS

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I rise to recognize the career of Steve Sauls, who is retiring this month from Florida International University.

As vice president of government relations for Miami's public research university—and my alma mater—Steve has always aimed for a more beautiful day in south Florida.

Early in his career as a House staffer, Steve helped craft the Refugee Education Assistance Act of 1980, opening the doors of opportunity to thousands of Cubans fleeing the oppression of Fidel Castro.

After moving to Miami, Steve was instrumental in creating the International Hurricane Research Center following Hurricane Andrew, helping advance research to make south Florida and the Nation more resilient to hurricanes.

Congratulations, Steve, on a fulfilling career and a well-deserved retirement, and please do enjoy your own fair share of beautiful days in south Florida.

# RECOGNIZING PUEBLO EAST BOYS FOOTBALL TEAM

(Mr. TIPTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIPTON. Mr. Speaker, I rise today to honor the Pueblo East High School football team and their coach, David Ramirez, who claimed their first Class 3A football title.

The Eagles and their opponents, the Rifle Bears, who had an impressive 12-win season, both showed great sportsmanship and determination in the final game, resulting in a 30-14 victory for the Eagles.

All year long Coach Ramirez and his staff instilled confidence in the Eagle team to work hard but most importantly believe in themselves and their quest for a championship. With grit and a long tradition of Eagle pride, a stellar season was realized in the culmination of a State football title. The city of Pueblo is extremely proud of this team. Each coach, player, and the staff of this Eagle football team will stand tall among the great athletic champions in Pueblo sports history.

Mr. Speaker, with Coach Ramirez's leadership and the team's hard work, Pueblo East captured their first football championship in school history while establishing a legacy of dedication and commitment to the game. There is no doubt that future Eagle teams will be inspired to do the same. We are very proud of them.

# CORRECTION TO ENGROSSMENT OF H.R. 3979, PROTECTING VOLUNTEER FIREFIGHTERS AND EMERGENCY RESPONDERS ACT OF 2014

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that in the engrossment of the House amendment to the Senate amendment to H.R. 3979, pursuant to House Resolution 770, the Clerk be instructed to make the correction I have placed at the desk.

The SPEAKER pro tempore. The Clerk will report the correction.

The Clerk read as follows:

In section 3050 of the House amendment, strike "2013" and insert "2014".

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

There was no objection.

# CALIFORNIA EMERGENCY DROUGHT RELIEF ACT OF 2014

Mr. HASTINGS of Washington. Mr. Speaker, pursuant to House Resolution 770, I call up the bill (H.R. 5781) to provide short-term water supplies to drought-stricken California, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 770, the amendment printed in part C of House Report 113-646 is adopted, and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 5781

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

## SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "California Emergency Drought Relief Act of 2014".

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

Sec. 1. Short title; table of contents.

## TITLE I—CALIFORNIA EMERGENCY DROUGHT RELIEF

Sec. 101. Definitions.

Sec. 102. Emergency projects.

Sec. 103. Temporary operational flexibility for first few storms of the water year.

Sec. 104. Progress report.

Sec. 105. Status of surface storage studies.

## TITLE II—PROTECTION OF THIRD-PARTY WATER RIGHTS

Sec. 201. Offset for State Water Project.

Sec. 202. Area of origin protections.

Sec. 203. No redirected adverse impacts.

Sec. 204. Allocations For Sacramento Valley Contractors.

## TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Effect on existing obligations.

Sec. 302. Termination of authorities.

## TITLE I—CALIFORNIA EMERGENCY DROUGHT RELIEF

### SEC. 101. DEFINITIONS.

In this title:

(1) CENTRAL VALLEY PROJECT.—The term "Central Valley Project" has the meaning given the term in section 3403 of the Central Valley Project Improvement Act (106 Stat. 4707).

(2) DELTA.—The term "Delta" means the Sacramento-San Joaquin Delta and the Suisun Marsh, as defined in sections 12220 and 29101 of the California Public Resources Code.

(3) NEGATIVE IMPACT ON THE LONG-TERM SURVIVAL.—The term "negative impact on the long-term survival" means to reduce appreciably the likelihood of both the survival and recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species.

(4) SALMONID BIOLOGICAL OPINION.—The term "salmonid biological opinion" means the biological opinion issued by the National Marine Fisheries Service on June 4, 2009.

(5) SECRETARIES.—The term "Secretaries" means—

(A) the Secretary of Commerce; and

(B) the Secretary of the Interior.

(6) SMELT BIOLOGICAL OPINION.—The term "smelt biological opinion" means the biological opinion on the Long-Term Operational Criteria and Plan for coordination of the Central Valley Project and State Water Project issued by the United States Fish and Wildlife Service on December 15, 2008.

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

(8) STATE WATER PROJECT.—The term "State Water Project" means the water project described by California Water Code section 11550 et seq. and operated by the California Department of Water Resources.

### SEC. 102. EMERGENCY PROJECTS.

(a) IN GENERAL.—Subject to the priority of individuals or entities, including those with Sacramento River Settlement Contracts, that have priority to the diversion and use of water over water rights held by the United States for operations of the Central Valley Project and over rights held by the State for operations of the State Water Project and the United States obligation to make a substitute supply of water available to the San Joaquin River Exchange Contractors, the Secretaries shall direct the operations of the Central Valley Project and allow the State Water Project to provide the maximum quantity of water supplies possible to Central Valley Project agricultural, municipal and industrial, and refuge service and repayment contractors, and State Water Project contractors, by approving, consistent with applicable laws (including regulations)—

(1) any project or operations to provide additional water supplies if there is any possible way whatsoever that the Secretaries can do so unless the project or operations constitute a highly inefficient way of providing additional water supplies; and

(2) any projects or operations as quickly as possible based on available information to address the emergency conditions.

(b) MANDATE.—In carrying out subsection (a), the applicable Secretary shall—

(1) authorize and implement actions to ensure that the Delta Cross Channel Gates remain open to the maximum extent practicable using findings from the United States Geological Survey on diurnal behavior of juvenile salmonids, timed to maximize the peak flood tide period and provide water supply and water quality benefits, consistent with operational criteria and monitoring set forth in the California State Water Resources Control Board's Order Approving a Temporary Urgency Change in License and Permit Terms in Response to Drought Conditions, effective January 31, 2014, or a successor order;

(2)(A) implement turbidity control strategies that allow for increased water deliveries for the Central Valley Project and State Water Project while avoiding a negative impact on the long-term survival delta smelt

(*Hypomesus transpacificus*) due to entrainment at Central Valley Project and State Water Project pumping plants;

(B) operating within the ranges provided for in the smelt biological opinion and the salmonid biological opinion to minimize water supply reductions for the Central Valley Project and the State Water Project, manage reverse flow in Old and Middle Rivers at -5,000 cubic feet per second (cfs) unless current scientific data indicate a less negative Old and Middle River flow is necessary to avoid a negative impact on the long-term survival of the listed species; and

(C) show in writing that any determination to manage OMR reverse flow at rates less negative than -5000 cubic feet per second is necessary to avoid a significant negative impact on the long-term survival of the Delta smelt, including an explanation of the data examined and the connection between those data and the choice made prior to reducing pumping to a rate less negative than -5000 cfs;

(3) adopt a 1:1 inflow to export ratio for the increment of increased flow of the San Joaquin River, as measured as a 3-day running average at Vernalis during the period from April 1 through May 31, resulting from voluntary sale, transfers, or exchanges of water from agencies with rights to divert water from the San Joaquin River or its tributaries on the condition that a proposed sale, transfer, or exchange under this paragraph may only proceed if the Secretary of the Interior determines that the environmental effects of the proposed sale, transfer, or exchange are consistent with effects permissible under applicable law (including regulations), and provided that Delta conditions are suitable to allow movement of the acquired, transferred, or exchanged water through the Delta consistent with the Central Valley Project's and the State Water Project's permitted water rights;

(4) issue all necessary permit decisions under the authority of the Secretaries within 30 days of receiving a completed application by the State to place and use temporary barriers or operable gates in Delta channels to improve water quantity and quality for Central Valley Project and State Water Project contractors and other water users, which barriers or gates should provide benefits for species protection and in-Delta water user water quality and shall be designed such that formal consultations under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) would not be necessary;

(5)(A) complete all requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) necessary to make final permit decisions on water transfer requests associated with voluntarily fallowing nonpermanent crops in the State, within 30 days of receiving such a request; and

(B) allow any water transfer request associated with fallowing to maximize the quantity of water supplies available for non-habitat uses as long as the fallowing and associated water transfer are in compliance with applicable Federal laws (including regulations);

(6) allow any North of Delta agricultural water service contractor with unused Central Valley Project water to take delivery of such unused water through April 15, of the contract year immediately following the contract year in which such water was allocated, if—

(A) the contractor requests the extension; and

(B) the requesting contractor certifies that, without the extension, the contractor would have insufficient supplies to adequately meet water delivery obligations;

(7) to the maximum extent possible based on the availability and quality of groundwater and without causing land subsidence—

(A) meet the Level 2 and Level 4 water supply needs of units of the National Wildlife Refuge System in the Central Valley of California, the Gray Lodge, Los Banos, Volta, North Grasslands, and Mendota State wildlife management areas, and the Grasslands Resources Conservation District in the Central Valley of California through the improvement or installation of wells to use groundwater resources and the purchase of water from willing sellers; and

(B) make a quantity of Central Valley Project water obtained from the measures implemented under subparagraph (A) available to Central Valley Project water service contractors; and

(8) implement instream and offsite projects in the Delta and upstream in the Sacramento River and San Joaquin basins, in coordination with the California Department of Water Resources and the California Department of Fish and Wildlife, that offset the effects on species listed as threatened or endangered under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) due to actions taken under this Act.

(c) OTHER AGENCIES.—To the extent that a Federal agency other than agencies headed by the Secretaries has a role in approving projects described in subsections (a) and (b), the provisions of this section shall apply to those Federal agencies.

(d) ACCELERATED PROJECT DECISION AND ELEVATION.—

(1) IN GENERAL.—Upon the request of the State, the heads of Federal agencies shall use the expedited procedures under this subsection to make final decisions relating to a Federal project or operation to provide additional water supplies or address emergency drought conditions pursuant to subsections (a) and (b).

(2) REQUEST FOR RESOLUTION.—

(A) IN GENERAL.—Upon the request of the State, the head of an agency referred to in subsection (a), or the head of another Federal agency responsible for carrying out a review of a project, as applicable, the Secretary of the Interior shall convene a final project decision meeting with the heads of all relevant Federal agencies to decide whether to approve a project to provide emergency water supplies.

(B) MEETING.—The Secretary of the Interior shall convene a meeting requested under subparagraph (A) not later than 7 days after receiving the meeting request.

(3) NOTIFICATION.—Upon receipt of a request for a meeting under this subsection, the Secretary of the Interior shall notify the heads of all relevant Federal agencies of the request, including the project to be reviewed and the date for the meeting.

(4) DECISION.—Not later than 10 days after the date on which a meeting is requested under paragraph (2), the head of the relevant Federal agency shall issue a final decision on the project in writing.

(5) MEETING CONVENED BY SECRETARY.—The Secretary of the Interior may convene a final project decision meeting under this subsection at any time, at the discretion of the Secretary, regardless of whether a meeting is requested under paragraph (2).

#### SEC. 103. TEMPORARY OPERATIONAL FLEXIBILITY FOR FIRST FEW STORMS OF THE WATER YEAR.

(a) IN GENERAL.—Consistent with avoiding a negative impact on the long-term survival in the short-term upon listed fish species beyond the range of those authorized under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and other environmental protections under subsection (d), the Secretaries shall authorize the Central Valley Project

and the State Water Project, combined, to operate at levels that result in negative Old and Middle River flows at -7500 cubic feet per second (based on United States Geological Survey gauges on Old and Middle Rivers) daily average for 28 cumulative days after October 1, as described in subsection (b).

(b) DAYS OF TEMPORARY OPERATIONAL FLEXIBILITY.—The temporary operational flexibility described in subsection (a) shall be authorized on days that the California Department of Water Resources determines the daily average river flow of the Sacramento River is at, or above, 17,000 cubic feet per second as measured at the Sacramento River at Freeport gauge maintained by the United States Geologic Survey.

(c) COMPLIANCE WITH ESA AUTHORIZATIONS.—In carrying out this section, the Secretaries may continue to impose any requirements under the smelt and salmonid biological opinions during any period of temporary operational flexibility as they determine are reasonably necessary to avoid additional negative impacts on the long-term survival of a listed fish species beyond the range of those authorized under the Endangered Species Act of 1973.

(d) OTHER ENVIRONMENTAL PROTECTIONS.—

(1) The Secretaries' actions under this section shall be consistent with applicable regulatory requirements under state law, including State Water Resources Control Board Decision 1641, as it may be implemented in any given year.

(2) During the first flush of sediment out of the Delta in each water year, and provided that such determination is based upon objective evidence, OMR flow may be managed at rates less negative than -5000 cubic feet per second for a minimum duration to avoid movement of adult Delta smelt (*Hypomesus transpacificus*) to areas in the southern Delta that would be likely to increase entrainment at Central Valley Project and State Water Project pumping plants.

(3) This section shall not affect the application of the salmonid biological opinion from April 1 to May 31, unless the Secretary of Commerce finds that some or all of such applicable requirements may be adjusted during this time period to provide emergency water supply relief without resulting in additional adverse effects beyond those authorized under the Endangered Species Act of 1973. In addition to any other actions to benefit water supply, the Secretary and the Secretary of Commerce shall consider allowing through-Delta water transfers to occur during this period.

(4) During operations under this section, the Secretary of the Interior, in coordination with the Fish and Wildlife Service, National Marine Fisheries Service, and California Department of Fish and Wildlife, shall undertake a monitoring program and other data gathering to ensure incidental take levels are not exceeded, and to identify potential negative impacts and actions, if any, necessary to mitigate impacts of the temporary operational flexibility to species listed under the Endangered Species Act of 1973.

(e) TECHNICAL ADJUSTMENTS TO TARGET PERIOD.—If, before temporary operational flexibility has been implemented on 28 cumulative days, the Secretaries operate the Central Valley Project and the State Water Project combined at levels that result in Old and Middle River flows less negative than -7500 cubic feet per second during days of temporary operational flexibility as defined in subsection (b), the duration of such operation shall not be counted toward the 28 cumulative days specified in subsection (a).

(f) EMERGENCY CONSULTATION; EFFECT ON RUNNING AVERAGES.—

(1) If necessary to implement the provisions of this section, the Secretary of the Interior shall use the emergency consultation

procedures under the Endangered Species Act of 1973 and its implementing regulation at section 402.05, title 50, Code of Federal Regulations, to temporarily adjust the operating criteria under the biological opinions, solely for the 28 cumulative days of temporary operational flexibility—

(A) no more than necessary to achieve the purposes of this section consistent with the environmental protections in subsections (c) and (d); and

(B) including, as appropriate, adjustments to ensure that the actual flow rates during the periods of temporary operational flexibility do not count toward the 5-day and 14-day running averages of tidally filtered daily Old and Middle River flow requirements under the biological opinions.

(2) At the conclusion of the 28 cumulative days of temporary operational flexibility, the Secretary of the Interior shall not reinitiate consultation on these adjusted operations, and no mitigation shall be required, if the effects on listed fish species of these operations under this section remain within the range of those authorized under the Endangered Species Act. If the Secretary of the Interior reinitiates consultation, no mitigation measures shall be required.

(g) **LEVEL OF DETAIL REQUIRED FOR ANALYSIS.**—In articulating the determinations required under this section, the Secretaries shall fully satisfy the requirements herein but shall not be expected to provide a greater level of supporting detail for the analysis than feasible to provide within the short time frame permitted for timely decision-making in response to changing conditions in the Delta.

#### SEC. 104. PROGRESS REPORT.

Ninety days after the date of the enactment of this Act and every 90 days thereafter, the Secretaries shall provide a progress report describing the implementation of sections 101, 102, and 103 to the Committee on Natural Resources in the House of Representatives and the Committee on Energy and Natural Resources in the Senate.

#### SEC. 105. STATUS OF SURFACE STORAGE STUDIES.

One year after the date of the enactment of this Act, the Secretary of the Interior shall provide a progress report on the status of feasibility studies undertaken pursuant to section 103(d)(1) to the Committee on Natural Resources in the House of Representatives and the Committee on Energy and Natural Resources in the Senate. The report shall include timelines for study completion, draft environmental impact statements, final environmental impact statements, and Records of Decision.

### TITLE II—PROTECTION OF THIRD-PARTY WATER RIGHTS

#### SEC. 201. OFFSET FOR STATE WATER PROJECT.

(a) **IMPLEMENTATION IMPACTS.**—The Secretary of the Interior shall confer with the California Department of Fish and Wildlife in connection with the implementation of this Act on potential impacts to any consistency determination for operations of the State Water Project issued pursuant to California Fish and Game Code section 2080.1.

(b) **ADDITIONAL YIELD.**—If, as a result of the application of this Act, the California Department of Fish and Wildlife—

(1) revokes the consistency determinations pursuant to California Fish and Game Code section 2080.1 that are applicable to the State Water Project;

(2) amends or issues one or more new consistency determinations pursuant to California Fish and Game Code section 2080.1 in a manner that directly or indirectly results in reduced water supply to the State Water Project as compared with the water supply available under the smelt biological opinion and the salmonid biological opinion; or

(3) requires take authorization under section 2081 for operation of the State Water Project in a manner that directly or indirectly results in reduced water supply to the State Water Project as compared with the water supply available under the smelt biological opinion and the salmonid biological opinion,

and as a consequence of the Department's action, Central Valley Project yield is greater than it would have been absent the Department's actions, then that additional yield shall be made available to the State Water Project for delivery to State Water Project contractors to offset losses resulting from the Department's action.

(c) **NOTIFICATION RELATED TO ENVIRONMENTAL PROTECTIONS.**—The Secretary of the Interior shall immediately notify the Director of the California Department of Fish and Wildlife in writing if the Secretary of the Interior determines that implementation of the smelt biological opinion and the salmonid biological opinion consistent with this Act reduces environmental protections for any species covered by the opinions.

#### SEC. 202. AREA OF ORIGIN PROTECTIONS.

(a) **IN GENERAL.**—The Secretary of the Interior is directed, in the operation of the Central Valley Project, to adhere to California's water rights laws governing water rights priorities and to honor water rights senior to those held by the United States for operation of the Central Valley Project, regardless of the source of priority, including any appropriate water rights initiated prior to December 19, 1914, as well as water rights and other priorities perfected or to be perfected pursuant to California Water Code Part 2 of Division 2. Article 1.7 (commencing with section 1215 of chapter 1 of part 2 of division 2, sections 10505, 10505.5, 11128, 11460, 11461, 11462, and 11463, and sections 12200 to 12220, inclusive).

(b) **DIVERSIONS.**—Any action undertaken by the Secretaries pursuant to both this Act and section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531, et seq.) that requires that diversions from the Sacramento River or the San Joaquin River watersheds upstream of the Delta be bypassed shall not be undertaken in a manner that alters the water rights priorities established by California law.

(c) **ENDANGERED SPECIES ACT.**—Nothing in this title alters the existing authorities provided to and obligations placed upon the Federal Government under the Endangered Species Act of 1973 (16 U.S.C. 1531, et seq.), as amended.

(d) **CONTRACTS.**—With respect to individuals and entities with water rights on the Sacramento River, the mandates of this section may be met, in whole or in part, through a contract with the Secretary executed pursuant to section 14 of Public Law 76-260, 53 Stat. 1187 (43 U.S.C. 389) that is in conformance with the Sacramento River Settlement Contracts renewed by the Secretary in 2005.

#### SEC. 203. NO REDIRECTED ADVERSE IMPACTS.

(a) **IN GENERAL.**—The Secretary of the Interior shall ensure that, except as otherwise provided for in a water service or repayment contract, actions taken in compliance with legal obligations imposed pursuant to or as a result of this Act, including such actions under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and other applicable Federal and State laws, shall not directly or indirectly—

(1) result in the involuntary reduction of water supply or fiscal impacts to individuals or districts who receive water from either the State Water Project or the United States under water rights settlement contracts, exchange contracts, water service contracts,

repayment contracts, or water supply contracts; or

(2) cause redirected adverse water supply or fiscal impacts to those within the Sacramento River watershed, the San Joaquin River watershed or the State Water Project service area.

(b) **COSTS.**—To the extent that costs are incurred solely pursuant to or as a result of this Act and would not otherwise have been incurred by any entity or public or local agency or subdivision of the State of California, such costs shall not be borne by any such entity, agency, or subdivision of the State of California, unless such costs are incurred on a voluntary basis.

(c) **RIGHTS AND OBLIGATIONS NOT MODIFIED OR AMENDED.**—Nothing in this Act shall modify or amend the rights and obligations of the parties to any existing—

(1) water service, repayment, settlement, purchase, or exchange contract with the United States, including the obligation to satisfy exchange contracts and settlement contracts prior to the allocation of any other Central Valley Project water; or

(2) State Water Project water supply or settlement contract with the State.

#### SEC. 204. ALLOCATIONS FOR SACRAMENTO VALLEY CONTRACTORS.

(a) **ALLOCATIONS.**—

(1) **IN GENERAL.**—Subject to paragraph (2) and subsection (b), the Secretary of the Interior is directed, in the operation of the Central Valley Project, to allocate water provided for irrigation purposes to existing Central Valley Project agricultural water service contractors within the Sacramento River Watershed in compliance with the following:

(A) Not less than 100 percent of their contract quantities in a "Wet" year.

(B) Not less than 100 percent of their contract quantities in an "Above Normal" year.

(C) Not less than 100 percent of their contract quantities in a "Below Normal" year that is preceded by an "Above Normal" or a "Wet" year.

(D) Not less than 50 percent of their contract quantities in a "Dry" year that is preceded by a "Below Normal," an "Above Normal," or a "Wet" year.

(E) In all other years not identified herein, the allocation percentage for existing Central Valley Project agricultural water service contractors within the Sacramento River Watershed shall not be less than twice the allocation percentage to south-of-Delta Central Valley Project agricultural water service contractors, up to 100 percent; provided, that nothing herein shall preclude an allocation to existing Central Valley Project agricultural water service contractors within the Sacramento River Watershed that is greater than twice the allocation percentage to South-of-Delta Central Valley Project agricultural water service contractors.

(2) **CONDITIONS.**—The Secretary's actions under paragraph (a) shall be subject to—

(A) the priority of individuals or entities with Sacramento River water rights, including those with Sacramento River Settlement Contracts, that have priority to the diversion and use of Sacramento River water over water rights held by the United States for operations of the Central Valley Project;

(B) the United States obligation to make a substitute supply of water available to the San Joaquin River Exchange Contractors; and

(C) the Secretary's obligation to make water available to managed wetlands pursuant to section 3406(d) of the Central Valley Project Improvement Act (Public Law 102-575).

(b) **PROTECTION OF MUNICIPAL AND INDUSTRIAL SUPPLIES.**—Nothing in subsection (a) shall be deemed to—

(1) modify any provision of a water service contract that addresses municipal and industrial water shortage policies of the Secretary;

(2) affect or limit the authority of the Secretary to adopt or modify municipal and industrial water shortage policies;

(3) affect or limit the authority of the Secretary to implement municipal and industrial water shortage policies; or

(4) affect allocations to Central Valley Project municipal and industrial contractors pursuant to such policies

Neither subsection (a) nor the Secretary's implementation of subsection (a) shall constrain, govern or affect, directly or indirectly, the operations of the Central Valley Project's American River Division or any deliveries from that Division, its units or its facilities.

(c) NO EFFECT ON ALLOCATIONS.—This section shall not—

(1) affect the allocation of water to Friant Division contractors; or

(2) result in the involuntary reduction in contract water allocations to individuals or entities with contracts to receive water from the Friant Division.

(d) PROGRAM FOR WATER RESCHEDULING.—The Secretary of the Interior shall develop and implement a program, not later than one year after the date of the enactment of this Act, to provide for the opportunity for existing Central Valley Project agricultural water service contractors within the Sacramento River Watershed to reschedule water, provided for under their Central Valley Project water service contracts, from one year to the next.

(e) DEFINITIONS.—In this section:

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

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

### TITLE III—MISCELLANEOUS PROVISIONS

#### SEC. 301. EFFECT ON EXISTING OBLIGATIONS.

Nothing in this Act preempts or modifies any existing obligation of the United States under Federal reclamation law to operate the Central Valley Project in conformity with State law, including established water rights priorities.

#### SEC. 302. TERMINATION OF AUTHORITIES.

This Act shall expire on September 30, 2016, or the date on which the Governor of the State suspends the state of drought emergency declaration, whichever is later.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) and the gentlewoman from California (Mrs. NAPOLITANO) each will control 30 minutes.

The Chair recognizes the gentleman from Washington (Mr. HASTINGS).

#### GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5781.

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

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 5781, the California Emergency Drought Relief Act of 2014, as introduced by our colleague from California (Mr. VALADAO).

Today the House meets once again to provide a solution to the ongoing water crisis in California. The House has been on record twice to provide solutions, and here we are, and we must act again. Although this bill is different from the two prior attempts and reflects significant bipartisan progress towards enacting a solution, we must provide relief, even if it is short-term relief before this Congress adjourns. It is unacceptable for us to give up when Californians are starving and their communities are literally drying up.

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

California is in an emergency situation. For years San Joaquin Valley farmers have been fighting against Federal regulations and environmental lawsuits that have diverted water supplies in order to help a 3-inch fish. In 2009 there was a deliberate diversion of over 300 billion—Mr. Speaker, that is billion with a B—gallons of water away from farmers.

Mr. Speaker, let me equate that: 300 billion gallons of water is nearly 1 million acre-feet of water. What is an acre-foot? An acre-foot of water—for 1 year, that is 12 inches of water for a year that was diverted from these farmers.

As a result, thousands of farmworkers lost their jobs, unemployment reached 40 percent in some communities, and thousands of acres of fertile farmland dried up. The same thing is happening today.

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

We have seen farmers who normally help feed the Nation being sent to wait in line at food banks and, in some cases, Mr. Speaker, being served carrots imported from China.

I want to stress that this crisis does not just impact California, but it has a rippling effect across the entire Nation.

California's San Joaquin Valley is the salad bowl for the world and provides a significant share of fruits and vegetables for our country.

Food grows where water flows. When there is no water, our food supply suf-

fers, resulting in higher food prices across the country, higher unemployment, and increased reliance on foreign food sources.

Unlike the last time this body acted on this issue, the Senate did pass its version of the bill in June of this year. I commend Senator FEINSTEIN for her efforts to pass that short-term bill. However, since the bills were so different in their scope, those interested in productive conversations to bridge differences have negotiated in good faith over the last 6 months.

We got very close to a resolution but more time was necessary on agreeing to a long-term bill. In the interim, the measure before us today reflects much of what the Senate passed earlier this year and agreed to in our negotiations to bring some short-term water supply relief to many of those communities in need.

This bill simply allows us to capture some water from storms in this and the next water year and improves data quality when it comes to the existing biological opinions on smelt and salmon. It also protects those communities in the north that are in relatively abundant water areas.

The entire bill, Mr. Speaker, sunsets in September of 2016 to allow more time to negotiate a longer-term solution that not only could help California but other States in the West as well.

This bill is not perfect, but it is a short-term bridge based on productive negotiations between those who want sensible solutions to the California water crisis. This bill, while very limited in scope, helps protect the jobs and economic livelihoods of farm families and workers and communities that are in dire need of water.

The people of the San Joaquin Valley cannot wait any longer for Congress to act. As the title of this bill suggests, it is truly an emergency for many, and time is running out. Those communities facing massive unemployment deserve nothing less.

Mr. Speaker, I commend my colleagues in the last two Congresses for working together to get us this solution. This is the latest iteration of that, and I want to commend them.

With that, I reserve the balance of my time.

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

Mr. Speaker, Congressman VALADAO's bill, H.R. 5781, the California Emergency Drought Relief Act of 2014, is a northern California drought relief bill; it isn't a California drought relief act.

It was introduced last week without hearings, without markups, without consultation with the House Democrats, and without any consultation or input from local water agencies, State agencies, cities, and/or tribes.

This bill is being rushed to the floor without the input of critical California leaders throughout the State. It focuses primarily on providing more Bay-

Delta water to Central Valley farmers at the expense of other users. This bill would require mandatory increases in pumping to Central Valley agriculture, which could force water managers throughout the State to cut water deliveries to southern California, to other urban water users, and, of course, to fisheries, which is a mainstay of many of the tribes in California.

□ 1415

This could also lead to less fresh water in the delta and higher levels of salt and contamination in the water being pumped down to southern California.

The White House states the President will veto this bill because “it fails to equitably address critical elements of California’s complex water challenges,” and “the bill appears to include a number of potentially conflicting mandates which can cause confusion and undermine environmental laws, making it ripe for future litigation.”

Senator BOXER says she opposes the bill because “it could reignite the water wars by overriding critical State and Federal protections of all of California.”

Mr. Speaker, I have some of the statements of opposition. One of them is The Sacramento Bee who has come out opposing the bill because “any legislation affecting California water policy deserves a full hearing with input from the varied interests in northern California, the Central Valley, and the south.”

Mr. Speaker, we must work in a bipartisan manner to address this drought crisis for the whole State and certainly not in secret and behind closed doors.

I have introduced H.R. 5363, the Water in the 21st Century Act, and Representative HUFFMAN has introduced H.R. 4239, which would provide drought relief to all of California with its water conservation programs, its water recycling projects, its groundwater improvement operations and storm water capture solutions, including desalination and title XVI.

House Democratic proposals have been excluded from this bill, H.R. 5781. There have been past attempts in past Congresses to pass certainly some proposals our legislation has proposed today, and it has failed.

Mr. Speaker, I include for the RECORD statements of opposition to this bill from the White House, from Senator BOXER, The Sacramento Bee, American Rivers, the League of Conservation Voters, the Natural Resources Defense Council, the Sierra Club, the Nature Conservancy, the Pacific Fishery Management Council, the Golden Gate Salmon Association, the Golden Gate Fishermen’s Association, and the California Environmental Water Caucus, just to name a few.

Mr. Speaker, I urge us not to pass this, and I reserve the balance of my time.

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

#### STATEMENT OF ADMINISTRATION POLICY

H.R. 5781—THE CALIFORNIA EMERGENCY DROUGHT RELIEF ACT OF 2014

(Rep. Valadao, R-CA, and 6 cosponsors)

The Administration opposes H.R. 5781 because it fails to equitably address critical elements of California’s complex water challenges. The Administration appreciates the efforts by the bill authors to address concerns raised by the Administration regarding H.R. 3964, the Sacramento-San Joaquin Valley Emergency Water Delivery Act. However, because H.R. 5781 makes operational determinations regarding the use of limited water resources during the ongoing drought, and contains many new provisions that could lead to unintended consequences or further litigation, the Administration cannot support the bill in its current form.

The Administration takes seriously the ongoing drought that has affected communities, producers and water users across much of the country, including the especially hard hit State of California. Since the President’s visit to Fresno, California earlier this year the Administration has undertaken a number of steps to help those most affected by drought. The U.S. Department of Agriculture has directed millions of dollars in food, conservation and emergency water assistance to tens of thousands of residents in areas hardest hit by drought. The Bureau of Reclamation has provided cost-share assistance for nine water reclamation and reuse projects in the State as well as millions of dollars in grants to build long-term resiliency to drought.

Moreover, the President has directed Federal agencies to work with state and local officials in real-time to maximize limited water supplies, prioritize public health and safety, meet state water quality requirements, and ensure a balanced approach to providing for the water needs of people, agriculture, businesses, power, imperiled species and the environment. Among other things, these efforts took form in a 2014 Drought Operations Plan, prepared in close coordination with the State, and the Administration is already taking steps to prepare a new drought plan for 2015 based on lessons learned and the best available science during the current year.

H.R. 5781 was introduced on December 2 and is being considered in the few remaining days of this session without a hearing or opportunity for the public to review and provide comment. In particular, the bill appears to include a number of potentially conflicting mandates which can create confusion and undermine environmental laws, making it ripe for future litigation. Given the complexity of California water issues, policy determinations over the use of scarce water resources should be developed in an open and transparent manner, with an ability for the public, affected stakeholders, and Federal, state and local officials to review and provide comment and feedback. The Administration stands ready to work with Congress in this regard.

For these reasons, if the President were presented with H.R. 5781, his senior advisors would recommend that he veto the bill.

SENATOR BARBARA BOXER, D-CALIFORNIA  
H.R. 5781

“I have carefully studied the Republican water bill and I am dismayed that this measure could reignite the water wars by overriding critical state and federal protections for California. The GOP’s proposal would dic-

tate specific pumping levels—regardless of the opinions of scientists—which could jeopardize our state’s salmon fishing industry.

“We have communities across the state that are hurting from this drought, so we need a balanced approach that doesn’t pit one stakeholder against another, and meets the needs of all of California’s water users.”

[From The Sacramento Bee]

#### EMERGENCY DROUGHT BILL DESERVES TO DIE

(By the Editorial Board)

House Republicans intend to jam through a California drought-relief bill early next week that would suspend some state water rights and environmental law to maximize water diversions from the Sacramento-San Joaquin Delta.

This is no way to address an issue as important to California as water. It is doomed to fail in the Senate and deserves to die. California’s congressional delegation should be working on a compromise that involves all interested parties, not ramming through a bill during the final days of the lame-duck session.

Late Friday, the Obama administration came out in opposition to the bill, saying in a statement that “it fails to equitably address critical elements of California’s complex water challenges” and “the bill appears to include a number of potentially conflicting mandates which can create confusion and undermine environmental laws, making it ripe for future litigation.”

Central Valley Republicans have proposed the bill, HR 5781, and plan to bring it to a vote as early as Monday without going through committee hearings. The new bill deserves a full public hearing so that we know its full implications for California.

The House Rules Committee won’t allow amendments to this problematic bill, which is unfortunate. The 26-page bill is replete with technical language, directed at environmental laws and regulations governing California water policy.

Rep. Jared Huffman, D-San Rafael, told the Rules Committee that the bill, like a previous version, would micromanage the state’s water system without input from federal, state or local water officials. He warned that it would violate state environmental laws, misstates federal water contract law, and would have negative implications for fisheries and Indian water rights.

Rep. David Valadao, R-Hanford, who introduced the California Emergency Drought Relief Act of 2014, claimed the bill has bipartisan support and approval of California’s Sens. Dianne Feinstein and Barbara Boxer.

Boxer, however, made clear she opposes the bill, saying in an emailed statement to The Bee: “The problem here is that Republicans insisted on a secretive process, and only bad things can happen when your process is secretive . . . and now they are trying jam through legislation that will only reignite California’s water wars.”

On Friday, Feinstein said in an email to The Bee, “There are some provisions in HR 5781 I support and there are some provisions I don’t support, so we’ll have to wait and see what action the House takes.”

Feinstein dropped talks with House Republicans in November and said she would reopen negotiations in January. That is a reasonable approach. Any legislation affecting California water policy deserves a full hearing with input from the varied interest in Northern California, the Central Valley and the south.

The bill is backed by House Majority Leader Kevin McCarthy, R-Bakersfield, Rep. Tom McClintock; R-Elk Grove; Rep. Doug LaMalfa, R-Richvale, and others who would export water to Central Valley and Southern

California at the expense of the environment and other water users.

The drought is hurting farmers and cities; it is challenging for all of us. However, a near-unanimous California Legislature approved placing a \$7.5 billion water bond measure before voters, showing that changes in state water policy can be achieved through consensus.

But trying to remedy the problem for some Californians while excluding others from the discussion will, like Boxer said, reignite water wars.

AUDUBON CALIFORNIA, AMERICAN RIVERS, DEFENDERS OF WILDLIFE, CALIFORNIA WATERFOWL ASSOCIATION, CENTER FOR BIOLOGICAL DIVERSITY, CLEAN WATER ACTION, CONSERVATIVES FOR RESPONSIBLE STEWARDSHIP, EARTHJUSTICE, ENDANGERED SPECIES COALITION, EPIC-ENVIRONMENTAL PROTECTION INFORMATION CENTER ENVIRONMENT AMERICA, FRIENDS OF THE EARTH, GREENPEACE, INSTITUTE FOR FISHERIES RESOURCES, KLAMATH FOREST ALLIANCE, LEAGUE OF CONSERVATION VOTERS, NATIONAL AUDUBON SOCIETY, NATURAL RESOURCES DEFENSE COUNCIL, NATIONAL WILDLIFE REFUGE ASSOCIATION, NORTHCOAST ENVIRONMENTAL CENTER, PACIFIC COAST FEDERATION OF FISHERMEN'S ASSOCIATIONS, SIERRA CLUB, THE NATURE CONSERVANCY, UNION OF CONCERNED SCIENTISTS,

December 5, 2014.

PLEASE OPPOSE H.R. 5781

DEAR REPRESENTATIVE: On behalf of the undersigned organizations, we write to urge you to oppose H.R. 5781, (Valadao, R-CA), a bill that would dramatically weaken protections for salmon, migratory birds, and other fish and wildlife in California's Bay-Delta estuary, and the thousands of fishing jobs in California and Oregon that depend on the health of these species.

This legislation would roll back environmental protections for salmon, migratory birds, endangered fish and wildlife, and other native species in California's Bay-Delta watershed, in order to significantly increase water exports out of the largest estuary on the West Coast. The bill would revise and override protections required under the Endangered Species Act and substitute political judgment for existing scientific determinations. It would undermine protections for migratory birds, expediting water transfers that could harm wildlife habitat and undermining water supply for the state and federal wildlife refuges. This complex legislation could greatly interfere with state water rights and cripple the ability of state and federal agencies to manage limited water resources for all beneficial uses, yet it has never been subject to a single committee hearing or input from the State, hunting organizations, sport and commercial fishermen, tribes, and conservation groups.

California's ongoing drought—not federal environmental laws protecting salmon and other fish and wildlife—is the reason for low water supplies across the state. H.R. 5781 attempts to scapegoat environmental protections for the lack of rain and snow, and it threatens thousands of fishing jobs in California and Oregon that depend on healthy salmon runs from the Bay-Delta. The closure of the salmon fishery in 2008 and 2009 resulted in thousands of lost jobs in these states. The livelihoods of commercial and recreational salmon fishermen, Delta farmers, fishing guides, tackle shops, and communities across California and along the West Coast depend on the environmental protections that H.R. 5781 would eliminate.

California has already lost more than 90 percent of its existing wetlands and in the

current drought conditions, migratory birds are crowding onto the small remaining habitat areas, suffering from decreased food and increased risk of disease. H.R. 5781 would further exacerbate the extremely difficult conditions facing migratory birds in California by threatening the minimal water supply and degrading conditions on federal and state wildlife refuges, and impacting the important private lands that these birds rely upon as they migrate up and down the Pacific Flyway.

For these reasons, we respectfully urge you to oppose H.R. 5781 and any other last-minute attempts to undercut the existing balance of rights among the users of the California Bay-Delta watershed.

Thank you for your consideration.

Mr. HASTINGS of Washington. Mr. Speaker, I am very pleased to yield 4 minutes to the gentleman from California (Mr. VALADAO), the author of the previous bill that I had mentioned in my opening remarks.

Mr. VALADAO. Thank you, Chairman HASTINGS. I appreciate the opportunity to speak on behalf of my legislation.

Mr. Speaker, since taking office, ensuring the Central Valley has reliable access to clean, high-quality water has been my number one priority. My constituents are suffering through a drought, and they have suffered more these last few years because of the laws that are in place today.

We have got regulations that require that we basically send water that should be going to communities, to homes, and to farms that create jobs and grow food, and that water is being diverted out to the ocean all in the name of a fish.

We have got so many different people living in this valley, from farm workers, to farmers, and to business owners, all different types of folks that represent this, and this has affected every single one of them. It has affected everybody down to their just regular daily lives.

When you think about how simple it is for someone to just turn on the faucet, be able to take water, put it in a cup, and put it in their coffeepot in the morning, that is what we are talking about today.

We have had wells go dry. We have got communities in my district today that are literally watching and in the process of looking to drill four, five, sometimes six wells, just to get enough water into the household. It is something that is very frustrating.

Mr. Speaker, this piece of legislation is a very, very simple patch. It is a short-term bill. As the chairman mentioned, the bill expires at the end of September next year, or when the Governor decides the drought declaration is over.

The bill is simple, and it is very specific that it does keep in place all protections of the Endangered Species Act, the biological opinions and others that have been put in place to protect the environment, but this does give a little more flexibility to those agencies to allow some pumping to help these poor communities.

We have got people in food lines today. We have got people who are try-

ing to feed their families and trying to earn an honest day's wage, and this is actually hurting those people, the people that my friends across the aisle always claim to want to help the most.

This is a simple, very small piece of legislation, the majority of which was introduced by a Democrat in the Senate, with just a few provisions that were changed. This isn't a surprise legislation that we passed out of the House, a lot more complicated, a lot more comprehensive. It covers the issue, and it creates a long-term solution. Again, this is a short-term solution that helps provide some security.

The bill helps all Californians, especially those south of the delta, including those in southern California, because there is about 20 million Californians that rely on water from northern California. Across the board, this is a piece of legislation that helps all people in California be successful, feed their families, and take care of their daily life. It is something that I feel is very reasonable.

Mr. Speaker, we work across the aisle as much as we can. We have worked on this issue for 6 months now, but it is a complicated issue, and we have a lot of outside interests that want to see this prevented, but it is all, again, over a few bad laws that need to be changed.

All we are asking today is for a short-term fix, give us enough time to give these people a little bit of breathing room, a little bit of fresh water for their houses, and something that could really, truly make a difference in their lives, and they are trying to stop it. It truly is sad. We are here at the last possible minute.

The most important aspect to this bill and the reason why it is so important that we pass it today is, if we don't get something done this week, we have to wait for the next Congress. The next Congress starts in January. From there, we have got to wait a few more weeks before a bill gets introduced, passed, and goes through the process again, and we start all over.

In that time, we will miss out on all the rain that could possibly—we are in a drought, but we did have some rain last week. We could have some more rain in the next 2 weeks, maybe a month, and that is an opportunity that we will be wasting if we don't take care of this legislation today and get this passed.

Mrs. NAPOLITANO. Mr. Speaker, I yield 5 minutes to my colleague from northern California (Mr. GEORGE MILLER).

May I add that I am very thankful for his many years of service to this House and to the Nation, especially the State of California on water issues.

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentlewoman for her remarks, and I thank the gentlewoman for yielding me this time.



Mr. Speaker, once again, we find ourselves in a situation where a group of people in the Central Valley—a small number of farmers in the Central Valley—have decided that if they can't have it their way, they are just going to roll over the process.

Now, we are confronted with a piece of legislation that was, in fact, much of it was withdrawn by the Senator from California because it became apparent to all of the interests in the State that there were no public hearings, there was no public participation, and it was a very narrow group of people sitting in the back room in the Capitol of the United States drafting legislation, where essentially everybody except the people in that room take a hit. The people in the room get a benefit.

How do they get the benefit? Because they extract more water than you can currently extract and still keep the State whole. They extract more water from a vibrant, commercial fishing industry. That is why the Senators in Oregon and the Pacific Fisheries Association are against this legislation.

This is a fishing industry that is worth hundreds of millions of dollars, and they are at risk if you operate under this legislation because this legislation overrides what the State agencies, what the Governor, what the Federal agencies, and what the Secretary of the Interior did this last time.

Mr. Speaker, when we got two surprise storms in March of this year, we went back to the drawing table, and we figured out how we could get more water out of this system to help these farmers in the Central Valley. That was a good faith effort. That was done within the law.

Now, what they want to do is eviscerate that law, take away those safeguards, and say, "We are going to take additional water out this system." When they take that additional water out of the system, they take that additional water out of the water quality of hundreds of thousands of people who drink the water from the delta and rely on a fresh water supply.

We are quite aware of what happens in these dry years, and if you keep turning the pumps on, those people are going to start sucking—those water districts are going to start taking saltwater out of the delta. They take it at the expense of the delta farmers who pump water in the delta. That water will become saltier and saltier, and they will not be able to plant their crops. They have limited time to plant their crops, as it is, under these droughts.

Everybody in this State is paying a price for this drought, but now, in the eleventh hour of this Congress, this group of farmers, these very powerful, small people—these very powerful, small people—have decided they are going to do it this way. We have seen this before.

We have worked year after year to get agreement, and when they can't get their way, they go off to a private

meeting, they draft legislation, and that collapses all those talks, and then we start over again. This is about the third or fourth time we have been here because it is their way or the highway, and they absolutely expect that they can take water.

These are people who have a contract right. They have a contract right that is variable because they have the lowest water rights in the State, and so what they are trying to do is to say they get to get in line in front of everybody else in the State in exercising their water rights.

The fact of the matter is we understand exactly what this is going to do. That is why The Sacramento Bee, the Central Valley newspaper, the Fresno Central Valley newspaper said that this bill deserves to die. This bill deserves to die.

Mr. Speaker, I want to praise Senator BOXER for alerting the Members—they talked about working across the aisle. They worked across the aisle, but not with members of the House delegation who represent this impacted area who stand to lose these jobs and who stand to lose millions of dollars of economic activity.

I am not suggesting things are right for the people in the Central Valley or right for people in the State. Our whole State is suffering from a drought, but now, this is an eleventh hour attempt to say that we don't like the way you are coming together to do this, and we are going to take ours first.

This is contrary to what the State legislature did on a bipartisan basis and with the participation of legislatures from the Central Valley, from Southern California, from the Imperial Valley, and from north California.

This is contrary to what the State and Federal agencies did to try and work out and to get additional water, as we did in March. This is contrary. This is contrary to what the State legislature said about these being coequal values.

You have to protect the northern delta region, the origins of this water, and you have to try to have sustainable water deliveries to southern California. The legislature, again, on a bipartisan basis agreed to that.

Then, on the bond issue, overwhelmingly, State legislatures voted to put a bond on to try to deal with the drought, a rather remarkable issue, with the support of the Governor. Legislatures from southern California, from the Central Valley, and from north California voted to put it on the ballot.

The public across the State—Democrats, Republicans, and Independents from every region of the State—voted overwhelmingly to support the bond issue, and now, in the eleventh hour, this small group of people think that they can come and turn those expressions of State legislative intent, of State law, of Federal law, and of State environmental quality laws.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. NAPOLITANO. Mr. Speaker, I yield the gentleman an additional 5 minutes.

Mr. GEORGE MILLER of California. Mr. Speaker, we cannot let this happen. The suggestion is that, somehow, there is free water floating around out in that system and somebody is denying it. All of the water in this current system, especially in this drought, is for purposes to try to maintain a great Pacific coast salmon run that is tens and tens and tens—hundreds of millions of dollars in economic activity from the mouth of San Francisco Bay almost to Santa Barbara and from the mouth of San Francisco Bay almost to the Washington-Oregon border.

This impacts across State lines and the economy that that generates, the economy that that generates in the hospitality industry and the tourism industry, and the economy that generates in the delta. Yes, there have been cutbacks. There have been cutbacks. We have all had cutbacks, all of us; but now, you just don't get to go take your neighbor's water. You don't get to go do that.

We will try and try again, and with these storms, I assume there is going to be a renewal of the effort that was successful. It was successful for the Central Valley, it was successful for the biological opinions, and it was successful for the delta farmer; yet we moved a little additional water that we hadn't anticipated.

Now, with these storms, hopefully, we will be able to do the same things, but to write into the law that all of that water must always be moved as long as this law is in place is absolutely contrary to the interests of the rest of the State of California, whether they are in northern California or whether they are in the Central Valley or whether they are in southern California.

That is how we try to move this policy forward. It is a much better policy today than it has been in the past, but we have got to have this open hearing. We have got to discuss this among all of the members of the California delegation, among all of those who represent the taxpayers of this Nation.

The idea that you can just go into a room in the eleventh hour because you know the session is ending, and you are going to say, "we have greater merit than anybody else, we are going to change this law," that is not the democratic process.

That is not the proper representation of the people we represent in the State of California, and it is absolutely contrary to what the State government has done and accomplished, what they have done and accomplished together with the Federal agencies, to try and make this work recognizing the incredible hardship that every region in our State is under.

The State is investing billions of dollars, and the private sector is investing billions of dollars to try to make us water efficient, to try to capture more

water and anticipate the building of dams.

All of these things are being done, but the idea that you can just come in and say: Well, you know what, we are tired with the process, we are impatient, even though we just voted for the bond issue, we are going to take our water now, and you do the best you can.

□ 1430

They are saying: You do the best you can. You do the best you can if that is your drinking water in towns across Alameda County. You do the best you can if that is the water you farm with. You just do the best you can. If it is too salty and raises health concerns and you can't grow your crops, that is tough because we are coming in line first. We are going to step in front of everyone else.

What you are going to ignite here with the passage of this bill, you are going to take us all back in time. As Senator BOXER pointed out, this reignites the California water wars, something that we tried to move away from, and we have made progress. I appreciate that those who are impatient and who think that they are given a greater right than in fact they are to water, that they believe now that they can just take it from their neighbor—just take it from their neighbor—that is an unacceptable process.

That is why Senator FEINSTEIN withdrew from these negotiations, said she would come back next year and go through regular order and have the hearings that the people of California are entitled to so they know what is going on. And those of us who represent very disparate parts of the State will be able to participate and have hearings and understand how California together cannot only solve the current problem in terms of impacts, but also prepare the State for what most people tell us will be a series of droughts by changing the manner in which we manage water.

Everybody has to put into that pot, but this is somebody just reaching into the pot and saying: I am taking mine first and you all do whatever you want because we have changed the laws of the State, we have changed the laws of this Nation, we have overwritten the biological opinions from the courts, and we have overwritten the basic environmental laws of the State and the Nation. So we are going to get ours first, and then you do the best you can after that.

Those ramifications ripple across billions of dollars in our economy, just as this drought has rippled across billions of dollars in our economy because of the hardships in agriculture and the shortening of seasons in fishing.

I urge my colleagues not to support this legislation and demand that we have an open process and that we do not cave in to the same group of people who have been trying to do this for 50 years.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from California (Mr. MCCLINTOCK), a member of the Natural Resources Committee.

Mr. MCCLINTOCK. Mr. Speaker, California's regulatory drought was causing enormous economic damage and human hardship long before the historic natural drought that has now stricken the State. And through all of those years, the House has passed legislation repeatedly to address it.

Finally, after years of inaction, the Senate produced a modest measure to provide very limited flexibility for water managers to deal with it. This bill largely reflects those provisions. It is a temporary, stopgap measure that suspends no environmental laws and no regulations. It simply tasks Federal water managers to conserve our water for beneficial human use to the maximum extent possible once all State and Federal environmental and water rights laws have been fulfilled. Let me repeat: the bill explicitly requires all environmental laws and regulations to be adhered to. All the House added to the Senate bill are provisions to strengthen water rights for areas of origin by adding Federal protection over these rights.

During the worst drought in California's history, we continue to release billions of gallons of water from our dams just to adjust river temperatures for the fish. Sadly, this bill doesn't even affect this wasteful practice. But during the next year and a half, it does give limited flexibility to water managers within these laws. That is important because we are getting some rainfall this season, and once all of the environmental laws have been fulfilled, we desperately need to store what surplus remains for what could be another very dry year.

To take that surplus above and beyond what is needed to meet all of our environmental mandates and dump it into the Pacific Ocean, as my colleagues on the left suggest we should do, is nothing short of lunacy. The fact that this very modest bill has evoked such apoplexy from the left is a measure of just how extreme and out of touch they have become. I wish this bill did much more, but it is a start.

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

Mr. COSTA. Mr. Speaker, I thank the ranking member for the opportunity to speak on H.R. 5781, the California Emergency Drought Relief Act.

Mr. Speaker, we have been here before, and we will be here again until Congress acts to provide authority for increased operational flexibility for California's water projects. The American Geophysical Union released a report last week that indicates, according to some of the measures they are taking, that the 2012–2014 drought affecting California is the worst in 1,200 years. The 2014 drought is responsible for part of the greatest absolute reduc-

tion to water availability to agriculture that we have ever seen. But we can operate the projects differently for different outcomes.

The water modeling experts in the area I represent have indicated to me that without additional authority to move water, unless California receives 150 percent of its normal average rainfall this year, which is unlikely, the water allocation on both the east side and the west side of the San Joaquin Valley will be zero. Last year it was zero, and next year it will be zero.

But urban users in the bay area and southern California, they will get water. The fish, they will get water. But the folks on the east and west side of the San Joaquin Valley will get a zero water allocation unless we exceed 150 percent of normal. I would like the House to think about that. We are talking about 2 years without surface water that forms the basis of the economy of the region. The results are an immediate impact to farmworkers and their families, to farmers, and to the farm communities. This isn't some esoteric discussion about precedent; this is about people's lives and their livelihoods that are at stake.

Economists at UC Davis estimated that in 2013 the California economy lost \$2.2 billion in economic output as a result of this drought. For my friends whose primary concern is environmental protection, the loss of surface water supplies for the valley means that farmers are forced to turn to groundwater, and they are overdrafting that groundwater in substantial manner.

This is a crisis. The situation this year has been devastating, and if we do nothing, next year it will become catastrophic.

H.R. 5781 is not perfect nor is it a bill that will solve all of California's problems. We need to fix a broken water system. However, it is a bill that provides, for 18 months, the flexibility for the movement of water which is now not being moved. And it does so responsibly by preserving the Secretary's discretion to reduce pumping to prevent additional harm to endangered species. It will only take advantage when we have storms. It does not change the biological opinions, and it does nothing to move water rights in front of someone else, as the previous speaker said. It has a sunset on it.

There will be debate about others ways to assist in drought recovery, but this is the measure we have before us now.

I urge my colleagues to support this legislation. It will help the San Joaquin Valley. It will help all of California to get by during the devastating effects this drought is having. It is not a panacea. And yes, we need to work together, but as far as igniting water wars, gee, I don't think they have ever subsided. There are still historic differences.

The SPEAKER pro tempore. The time of the gentleman has expired.



Mr. HASTINGS of Washington. I yield an additional 1 minute to the gentleman.

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

The fault lines on water in California everybody on this floor knows. They are deep and they are historic and they have existed for decades. It is because we have this broken water system. We have a water system designed for 20 million people. We now have 38 million people.

To provide water for the people, for the environment, and to maintain agriculture, of which we are the largest agricultural State, we need to work. We need to work together.

There were some comments about the secret meetings. Gee, if this has been a secret as we have been working together for 8 months now, it is one of the worst-kept secrets in Washington this year, I think. The fact is this provides us a modicum of relief. I urge my colleagues to support this legislation, but we need to do much more.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from California (Mr. MCCARTHY), the distinguished majority leader.

Mr. MCCARTHY of California. Mr. Speaker, I thank the gentleman for his service to this House and this country. You will be greatly missed.

Mr. Speaker, I also want to thank those who have worked so diligently on this bill, like Congressman DAVID VALADAO. He understands the need. And we are not here today because we haven't thought that we might have this problem. I have stood in this well before with Congressman DEVIN NUNES, looking ahead, trying to be prepared so we can have water throughout California, looking prepared that government, creating a drought when we still have rain and snowpack.

Do you realize 4 years ago we had 170 percent of snowpack, but only 80 percent of the water was allocated to come down through the valley? The valley not just feeds California, not just feeds the Nation, but feeds the world.

When the valley does not get water, the price of food goes up to all. But you know what is even more important? Those that go out of work. I have watched many elected officials come to this well and talk about unemployment. They say unemployment is below 6 percent. Let me tell you what unemployment is throughout the valley today. There are some cities that have more than 30 percent unemployment. The number one factor—water. So what does the world look like today even though not just this Congress but the Congress before it moved legislation to deal with this issue. We are now at a 1,200-year drought. That is much longer than the entire life of this Nation.

So if we are at this time, why do we bring this bill before us? I think we should have honesty in this bill. This is

not the bill I would write. This is not the bill I would bring forward. This is a bipartisan bill where people on both sides of the aisle sat down. We said we need a temporary bill that lives within these means.

So do we change endangered species? No, we do not. What does this bill do? It says, in the rainy season when the flood waters are high, can we not move water down through the valley. That is what this bill does. It also has a safeguard that, if the fish are harmed, to stop.

Does this bill go on forever? No. It goes the length of September or to the length of what the Governor has declared within the drought.

Now, I know government cannot make it rain, but government can stop the government policies that pick fish over people. Government can prepare ahead of time that, if we are going to have a rainy season coming, we allow the water to have the best use of where it goes, that it protects the fish while at the time allocates water to the valley so everyone wins in the process. That is why it was bipartisan. That is why we sat together. That is why it is temporary. That is why this bill is brought before us today.

I would like to thank everybody on both sides of the aisle that worked for it. But what is unfortunate, some people will say things it is not. The most important thing we should do in this House is make sure fairness is provided. I think the greatest fairness that should be provided is being prepared for when water comes. But what is even more important is looking at the faces of the 30 percent unemployed, looking at the faces throughout that valley and saying it does not have to be that way. Government can make a difference if both sides would work together as we did to craft this bill.

Mrs. NAPOLITANO. Mr. Speaker, how much time remains?

The SPEAKER pro tempore. The gentlewoman from California has 13½ minutes remaining. The gentleman from Washington has 17½ minutes remaining.

Mrs. NAPOLITANO. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. DEFazio), the ranking member of the Natural Resources Committee.

Mr. DEFazio. Mr. Speaker, I thank the gentlewoman.

Now, why would an Oregonian insert himself into the perpetual water wars in California? Well, first off, this bill has had no hearings. As you can see from the debate here on the floor, there is extraordinary disagreement over the potential impacts of this legislation. That is not just critical to Californians, it is critical to Oregonians.

I have a letter here from the Pacific Fishery Management Council. They believe that this could have a hugely detrimental impact on some audit species which compose about 80 percent of the California fishery and about 50 percent of the fishery in Oregon.

We went through this before about a decade ago where there were inadequate outflows. There were problems with the forge fish, the smelt, and the returning salmon, and we had a season that was closed for 2 years. It put many, many Oregonians out of work. There was impact beyond commercial fisheries and coastal communities on recreational fisheries. It cost us hundreds of millions of dollars. We got a couple of hundred million dollars in Federal relief.

□ 1445

The experts, the Pacific Fishery Management Council and their lawyers who have read this bill, believe it does change the management of the water in ways that are detrimental and would void the biological opinion and would probably put us back into another couple of “no fishing” years a few years down the road given the cycle of salmon, particularly, section 103(d)(2) and section 103(c).

I have heard here on the floor, despite the fact no hearing has been held—the bill just burbled up very recently—that on one side they are saying, “No, don't worry, it will not have a detrimental environmental impact, and, if it does, well, we will stop doing it.”

But I just looked at that section of the bill and it doesn't quite say that definitively. In fact, it changes the standards, and then it says, “If additional negative impacts might happen, then the Secretary could suspend some of the provisions of this bill.” Not exactly certainty, and we need some certainty here for our fisheries.

We have been hurting for years. Last year, we had a good year, thankfully. We are still dealing with buybacks because of reducing the size of the fleets from past problems. Fishermen are burdened with the buyback year in, year out. I just got the terms of that adjusted in the NDAA. They had a payday loan from the Federal Government. Now we got them a reasonable loan from the Federal Government. The government didn't even pay for their buyback. Heck, in the Northeast, they paid for a couple of buybacks. No, we had to pay for our own with a payday loan. Now we are going to jeopardize the fleet 1, 2, or 3 years out because we won't have the returns with the endangered species.

So this is a bad idea to do in the waning days of a Congress, to bring forward a bill which is controversial, over which there is disagreement on the actual language in the provisions of the bill, and which my experts, the Pacific Fishery Management Council, say would be detrimental and would cause those problems.

PACIFIC FISHERY MANAGEMENT COUNCIL,  
Portland, OR, December 6, 2014.

Hon. JARED HUFFMAN,  
U.S. House of Representatives,  
Washington, DC.

DEAR MR. HUFFMAN: Thank you for your letter of November 17 and follow-up on December 3 requesting Pacific Fishery Management Council (Pacific Council) comment on

legislation related to operation of the State Water Project and Central Valley Project in California (HR 5781) and its potential impacts to fisheries. Although the timing of the bill did not allow for full Council deliberation, we present the following concerns, which are consistent with previous comments the Council has made on similar legislation. Absent changes in the legislation to address these concerns, the Pacific Council does not support HR 5781 moving forward.

HR 5781 would override Endangered Species Act protections for salmon, steelhead, and other species in the Bay-Delta in order to allow increased pumping from the Delta in excess of scientifically justified levels. These measures also protect salmon stocks not currently listed under the ESA, which are a primary source of healthy sport and commercial fisheries from Central California to Northern Oregon. The bill introduces a new standard for implementing the Endangered Species Act concerning Central Valley salmon and Delta smelt, a keystone species in the Bay-Delta ecosystem. (See Sec 101(3), and 102(b)(2)(a).) It is unclear how severe the negative effects of this new standard might be, but it would certainly impact current water management policy that protects ESA listed salmon stocks from further decline and helps prevent currently healthy stocks from becoming listed under the ESA.

The bill contains several provisions that override the salmon and Delta smelt biological opinions (for example Section 103(d)(2), Section 103(c), and others). Section 103 could result in dramatically higher pumping than is authorized under the biological opinions, and would cause significant harm to migrating salmon and steelhead and other native species. The 1:1 inflow to export ratio for the San Joaquin at Vernalis overrides the 'reasonable and prudent alternatives' to standard operations that were set out in the 2009 Central Valley biological opinion in order to protect Sacramento River winter-run Chinook and other salmonid species. Further degradation of salmon habitat is contrary to the provisions of the Magnuson Stevens Act (Sec. 305(b)(1)(D)) and something the Pacific Council strongly opposes.

Section 103(f)(2) provides exemptions for mitigation of negative effects on listed fish species, which alleviates the project from compensating fisheries for negative effects of its operations; it is unclear if there is an exemption for mitigation of negative effect on non-listed salmon stocks. Exempting mitigation responsibility for harm to salmon populations provides the exact opposite incentive to the kind of salmon protection and enhancement advocated by the Council, and essentially amounts to redistributing the value of salmon fisheries to agricultural or municipal interests, as well as increasing the risk to ESA listed fish stocks threatened with extinction. Additionally, the Pacific Council is concerned about whether Central Valley projects are achieving their current mitigation responsibility, and providing these exemptions could preclude seeking remedy. If this bill moves forward, it should provide direct mitigation for the proposed actions and risks to which it would subject fish populations and fishing communities, not avoiding this appropriate responsibility.

In 2008 and 2009, \$158 million in Congressional aid was provided to deal with the disaster of the closure of ocean salmon fisheries off California and Oregon south of Cape Falcon due to a collapse of the Sacramento River salmon stocks. These fisheries are an important source of jobs for coastal communities, which cannot be replaced simply through disaster relief. Without adjustments to this bill, we fear such a disaster could be repeated in the reasonably near future.

Thank you again for the opportunity to comment on this legislation; please don't

hesitate to contact me or Ms. Jennifer Gilden of the Pacific Council office if you have any further questions.

Sincerely,

D.O. McISAAC, PH.D.,  
*Executive Director.*

Mr. HASTINGS of Washington. Mr. Speaker, I am very pleased to yield 2 minutes to the gentleman from California (Mr. NUNES), author of the original, long-term bill that passed in the last Congress.

Mr. NUNES. Mr. Speaker, listening to the rhetoric that is coming from the other side, I am reminded of the old saying about the Soviet Union: if you tell a lie long enough, eventually people will believe you.

There is hardly anything coming from the other side of the aisle that is even remotely close to the truth. I don't have enough time to go through it all, but let me just hit the high points.

Number one, let's start with the facts on the table. Most of the population in California lives in the Greater San Francisco Bay Area or Los Angeles, which mostly Democrats represent, and which is the home of the 1 percent in California. The poor people that they continue to make more poor are my constituents because they have taken their water and dumped our water out into the ocean.

Let's take the example of San Francisco in the Greater Bay Area. They get their water not only from the delta, but also the United States Congress passed legislation in the early part of last century that allows water to be piped over from Yosemite National Park directly over to the Bay Area.

This is our water. This water should be going to the San Joaquin Valley. They have given up none of that. You have a Member who has been here for 40-some years who made the claim that some people are reaching in and taking their water. Well, no, it is the opposite. Once again, if you tell a lie long enough, I guess you think eventually people will agree with you or believe you.

This is about San Francisco and Los Angeles getting all of their water, never giving up one drop, and they have taken the water from our communities. As the majority leader said, we have communities that continue to suffer 20, 30, or 40 percent unemployment while the 1 percent on the coast say nothing, do nothing. They complain about it. They give big subsidies to their salmon fishery buddies and the environmental community. We have other people on the other side of the aisle who made their whole careers making millions of dollars off of lawsuits, bringing lawsuits against the farms, that remain undisclosed in the dark today.

So, Mr. Speaker, we need to get the truth out on the table here.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Washington. Mr. Speaker, I yield an additional 1 minute to the gentleman.

Mr. NUNES. So what we are doing here now is, we have been working diligently with Senator FEINSTEIN and Senator BOXER, but you have one of the Senators decide that she didn't want to come up with a solution. We got the bill from being permanent down to just an 18-month temporary bill. We have floodwaters today that are not being pumped that historically were pumped. We have communities that are completely out of water, 100 percent out of water, yet the 1 percent, they don't care.

I have heard a lot about the 1 percent around this place. The rhetoric from the other side, that rhetoric represents the 1 percent. We represent the people that are unemployed because of their 1 percent policies.

So, Mr. Speaker, I hope that we can get back to the truth. If we can get this bill passed, it gives the Senate an opportunity to amend the bill, send it back in the waning days of this Congress. If they cannot, then we have to start back in January with new legislation.

But, in the meantime, people are out of work, cities are out of water, towns are out of water, rural homes are out of water, schools are out of water, churches are out of water, because the folks on the other side of the aisle spent 40 years taking water away and keeping it for themselves.

Mrs. NAPOLITANO. Mr. Speaker, I have heard the impassioned speech, but it is not our water. It is California water.

I yield 3 minutes to the gentleman from California (Mr. FARR), the ranking member of the Agriculture Appropriations Subcommittee.

Mr. FARR. Mr. Speaker, I thank the gentlewoman for yielding.

This is always a difficult issue. It is a California issue, and I want to point out that the California delegation is not evenly split on this. It is unevenly split. The reason is the gentleman just talked about what he called "facts." His points of what he was making are not true.

As the ranking member indicated, the chair, she indicated that this is public water, public water that is transported in the State by publicly financed canals, both by the Federal Government and by the State government. This is water that is supposed to balance for all California. It is all publicly owned and distributed, mostly to the private sector in the San Joaquin Valley.

Now, we have a drought. Everybody knows it. It is a disaster. The President declared it that. What we ought to be doing in Congress is paying for that disaster, like we pay for every other disaster. This bill doesn't do it. I was a coauthor of the original bill, but I am not cosponsoring this one, and I am not supporting this one because what this does is not deal with the problem of getting money to California to build the infrastructure that we need for off-stream storage and things like that.

What it does is disrupt a balanced system that has flexibility. We have been through the worst drought, and there have been flexible releases given this year. We solved it administratively. But to put it in law I think is very harmful. It is going to cause more lawsuits, more dissension, and we are back to, as Senator BOXER indicated, square one and not being able to find resolution.

Now, you argue that, well, we are the leading ag State. I am the leading ag county: \$4.8 billion worth of agriculture. We don't get a drop of this water. We find our own water in our own county. Frankly, we are reducing the amount of use in agriculture tremendously by drip irrigation and other forms of agricultural use.

So I think that the danger here is in the last minute of this Congress we are taking a bill that is extremely controversial and trying to pass it in the last minutes when we really need to resolve this thing so it is a balance for all of California, not just a few.

I think this is very harmful for our State, and I hope that those who are not from California will oppose the bill.

Mr. HASTINGS of Washington. Mr. Speaker, I am very pleased to yield 1 minute to the gentleman from Illinois (Mr. RODNEY DAVIS).

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, I thank Chairman HASTINGS, and a special thanks to my friend and colleague Mr. VALADAO for introducing this legislation.

Why is somebody from Illinois standing on the floor of the House to talk about a bill that affects California? Well, this chart says it all: California crops, 99 percent of the almonds, 99 percent of the figs. Go down this chart and you can see how it impacts every single family that I represent in central Illinois. 800,000 people in my congressional district go buy these products in our stores. The cost of not doing something to affect this historic drought is costing them and their families more to eat these products, healthy products, that come from the Central Valley of California.

When you have over 800,000 acre-feet of water being released, fresh water being released into the ocean, that is enough water for 800,000 families to use for a year. We are simply asking for flexibility that has a direct impact on every single family in this country. It has an impact on my families that I represent, and that is why I am so proud to stand here and support this legislation.

Mrs. NAPOLITANO. Mr. Speaker, may I inquire as to the amount of time that is remaining on both sides?

The SPEAKER pro tempore. The gentleman from California has 8 minutes remaining. The gentleman from Washington has 13½ minutes remaining.

Mrs. NAPOLITANO. Thank you, Mr. Speaker.

I yield 4 minutes to the gentleman from California (Mr. HUFFMAN).

Mr. HUFFMAN. Mr. Speaker, I thank the gentlewoman.

Some of our colleagues from other States may be experiencing a sense of *deja vu* right now. Yes, this is the second time this year that the House has voted on a California water bill that would harm northern California fisheries, tribes, and communities; that would undermine State law; that would deprive water managers of the flexibility they need; and it would micro-manage the complex water system of California.

To make sure we are all dealing with the same facts, I want to remind my colleagues that the State and Federal water export pumps in the delta right now are operating at more than 5,000 cubic feet per second.

The only reason they are not pumping even faster is not to protect fish and wildlife, not because of the Endangered Species Act, none of the other bogeymen that we hear as a justification for this bill. No, the reason those pumps are not going even faster is because of standards set by the State of California to protect water quality from municipal and industrial and agricultural and other uses in the system.

So the only way that this bill could deliver more water today—well, there is no way it could deliver more water today—and the only way it could deliver more water in other times of the year is by taking it away from other water users and other beneficial uses in our State.

With that inconvenient fact out of the way, let's talk about the process that brought us here today. H.R. 5781 has never been reviewed by the authorizing committee, let alone marked up in open session. Nor have we received the input of State or Federal agencies that have the responsibility over clean water and fisheries management. Nor have we received the input of affected local water agencies, of commercial and recreational fishing interests, of tribes—including ones that I represent—or other communities that will surely be impacted negatively if this were to become law.

The proponents of this bill say that it is the result of bipartisan collaboration. Really? Those of us who represent northern California's fishing industries, tribes, farmers, and communities have been systematically kept out of the room and even kept out of the conversation.

Last month, we learned that members of our State's Republican delegation refused to even brief Senator BARBARA BOXER if northern California Democrats like me were even in the room.

This is no way to negotiate something this important. It is a terrible precedent for other States as well, and that is why I am glad that Senator BOXER has been so clear in stating her opposition to it, that it would ignite water wars in California, not solve problems, and I am glad that over the

weekend we received a veto recommendation from the Obama administration.

Now, on Saturday, the Pacific Fishery Management Council sent me a letter about the bill. I asked them how they felt it would affect western fisheries in this country. Here is what they said:

H.R. 5781 would override Endangered Species Act protections for salmon, steelhead, and other species in the Bay Delta in order to allow increased pumping from the delta in excess of scientifically justified levels.

In 2008 and 2009, \$158 million in congressional aid was provided to deal with the disaster of the closure of ocean salmon fisheries off California and Oregon south of Cape Falcon due to a collapse of the Sacramento River salmon stocks. These fisheries are an important source of jobs for coastal communities, which cannot be replaced simply through disaster relief. Without adjustments to this bill, we fear such a disaster could be repeated in the reasonably near future.

Mr. Speaker, I will include this letter in the RECORD at this time.

PACIFIC FISHERY  
MANAGEMENT COUNCIL,  
Portland, OR, December 6, 2014.

Hon. JARED HUFFMAN,  
House of Representatives,  
Washington, DC.

DEAR MR. HUFFMAN: Thank you for your letter of November 17 and follow-up on December 3 requesting Pacific Fishery Management Council (Pacific Council) comment on legislation related to operation of the State Water Project and Central Valley Project in California (HR 5781) and its potential impacts to fisheries. Although the timing of the bill did not allow for full Council deliberation, we present the following concerns, which are consistent with previous comments the Council has made on similar legislation. Absent changes in the legislation to address these concerns, the Pacific Council does not support HR 5781 moving forward.

HR 5781 would override Endangered Species Act protections for salmon, steelhead, and other species in the Bay-Delta in order to allow increased pumping from the Delta in excess of scientifically justified levels. These measures also protect salmon stocks not currently listed under the ESA, which are a primary source of healthy sport and commercial fisheries from Central California to Northern Oregon. The bill introduces a new standard for implementing the Endangered Species Act concerning Central Valley salmon and Delta smelt, a keystone species in the Bay-Delta ecosystem. (See Sec 101(3), and 102(b)(2)(a).) It is unclear how severe the negative effects of this new standard might be, but it would certainly impact current water management policy that protects ESA listed salmon stocks from further decline and helps prevent currently healthy stocks from becoming listed under the ESA.

The bill contains several provisions that override the salmon and Delta smelt biological opinions (for example Section 103(d)(2), Section 103(c), and others). Section 103 could result in dramatically higher pumping than is authorized under the biological opinions, and would cause significant harm to migrating salmon and steelhead and other native species. The 1:1 inflow to export ratio for the San Joaquin at Vernalis overrides the 'reasonable and prudent alternatives' to standard operations that were set out in the 2009 Central Valley biological opinion in order to protect Sacramento River winter-run Chinook and other salmonid species. Further degradation of salmon habitat is contrary to the provisions of the Magnuson Stevens Act

(Sec. 305(b)(1)(D)) and something the Pacific Council strongly opposes.

Section 103(f)(2) provides exemptions for mitigation of negative effects on listed fish species, which alleviates the project from compensating fisheries for negative effects of its operations; it is unclear if there is an exemption for mitigation of negative effect on non-listed salmon stocks. Exempting mitigation responsibility for harm to salmon populations provides the exact opposite incentive to the kind of salmon protection and enhancement advocated by the Council, and essentially amounts to redistributing the value of salmon fisheries to agricultural or municipal interests, as well as increasing the risk to ESA listed fish stocks threatened with extinction. Additionally, the Pacific Council is concerned about whether Central Valley projects are achieving their current mitigation responsibility, and providing these exemptions could preclude seeking remedy. If this bill moves forward, it should provide direct mitigation for the proposed actions and risks to which it would subject fish populations and fishing communities, not avoiding this appropriate responsibility.

In 2008 and 2009 \$158 million in Congressional aid was provided to deal with the disaster of the closure of ocean salmon fisheries off California and Oregon south of Cape Falcon due to a collapse of the Sacramento River salmon stocks. These fisheries are an important source of jobs for coastal communities, which cannot be replaced simply through disaster relief. Without adjustments to this bill, we fear such a disaster could be repeated in the reasonably near future.

Thank you again for the opportunity to comment on this legislation; please don't hesitate to contact me or Ms. Jennifer Gilden of the Pacific Council office if you have any further questions.

Sincerely,

D.O. McISAAC, Ph.D.,  
Executive Director.

Mr. HUFFMAN. In addition, California's recreational and commercial fishing interests sent a letter on Friday with their concerns that this legislation would "harm, potentially disastrously, the communities, families, and thousands of fishing jobs in California and Oregon that depend on the health of the Bay Delta and its salmon runs."

Mr. Speaker, I will include their letter in the RECORD at this time as well.

#### OPPOSITION TO H.R. 5781

DECEMBER 5, 2014.

DEAR REPRESENTATIVE: On behalf of the undersigned organizations, we write to urge you to oppose H.R. 5781 (Valadao, R-CA), a bill that would dramatically weaken protections for salmon and other fish and wildlife in California's Bay-Delta estuary and its tributaries. This legislation would harm, potentially disastrously, the communities, families and thousands of fishing jobs in California and Oregon that depend on the health of the Bay-Delta and its salmon runs.

H.R. 5781 would undermine existing legal protections for salmon, endangered species, and other species in the Bay-Delta ecosystem, in order to pump more water out of the most important salmon producing system south of the Columbia River. For example, the bill would rewrite and override protections required under the Endangered Species Act and replace the best available science with political micro-management. Those ESA protections also benefit fall run Chinook salmon, the backbone of the salmon fishery. This legislation would also undermine existing federal law, which establishes fish and wildlife protection and salmon res-

toration as a co-equal goal of the Central Valley Project. It would attempt to redirect water dedicated by law to restoring fisheries and ecosystem health. By requiring a massive new groundwater development project, this legislation has the potential to divert tens of millions of dollars away from ecosystem restoration, including salmon restoration projects. Such groundwater development would likely also reduce surface waters needed by salmon.

This damaging legislation has never been subject to a single committee hearing or input from the State, hunting organizations, sport and commercial fishermen, tribes, and conservation groups. Frankly put, this last-minute legislation is a cynical water grab. It doesn't address the cause of the drought, nor does it offer solutions. Instead, it is simply an effort to legislate the destruction of the environment and the salmon industry.

The very real water shortages experienced in parts of California this year are a result of three dry years, not environmental protections. Real solutions to the impacts of the drought include agricultural and urban water use efficiency, water recycling and other tools that can meet our needs and that don't sacrifice our environment and fisheries. This legislation addresses none of those solutions.

This legislation could not come at a more damaging time. 2015 represents the first year that drought affected salmon year classes will return as spawning adults. We anticipate a significant, perhaps dramatic, reduction in returning salmon during 2015-2017. The coming three years will be a critical time for the salmon industry. This is not a theoretical concern. In 2008-2009, three years after record diversions from the Bay-Delta, low salmon populations led to the complete closure of the salmon fishery. This legislation could help lead to a repeat of that disastrous closure. The standards protecting salmon today are too low already. Further rollbacks could have a devastating impact on salmon runs that have already been harmed by drought.

Our salmon industry is valued at \$1.4 billion in economic activity annually. The industry employs tens of thousands of people from Santa Barbara to northern Oregon, including in California's Central Valley. This industry consists of commercial fishermen, recreational fishermen, fish processors, marinas, coastal communities, equipment manufacturers, tackle shops, the hotel and food industry, tribes, and the salmon fishing industry at large. All of these economic sectors and individuals could be harmed by damaging federal legislation. We all respectfully request your leadership to protect our future.

For these reasons, we respectfully urge you to oppose H.R. 5781 and any other last-minute attempts to undercut the existing balance of rights and protections among the users of the California Bay-Delta watershed. California's drought requires real solutions, not a return to the imbalanced policies of the 1940s and 1950s.

Thank you for your consideration.

JOHN MCMAHUS,  
Golden Gate Salmon  
Association.

ZEKE GRADER,  
Pacific Coast Federation of Fishermen's Associations.

DICK POOL,  
Water4Fish.

ROGER THOMAS,  
Golden Gate Fishermen's Association.

MARK GORELICK,  
Coastside Fishing Club.

LARRY COLLINS,  
San Francisco Crab  
Boat Association.

□ 1500

At the Rules Committee debate, I raised a series of important technical questions about flaws in this bill. Unfortunately, the House majority has decided that it cannot be amended through an open rule.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mrs. NAPOLITANO. Mr. Speaker, I yield the gentleman an additional 1 minute.

Mr. HUFFMAN. If we did have the benefit of a hearing or even just an opportunity to amend through an open rule, we may be able to address some of these, but so far, nobody has answered some of these key technical questions.

First, does the bill allow the State water board, basically, to do its job if we head into a fourth year of a critical drought, doing things like issuing curtailment orders and possibly rationing orders? These are tough calls that our State's water referee has to make. This bill does not appear to allow them the flexibility to do that.

Does the bill, which directs the Federal Government to "provide the maximum quantity of water supplies possible" next year, allow the Federal Government to do other things necessary to operate the system, like filling reservoirs, holding water for public health purposes, or—when it might be needed—even for other water contractors?

Does the bill put additional pressure on the Trinity River, which I represent, and the tribes that have depended on it for their traditions and their subsistence on healthy salmon populations for millennia?

There are many other questions that are unanswered about this bill. It is not ready for prime time, it is not good policy, and I urge my colleagues to vote "no."

Mr. HASTINGS of Washington. Mr. Speaker, I am very pleased to yield 3 minutes to the gentleman from California (Mr. LAMALFA), a member of the Natural Resources Committee.

Mr. LAMALFA. Thank you, Mr. Chairman, for working with me in this committee on this important topic.

Mr. Speaker, I am a farmer in northern California, and when I hear talk of the water wars being reignited, it has been a one-sided war, with the amount of farmers and people that work in the Valley. They haven't had the bullets to be in a water war because we have been losing for a long time.

Hundreds of thousands of acre-feet that have been diverted already in the past adds up to millions over the years for other uses, besides what has been going in the North Valley, South Valley, and Central Valley.

I heard this comment a while ago. Powerful, small people were how legislators looked at us in the valley—powerful, small people. Do these folks

standing in the unemployment line look powerful to you? Do the farmers who have been fighting against this for years and years look powerful when we keep losing these battles one after another? To build more storage, we would have water for everybody in California.

This measure here today would help everybody in California that is part of State water projects or the Central Valley Project. Twenty million people in California would see additional benefit by taking—and here's the concept here, folks—excess water during high flows that now would be just flowing out to the Pacific.

We are not taking water during the middle of the season any more than what would already be in the established regime. This is the excess water you would see during flood periods or the high flows that do happen when we have rainfall and water thundering down the Sacramento River, the Feather River, and San Joaquin River during those high flows. We are taking that excess water and reprogramming it, so it can benefit more people. It doesn't take anything from the fish regime or any of that type of concern.

We hear the stuff coming from the other side of the aisle that has continued, whether it has been for 40 years or just recently, to distort what we are trying to do here to make more water for California, which is in its third year of a huge drought—as Mr. MCCARTHY said, what looks like a 1,200-year record for droughts—and about stopping this temporary measure that would help to cause a little bit of excess water be retained to help the people like this to have jobs.

We hear we need jobs in California. We are talking about immigration bills. Let's help people have jobs to live the dream. What about the people that are already here? What about the people standing in that line that have conditions that look like this, with the crops in our State being left fallow, these trees and these vines being stumped or completely pushed out because we can't have a vision, all because we have the typical rhetoric, which I have been listening to as a farmer when I was outside of this place and now today on this floor—and probably many more times—that says we can't build any storage because of this?

It is a new regime which respects the already-established protocols. This doesn't take away the power from the State water board or the other boards in place. If you would actually read the bill, you would see in it those provisions are kept in place by the Governor and by the water boards. All the entities that have authority over it can step in and say, "We think this is going to affect the fish, the water regime, or any of the others."

I urge that we support this measure today, and I ask that we listen to what is in the bill and not listen to the rhetoric and the lies.

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

I am the ranking member of the Subcommittee on Water and Power, and I read this information in the newspaper. Nobody ever contacted me. I had no idea the formulation of this particular bill was going on.

When we talk about unemployment, it is nice to trot out pictures and show what the effect is, but I see nothing in this bill that is going to help the farm workers themselves, nothing that is going to provide more wet water, create water, whether it is through recycling, desalination, or conservation—all the things that southern California has been doing.

Let's not forget that 80 percent of the water used is for agriculture and 20 percent is for industrial, commercial, and residential; so there is a little bit of a disparity there, my friends.

I really am looking at how we move towards working on a bipartisan basis. We don't want to argue. We want to make resolutions by working together, and that is not happening. Maybe it is something that I have said—I am not sure, Mr. Speaker—but I am more than willing to sit down between now and next year when we have this bill come to the light of the day, if it is reintroduced, and we can have an honest discussion about the effects it has.

Also, when we talk about California's 35 million residents, only 12 million reside in L.A. County, part of the county that I represent. That is not including San Bernardino, Riverside, or San Diego, so we talk about the boaters in southern California getting the shaft for not getting the water and paying more for that water.

When we are looking at water distribution, I suggest that we sit and actually work openly and transparently. We oppose this secretly written Central Valley-focused legislation. We hope that we are going to continue the dialogue because, yes, California, is a donor State. We need to be able to continue providing that for the rest of the Nation, so that we can have a better economy and a growth in our agricultural area.

Mr. Speaker, I ask my colleagues to oppose H.R. 5781, the so-called California Emergency Drought Relief Act of 2014, which should be called the CVP California Emergency Drought Relief Act of 2014, and I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, may I inquire how much time I have remaining?

The SPEAKER pro tempore. The gentleman from Washington has 10½ minutes remaining.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, let me just make a couple of points here before I yield back my time. This has been a very interesting debate. As I mentioned in my opening remarks, I attended two hearings in Fresno, California, particularly on this issue, and saw firsthand the impact of what the natural drought and

the manmade drought has done to the San Joaquin Valley.

My friends on the other side of the aisle stated a number of newspapers that editorialized against this. Mr. Speaker, I will insert into the RECORD a Fresno Bee editorial of December 6 saying that the Valadao bill, which is H.R. 5781, should be passed.

[From The Fresno Bee, Dec. 6, 2014]

#### FACTS SUPPORT PASSAGE OF DROUGHT RELIEF LEGISLATION

One of the oldest rules in politics is, when the facts are on your side, you cite the facts; when the facts aren't on your side, you pound the table.

Over the last few days, opponents of The California Emergency Drought Relief Act, which was introduced in the House of Representatives on Tuesday, have been yelling about water grabs, protesting the timing of the bill's introduction and doing all they can to divert attention from the facts—both pertaining to this legislation and to the cruel realities of our state's prolonged drought.

So, let's start with the facts.

This drought is the worst that California has experienced in at least 1,200 years. So says a study published by the American Geophysical Union and cited by a Washington Post blog Thursday. Not only have we received little rain, but the lack of precipitation has been intensified by record-breaking high temperatures. Moreover, the fertile agricultural fields of the San Joaquin Valley are suffering through an "exceptional drought," the most severe classification.

Yes, it has rained lately in California. Thank goodness it has. But much more rain is needed to restore our aquifers, fill our reservoirs reverse the economic hardship inflicted on our state and, in particular, the Valley, by the drought.

The bill (H.R. 5781) introduced by Rep. David Valadao, R-Hanford and supported by GOP leadership provides the flexibility and resources to give farmers in the Valley and elsewhere a fighting chance to grow their crops and put people back to work in 2015. In a nutshell, the bill would allow the Bureau of Reclamation the freedom to hold more winter rain and snow and then distribute it to areas in need. Not only would this flexibility help farmers and rural communities, but it would benefit the environment as well.

This legislation is the product of months of talks and negotiations earlier this year involving Republican and Democrats in both the House and the U.S. Senate and is the result of thoughtful compromise. The bill doesn't amend the Endangered Species Act or existing biological opinions. It leaves decision-making about habitat, protected species and water quality to federal environmental agencies. But it would reduce the flow of water through the Sacramento-Joaquin River Delta to the Pacific Ocean and pump more water to the south—as long as that pumping doesn't harm protected fish such as delta smelt, salmon and steelhead.

Moreover, these changes would be temporary, as they would end in September of 2016 or upon the governor ending California's drought declaration.

Opponents are trying to paint this bill as detrimental to the environment and the result of secret negotiations. Again, let's examine the facts. In a phone interview with The Editorial Board on Friday, Rep. Jim Costa, D-Fresno, pointed out that this proposal is similar to Sen. Dianne Feinstein's bill that was passed under unanimous consent by the Senate in February.

Passage of Feinstein's Emergency Drought Relief Act then set the stage for negotiations—and compromise—with Valadao, who

earlier had received partisan House approval of a bill that was extreme and over the top. Early on, Northern California Democrats, many of which are supported by environmentalist, were involved in the negotiations. But they drew firm lines in the sand and quit the talk.

Valadao's bill is reasonable and much needed. It deserves the support of Sen. Feinstein and Sen. Barbara Boxer and the California delegation in the House of Representatives.

Mr. HASTINGS of Washington. Let me address another issue.

We heard a number of times from the speakers on the other side of the aisle that there has been no hearing on this bill; it came out of the blue, blah, blah, blah. We heard that over and over. Maybe it is because when my friends on the other side of the aisle were in the majority, they didn't follow regular order, so let me say this as slowly or plainly as I can.

In the last Congress, Congressman NUNES introduced a long-term bill that we had a number of hearings on in the National Resources Committee. We marked up the bill in the Resources Committee, and we had it on the floor, where there were amendments that were offered to that bill; and, finally, in the last Congress, it passed with bipartisan support.

That was in the last Congress, Mr. NUNES' bill. In this Congress, Mr. VALADAO took that bill, dusted it off, and made two minor changes. We brought it to the floor, and once again, it passed with bipartisan support.

Mr. Speaker, that is a pretty good example of what regular order is, and all we said, by the way, is, "Okay. This is our position. This is the House's position. If the Senate has a different position, pass a bill." There was nothing complex about that, and to the credit of Senator FEINSTEIN, primarily, there was a bill that passed with unanimous consent.

I might add, however, Mr. Speaker, that there were no hearings held on the Senate bill in the Senate. There were no hearings held on the Senate bill; however, because of the drought in California, many Western senators—primarily, Republican Western senators—when asked, presumably by Senator FEINSTEIN, if this bill could go by unanimous consent, they said, "Yes, but there are some conditions that we ought to look at before it finally becomes law." Their principal concern was in the area of the Endangered Species Act.

Now, in the 20 years that I have been here, I have been a vocal critic of how the Endangered Species Act has been implemented, and I hope that we have made some movement in that with the passage of three bills that we did later on.

My point is this, Mr. Speaker: the Senate then passed their bill. The normal process under regular order is when the House has a position and the Senate has a position, then you get together to negotiate the differences.

Now, there are a lot of differences between those two bills, and for the last

6 months, there has been a good faith effort to try to negotiate the difference.

A week ago, Senator FEINSTEIN said: We just can't get it done at this point; and, at that point, my colleagues here in the House—Mr. VALADAO, principally, but the other colleagues that spoke—said: I think what we ought to do is to put into bill form what we had principally agreed to in this conference—although it wasn't a formal conference, it was an informal conference—and put it in bill form.

Mr. Speaker, I just want to say what we have before us is legislation that has been largely agreed to in this informal conference that has been going on for some time with the California water issue.

This isn't something that came out of the dark. As a matter of fact, in the 4 years that my colleagues controlled this House, there was no California water legislation whatsoever. So to come up here and talk and say there are other things and they should be involved, of course, they should be involved. They were involved with the Senate action on the Senate bill.

Mr. Speaker, I just want to say that this is good legislation. It represents a broad consensus that could be done in the informal conference, so I urge my colleagues to pass this legislation. Hopefully, the Senate can take it up before we adjourn. If we don't, the consequences are that we are going to have to start all over again in the next Congress.

There has been so much work that has been done in the informal conference that to let that go and not have some positive action on it, I think, would be wrong for us to do.

With that, I urge my colleagues to vote "yes" on this legislation, and I yield back the balance of my time.

Mr. GARAMENDI. Mr. Speaker, I rise today in opposition of H.R. 5781, yet another California water-grab bill. If enacted, H.R. 5781 would dictate specific actions for water management agencies' experts to take while undermining state water rights and state environmental laws. These directives would eliminate flexibility in the system by making it more difficult for state and federal agencies to make real-time, science-based decisions to address the drought.

In addition to my colleagues speaking out against the bill today, the Administration issued a Statement of Administration Policy on the bill which states:

H.R. 5781 makes operational determinations regarding the use of limited water resources during the ongoing drought, and contains many new provisions that could lead to unintended consequences or further litigation, the Administration cannot support the bill in its current form.

Further, the Administration highlighted its ongoing work to address the drought:

The United States Department of Agriculture has directed millions of dollars in food, conservation, and emergency water assistance to tens of thousands of residents in areas hardest hit by drought. The Bureau of Reclamation has provided cost-share assistance for nine water reclamation and reuse

projects in the State as well as millions of dollars in grants to build long-term resiliency to drought. . . . The President has directed Federal agencies to work with state and local officials in real-time to maximize limited water supplies, prioritize public health and safety, meet state water quality requirements, and ensure a balanced approach to providing for the water needs of people, agriculture, businesses, power, imperiled species and the environment.

Instead of legislating how the current dwindling supply of water should be moved within the state, we should follow the Administration's lead and fund conservation, recycling, and storage projects to create new water.

Additionally, over 30 environmental, natural resource, and fishing groups sent letters of opposition to H.R. 5781 to Congress. Fishing industry groups oppose the bill because:

The bill would undermine existing legal protections for salmon, endangered species, and other species in the Bay-Delta ecosystem, in order to pump more water out of the most important salmon producing system south of the Columbia River. For example, the bill would rewrite and override protections required under the Endangered Species Act and replace the best available science with political micro-management."

Authors of H.R. 5781 believe it will boost the economy in part of California, but in this haphazard attempt at amelioration, they risk eliminating jobs in the \$1.4 billion salmon industry by, jobs in the Delta tourism industry, and jobs in Northern California agriculture.

Natural resource and bird organizations oppose the bill because of the devastating impact it could have on migratory birds and other fish and wildlife in the Bay-Delta estuary. According to these groups:

California has already lost more than 90 percent of its existing wetlands and in the current drought conditions, migratory birds are crowding onto the small remaining habitat areas, suffering from decreased food and increased risk of disease.

With at least a billion birds migrating along the Pacific Flyway each year, we cannot afford to eliminate even more habitat. We must ensure water supplies are properly balanced for all needs and mandating exports to water users south of the Delta will not achieve this balance.

In addition to being deeply flawed, this bill is being rammed through at the last minute. Introduced just last week, this bill is circumventing all regular order and will be voted on despite having no hearings and no mark-ups. As the Sacramento Bee states, "The new bill deserves a full public hearing so that we know its full implications for California."

As I have stated before, this drought is caused by nature—something so painfully obvious, it can be seen from space. Circumventing science and legislating how to operate a water system is irresponsible and we must find ways to add to our water supply instead of taking water from one group and giving to another for political gain. For these reasons, I urge my colleagues to oppose this bill.

Mr. THOMPSON of California. Mr. Speaker, I rise in strong opposition to H.R. 5781, a bill that was written in secret, would destroy jobs, ignores established science, and does nothing to address the drought.

Unfortunately, I am unable to participate in this debate today due to the House Majority's last minute scheduling. Not only were we not given time for Congressional hearings or public input on this legislation, we were not even



given enough time to plan to be here to debate the bill after it was rushed to the floor. I was home working in district when this debate was scheduled and by the time I received notice of the floor debate, no flights were available other than the one I was originally on.

Ten months ago this House considered and passed a similarly horrible bill. Neither bill will solve the drought because neither bill can make it rain.

Instead of spending the last ten months working across the aisle with all stakeholders at the table to come up with legislation that actually addresses the statewide drought, the Majority has negotiated this bill in secret with only a select group of farming interests in the Central Valley.

Everyone in California is affected by the ongoing statewide drought and Congress should not be picking winners and losers. Unfortunately, this bill does just that.

H.R. 5781 is nothing more than a thinly veiled attempt to use the drought as an excuse to steal water from the Bay Delta—and to do so with zero regard for the folks who depend on that water for their livelihoods.

The Delta supports thousands of jobs in farming, fishing and tourism, and has an economic output of more than \$4 billion a year.

Millions also rely on the Delta for drinking water. When clean water is pumped south, the level of salt water in the Delta increases. Folks can't drink seawater.

The entire state of California is in a drought. It's not due to a lack of pumping. It's due to a lack of snow and rain.

If the Majority was interested in actually addressing the drought, there are things we could do to help. Congress can invest in more water conservation, more water recycling, and more water storage.

With investments like these, we can collect millions of gallons of new water, help farmers better plan, and create good jobs.

This bill does none of that. Our people deserve better than this politically driven bill. They deserve solutions.

Mr. Speaker, I urge a "no" vote on H.R. 5781.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 770, the previous question is ordered on the bill, as amended.

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.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 5781 is postponed.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

□ 1515

#### SGT. AMANDA N. PINSON POST OFFICE

Mr. MEADOWS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5385) to designate the facility of the United States Postal Service located at 55 Grasso Plaza in St. Louis, Missouri, as the "Sgt. Amanda N. Pinson Post Office".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5385

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

#### SECTION 1. SGT. AMANDA N. PINSON POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 55 Grasso Plaza in St. Louis, Missouri, shall be known and designated as the "Sgt. Amanda N. Pinson Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Sgt. Amanda N. Pinson Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. MEADOWS) and the gentleman from Vermont (Mr. WELCH) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

#### GENERAL LEAVE

Mr. MEADOWS. 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 materials on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, I rise today in support of H.R. 5385, sponsored by Representative ANN WAGNER of Missouri, to designate the Post Office located at 55 Grasso Plaza in St. Louis, Missouri, as the Sgt. Amanda N. Pinson Post Office.

Army Sergeant Amanda Pinson died on March 16, 2006, while serving during Operation Iraqi Freedom. She, along with a fellow soldier, were killed when a mortar round detonated. She was only 21 years old.

Sergeant Pinson enlisted in the Army after graduating from high school and was known as a model soldier, a "breath of fresh air," and wanted to attend college after the military to become a CIA or FBI agent.

Mr. Speaker, this courageous young woman served her country with honor and gave her life in defense of our country. It is my honor and privilege to stand before this body and pay tribute to Sergeant Pinson's memory and sacrifice. I ask my colleagues to vote in favor of H.R. 5385.

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

Mr. WELCH. Mr. Speaker, I support this, and I can't add to the excellent

words of my colleague from North Carolina.

It is an amazing thing when we are naming post offices to hear about the brave lives—in this case of a very young woman with a bright future who gave her life for her country. So I am delighted to join in Representative WAGNER's legislation to make this name permanent so that we can all remember and revere the memory of this brave soldier.

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

Mr. MEADOWS. Mr. Speaker, I thank the gentleman from Vermont for his support.

I yield as much time as she may consume to my distinguished colleague from the State of Missouri (Mrs. WAGNER).

Mrs. WAGNER. Mr. Speaker, I appreciate my friend and colleague from North Carolina for yielding me this time, and the gentleman from Vermont also for his tremendous support and commitment to honoring our fallen heroes.

Mr. Speaker, today I rise in honor of a great American hero. On March 16, 2006, Missouri's Second District lost a brave young woman when United States Army Sergeant Amanda N. Pinson was killed in a mortar attack while serving during Operation Iraqi Freedom.

Mr. Speaker, I would like to take a moment to reflect on the life of this young patriot.

Army Sergeant Amanda Pinson was a signals intelligence analyst assigned to the 101st Military Intelligence Detachment of the 101st Airborne Division based in Fort Campbell, Kentucky.

On a personal note, I have to say that the Screaming Eagles are very personal to me, as my oldest son is presently serving as an Army officer in the 101st.

Amanda is survived by her mother, Chris; her father, Tony; and her younger brother, Bryan.

Growing up in Lemay, Missouri, Amanda enlisted in the Army after graduating from Hancock Place High School, where she won several scholarships and was on the basketball and the softball teams.

Amanda was always concerned about helping others. In high school, she started her own group called HELP, the Hancock Environmental Leadership Program. She enlisted all of her friends to join, and Amanda and the HELP group planted trees at local parks and volunteered with local seniors.

The group also planted and maintained flowers at the entrance of Jefferson Barracks Park. The park where she used to plant flowers is adjoined to Jefferson Barracks National Cemetery, where Amanda is laid to rest.

Amanda also had the respect and admiration of her fellow soldiers. She was described, indeed, as a model soldier and "a breath of fresh air" by Lieutenant Colonel Lucinda Lane, who spoke at her service.