

During Butch's 37 years at Producers Rice Mill alone, he has marketed the equivalent of 1.3 billion bushels of rough rice, which translates to about 20 million metric tons of both milled and brown rice.

In 1981, when U.S. rice acreage exploded from 2 million acres per year to just under 4 million acres, new market access for U.S. rice was crucial in supporting prices for U.S. rice farmers. Butch was one of the critical pioneers at the time who dramatically expanded the export demand for U.S. rice.

Butch was directly involved in the opening of new export markets for U.S. rice in the Caribbean, Iran, Iraq, and Nigeria. Butch also expanded U.S. rice exports in Europe, Saudi Arabia, and South Africa.

With nearly 50 percent of the U.S. rice production required to be exported, the fruits of Butch's efforts not only enhanced the returns of the farmers he worked for, but the new export demand for U.S. rice also benefited the market prices of all U.S. rice farmers. In all, Butch has logged nearly 9 million air miles on behalf of the U.S. rice industry.

From humble beginnings as an office errand boy, Marvin "Butch" Baden, through hard work and perseverance, has earned and achieved the highest level of respect and appreciation within the U.S. rice industry.

HONORING DON NEWTON

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

Mr. FOSTER. Mr. Speaker, I rise today in honor of Don Newton, a proud 40-year member of the International Union of Bricklayers and Allied Craftworkers, Local 56, of West Chicago, Illinois—and a friend of mine—who passed away recently.

There was a time when workers fighting for their rights were met with lead pipes and management-paid gangs. Today, they fight for their rights with picket lines, elections, and the rule of law and with icons like Scabby, the inflatable rat.

Scabby the Rat, a towering, inflatable mascot of labor protests, was dreamed up by Don Newton and fellow organizer Ken Lambert during labor disputes of the 1990s. Today, Scabby can be seen throughout the country, reminding us of the constant struggle for fair wages and safe working conditions and the importance of unity and solidarity in labor disputes.

On the front lines of protests, as workers fight to hold on to the protections they need to maintain fair wages and a healthy middle class, Scabby the Rat and the memory of Don Newton will never be forgotten; and you can now follow Scabby the Rat on Wikipedia and Facebook.

IRAN NUCLEAR AGREEMENT

(Mr. ROTHFUS asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. ROTHFUS. Mr. Speaker, this week, President Obama announced a nuclear agreement with Iran that falls far short of the commitments he made to the American people.

This agreement simply does not stop Iran's quest for nuclear weapons. It lifts an arms embargo against the world's number one state sponsor of terror. It also opens the possibility for Iran to acquire ballistic missiles capable of reaching anywhere in the world.

The President's agreement ends sanctions, frees up hundreds of billions to help Iran's economy, and will allow an unrepentant Iran to finance terrorism around the world, undermining the safety and security of the United States, Israel, and our allies. Never forget Iran is responsible for the deaths of hundreds of American servicemembers, from Beirut to Baghdad, and beyond.

The initial "anytime, anywhere access" standard for monitoring Iran's nuclear program is replaced with "managed access," where we have to ask permission before entering suspected facilities.

This deal does not make the world safer. Far from ending the potential of a nuclear arms race in the Middle East, it all but guarantees one.

MAKE IT IN AMERICA: WHAT'S NEXT?

(Mrs. LAWRENCE asked and was given permission to address the House for 1 minute.)

Mrs. LAWRENCE. Mr. Speaker, I stand in strong support of the Make It In America plan and working to strengthen America's great manufacturing comeback. One of the biggest threats to that comeback is the growing skills gap in manufacturing, which is why I and my colleagues on both sides of the aisle have joined together to lead the Congressional Investment in America's Workforce Caucus.

Through initiatives like Make It In America and the CIAW Caucus, we are working to expand apprenticeships and on-the-job training, increase employer-provided educational benefits, and provide tax credits for businesses who provide critical workforce training.

Some of the efforts in my district are already seeing results. According to yesterday's Detroit Free Press, Wayne County, in my district, is leading the Nation in new manufacturing jobs added last year. Three other counties in the State of Michigan were added as well.

If we keep this up and if we continue to work to close that manufacturing gap, we can make it in America.

SENATE DEMOCRATS ARE PUTTING OUR NATIONAL SECURITY IN JEOPARDY

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

Mr. AUSTIN SCOTT of Georgia. Mr. Speaker, I rise today to voice my concerns over Senate Democrats standing in the way of funding our national security. Once again, we find ourselves in a position where Democrats in the Senate are attempting to extort higher Federal spending on their social agenda in return for adequately funding our troops.

To be clear, this House passed a spending bill with the same proposed spending limits that the President of the United States asked for, but Senate Democrats are using the 60-vote rule to prohibit this appropriation measure from coming to the floor.

General Dempsey, Chairman of the Joint Chiefs, recently said:

Since 2011, global disorder has significantly increased while some of our comparative military advantage has begun to erode.

We have seen this before, Mr. Speaker, where our security becomes a political bargaining chip. This is irresponsible, and I respectfully request my colleagues in the Senate to abandon these tactics. I urge my colleagues in the Senate to stop this dangerous game and support the Defense Appropriations bill.

HOLDING THE VA ACCOUNTABLE

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

Mr. PAULSEN. Mr. Speaker, our veterans have earned the care they are due to receive through the Department of Veterans Affairs. So many men and women of the military put their lives on the line every day to ensure the safety and security of our country.

Unfortunately, bad news coming out of the Department continues to pile up. This week, it was revealed that nearly one-third of the 847,000 veterans with pending applications for health care may have already passed away.

This means, at some point in their lives, over 200,000 men and women who served our country bravely weren't able to access the care that they were promised. These benefits were earned through service, but due to mismanagement, they remained in an endless waiting line.

Mr. Speaker, we can and must do better for our Nation's servicemen and -women. We must continue to institute reforms at the VA to ensure that our veterans receive proper care.

WESTERN WATER AND AMERICAN FOOD SECURITY ACT OF 2015

GENERAL LEAVE

Mrs. LUMMIS. 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. 2898.

The SPEAKER pro tempore (Mr. LAMALFA). Is there objection to the request of the gentlewoman from Wyoming?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 362 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2898.

The Chair appoints the gentleman from Illinois (Mr. HULTGREN) to preside over the Committee of the Whole.

□ 0913

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2898) to provide drought relief in the State of California, and for other purposes, with Mr. HULTGREN in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentlewoman from Wyoming (Mrs. LUMMIS) and the gentleman from California (Mr. HUFFMAN) each will control 30 minutes.

The Chair recognizes the gentlewoman from Wyoming.

Mrs. LUMMIS. Mr. Chairman, the American West is in the midst of a severe drought, especially central California. This problem demands swift action, with tens of thousands of trees, plants, jobs, food, and livelihoods at stake.

H.R. 2898 will help bring our Western water supply infrastructure into the 21st century, making it more drought resistant. The bill also addresses the manmade Federal decisions that are exacerbating the drought.

H.R. 2898 ensures scientific transparency in Federal actions that are literally taking water away from people that desperately need it, all for questionable benefit of endangered fish.

The bill also requires the deployment of more effective management tools like addressing the nonnative fish that are harming the endangered fish.

□ 0915

West-wide, the bill takes steps to build new water storage that is crucial to the well-being of Western communities and economies. To assist non-Federal projects, the bill creates a one-stop shop for water storage permitting at the Bureau of Reclamation.

Oftentimes, Federal agencies overlap or conflict with each other when it comes to permitting non-Federal facilities. This provision forces them to sit down with one lead agency, the Bureau of Reclamation, to resolve issues and expedite permitting.

For Federal projects, the bill creates a streamlined and transparent process for the Bureau that mirrors the Army Corps' provisions in the Water Resource Reform and Development Act of 2014, which was enacted by overwhelming bipartisan majorities in both Houses of Congress.

To offset the bill's implementation costs and finance new water storage, the bill allows irrigation districts and

water utilities to prepay their share of the capital costs of Federal water projects.

Mr. Chairman, some water users are prohibited from paying off contracts early. This is nonsensical. Congress has lifted the restrictions in piecemeal fashion before, and it is time to dispense with it altogether.

One way to efficiently construct new storage is to allow the Bureau of Reclamation to make water storage improvements during the course of making safety improvements. H.R. 2898 allows the Bureau to do just that.

Finally, the bill prohibits the Departments of the Interior and Agriculture from holding public land permits hostage unless permittees give up their State-endowed water rights. This will put a stop to the Federal Government's repeated attempts to grab water rights at the expense of State authority from the Forest Service's interim directive for ski area permits to the Service's ill-fated groundwater directive.

Mr. Chairman, this bill takes a commonsense approach to solving water problems in the West, and I urge its adoption.

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

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, July 8, 2015.

Hon. ROB BISHOP,
Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.

DEAR CHAIRMAN BISHOP: I am writing concerning H.R. 2898, the "Western Water and American Food Security Act of 2015."

This legislation contains provisions within the Committee on Agriculture's Rule X jurisdiction. As a result of your having consulted with the Committee and in order to expedite this bill for floor consideration, the Committee on Agriculture will forego action on the bill. This is being done on the basis of our mutual understanding that doing so will in no way diminish or alter the jurisdiction of the Committee on Agriculture with respect to the appointment of conferees, or to any future jurisdictional claim over the subject matters contained in the bill or similar legislation.

I would appreciate your response to this letter confirming this understanding, and would request that you include a copy of this letter and your response in the Committee Report and in the Congressional Record during the floor consideration of this bill. Thank you in advance for your cooperation.

Sincerely,

K. MICHAEL CONAWAY,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATURAL RESOURCES,
Washington, DC, July 9, 2015.

Hon. K. MICHAEL CONAWAY,
Chairman, Committee on Agriculture, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: On July 9, 2015, the Committee on Natural Resources ordered reported with amendments H.R. 2898, the Western Water and American Food Security Act of 2015. The bill was referred primarily to the Committee on Natural Resources, with an additional referral to the Committee on Agriculture.

I ask that you allow the Committee on Agriculture to be discharged from further consideration of the bill so that it may be sched-

uled expeditiously by the Majority Leader. This discharge in no way affects your jurisdiction over the subject matter of the bill, and it will not serve as precedent for future referrals. In addition, should a conference on the bill be necessary, I would support your request to have the Committee on Agriculture represented on the conference committee. Finally, I would be pleased to include this letter and any response in the bill report filed by the Committee on Natural Resources as well as in the Congressional Record to memorialize our understanding.

Thank you for your consideration of my request, and for your continued strong cooperation between our committees.

Sincerely,

ROB BISHOP,

Chairman, Committee on Natural Resources.

Mr. HUFFMAN. Mr. Chairman, I yield myself such time as I may consume.

It was just last winter that we were here on the House floor talking about another so-called drought bill that my Republican colleagues were attempting to slam through the House within just a few days of its introduction.

This time the bill has a different title, but it is pretty much the same bill. We are back today to consider yet another bill that harms West Coast fisheries and tribal interests, another bill that undermines State law, another bill that micromanages the most complex water system in the world in a way that benefits a select few at the expense of many others across the State of California, another bill that is going nowhere.

We have a SAP from the administration. We have a withering three-page letter of opposition critiquing the bill from the Department of the Interior. The two largest circulation papers in California have both editorialized against it. The State of California is on record opposing prior versions of this bill.

Now, unlike last year, when the House did not allow any amendments to the bill, we are here today with 4 out of 5 Republican amendments made in order and 4 out of 24 Democratic amendments made in order.

That may seem like marginal progress over the 113th Congress' very closed process, but that is no way to do business and certainly no way to get a bill signed into law. With something as complicated and important as California water, we really should make sure everyone has a say, and that is what Democrats have attempted to do. We have introduced a drought response bill, H.R. 2983, which is a comprehensive drought bill. It brings everyone to the table.

This bill had 6 weeks of public review before even being formally introduced, resulting in substantial crowdsourcing changes to the bill. Our water future deserves that kind of open debate and real solutions.

I have been joined by 34 cosponsors on that bill because it provides both short- and long-term investments in water supply reliability, the kind of tools that all Western States will need.

My bill includes significant resources to support farmworkers and others who

are out of work, not just lipservice. And I submit that if my Republican colleagues really care about the challenges faced by farmworkers and others affected by this drought, they will join us in backing real solutions that provide meaningful assistance in addition to stretching our limited water supplies.

Our bill is supported by the Association of California Water Agencies, California sanitation agencies, numerous other water agencies, environmental groups and stakeholders, and both the L.A. Times and the San Francisco Chronicle have editorialized in favor of the Democratic alternative drought response bill and opposed to the bill we are considering here today.

Mr. Chairman, let's have some hearings. Despite the importance of this issue, we have held no legislative hearings on drought responses in the 114th Congress, not on the majority's bill, not on my alternative.

Let's have hearings on both bills. Let's see which one produces the most water, which one produces that water more quickly, and which one produces it more cost-effectively and more reliably.

I hope that someday, Mr. Chairman, we will be discussing real water solutions in that spirit, vetted in an open hearing, that can actually produce something that will be signed into law, instead of the same tired, divisive ideas that pit our State's water users against each other.

Now, a lot of people have asked me: Why do your Republican colleagues refuse to have serious hearings on their water proposal? I think the answer is pretty clear. Like its predecessors, we are here considering a bill that, when it is exposed to public scrutiny, simply falls apart.

Here's what the Department of the Interior said last week in a letter to our committee, in lieu of testimony, of course, because there was no legislative hearing on the bill. They said: "Instead of increasing water supplies, H.R. 2898 dictates operational decisions and imposes an additional new legal standard. Instead of saving water, this could actually limit water supplies by creating new and confusing conflicts with existing laws, thereby adding an unnecessary layer of complexity to Federal and State project operations. As a result of this additional standard, we believe H.R. 2898 will slow decision-making, generate significant litigation, and limit the real-time operational flexibility that is so critical to maximizing water delivery."

Although the Pacific Fishery Management Council wasn't given an opportunity to actually testify on this bill, again, because we had no hearings, they opposed last year's version, and they wrote to us this week to say that they are on record on what appears to be similar legislation. Specifically, they are concerned about the bill's provisions that redirect water away from salmon habitat.

The closure of the West Coast salmon fishery in 2008 and 2009 required \$158 million in Federal disaster relief. And, sadly, the Rules Committee did not allow a vote on our amendment to require a full Pacific Fishery Management Council review of this legislation.

There is no question that this bill explicitly preempts State water law, and it waives and weakens the application of bedrock Federal environmental laws, including the Endangered Species Act and NEPA, but the Rules Committee did not allow a vote on my amendment to protect California water law from preemption nor my amendment to strengthen the water rights protections in the bill. It seems that the issue of states' rights is simply an inconvenient subject when it comes to Republican water legislation.

Mr. Chairman, water is a complex subject, but it doesn't have to be partisan combat. It doesn't have to scapegoat environmental laws or pit one region against the other in a zero-sum game.

I chaired the California Assembly's Water Committee during the last drought in 2009, and we did it the right way. We held lots of hearings. We brought interests from all over the State together and, in the end, although it was a lot of work, through that deliberative, transparent process we produced comprehensive water legislation that was supported by Republicans and Democrats from all corners of the State.

Last year, Mr. Chairman, a near unanimous California legislature agreed on a multibillion-dollar water bond that has created significant water reforms in full public view. If my colleagues on the other side of the aisle would just give up on the idea of ramming the same divisive ideas through Congress every few months, we too might be able to make some progress on solving water problems.

I reserve the balance of my time.

Mrs. LUMMIS. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. McCLINTOCK).

Mr. McCLINTOCK. Mr. Chairman, droughts are nature's fault, but water shortages are our fault. They are a deliberate choice we made nearly 40 years ago when we stopped building new dams. We haven't added a major reservoir in California since 1979, while the population of our State has nearly doubled.

Even before the drought, leftist policies created severe water shortages in California's Central Valley, devastating the economy and creating the spectacle of food lines in one of the most fertile agricultural regions of our Nation.

For 4 years, the House has passed comprehensive legislation to resolve this crisis before it became a crisis. For 4 years, Senate Democrats blocked it; but the public has now awakened, and the Senate has changed.

The voices we hear in opposition are the same voices that have dominated

Western water policy these past 40 years. We now know where that leads.

This bill doesn't preempt California water law; it protects it by forbidding State officials from fulfilling their threats to violate it. It comes at the request of local water agencies that are sick and tired of having their water expropriated by ideological zealots.

It is time to choose between two very different visions of water policy. One is the nihilistic vision of the environmental left; increasingly severe, government-induced shortages, forced rationing, astronomical water prices, and a permanently declining quality of life for our children who will be required to stretch and ration every drop of water in their parched homes. The other is a vision of abundance, a new era of clean, cheap, and plentiful water and hydroelectricity; great new reservoirs to store water in wet years to assure plenty in dry ones; a society whose children can enjoy the prosperity that abundant water provides, including fresh and affordable groceries from America's agricultural cornucopia.

Mr. Chairman, we choose abundance.

Mr. HUFFMAN. Mr. Chairman, I yield myself such time as I may consume.

The alternative vision that we offer is certainly not one of austerity and sacrifice; it is one of reality.

There was a time when the reclamation program from the Federal Government proceeded on the assumption that rain follows the plow. It was completely wishful, completely delusional, and we seem to be hearing vestiges of that old argument even today.

What Democrats offer are real solutions—solutions that have been underfunded by Republicans for too many years, solutions that will generate more water and more water supply reliability than the Republican alternative we are considering.

We continue to hear representations that are simply not correct. The claim that we haven't built a major reservoir in California since 1979, tell that to the folks that built Los Vaqueros Reservoir or Diamond Valley Reservoir or many others.

We hear that the doubling of the population in the last few decades is what is driving this crisis. Well, in fact, the urban centers where that population has doubled have held their demand flat. The population has gone up. The water consumption has not.

We continue to hear that this bill—remarkably, we continue to hear that it doesn't preempt State law. Well, Mr. Chairman, I would refer you simply to the CBO report at page 2, which recognizes that H.R. 2898 would impose intergovernmental mandates by preempting the ability of the State of California to enforce its own water management and wildlife preservation laws. There is no question that this bill preempts State laws, and saving money by telling Federal agencies they no longer have to comply with State laws is no way to make public policy.

Mr. Chairman, I yield 3 minutes to the gentleman from the delta region California (Mr. MCNERNEY). He has been a champion on sustainable management of our water resources, and I am pleased to have him with us.

Mr. MCNERNEY. Mr. Chairman, I rise to express my strong opposition to H.R. 2898.

Many of my colleagues here in Washington have told me they don't want to get involved in the California water wars, and I don't blame them. I don't want them to get involved in the California water wars, but this legislation will do tremendous harm to the California delta, an area that I am privileged to represent.

Let's start with the facts. California is experiencing its driest year on record. In May, there was not even enough snowpack to measure. The United States Drought Monitor measured that about 46 percent of California is in an "exceptional drought."

The so-called drought bill does nothing to solve California's water issues or address drought across the West. Instead, it preempts State laws, reduces management flexibility, eliminates protection for salmon and other endangered species, and rolls back our Nation's fundamental environmental laws.

We need to look at real solutions and not waste time and resources recycling old, bad ideas. Moving more water south doesn't answer our problems. It hurts delta farmers and the salmon industry. We can't pick and choose our economies. We need to fight for all of them.

Let's be clear. My Republican colleagues are basing a lot of their arguments on the idea that environmental regulations send too much water to the ocean that otherwise could be used by communities. But according to the State Water Resources Control Board, in 2014, 72 percent of the delta outflow was required to control salinity so that the delta's water supply did not become too salty for agriculture or urban communities across the State.

□ 0930

If we override these laws, permanent damage will result for fishermen, farmers, families, and businesses throughout California. What I don't understand is why our Republican colleagues keep fighting against protections that preserve the quality of water for their constituents.

The Department of the Interior also opposes this bill because it would "impede an effective and timely response to the continuing drought while providing no additional water to hard-hit communities."

And California doesn't want Federal legislation to "weaken State and Federal environmental protections . . . preempt State law . . . and favor one region of the State over another," which is exactly what this bill does.

We are a State known for innovation, and we have to support bold, forward-

thinking solutions that create new water and don't pit regions of California against each other. We should be supporting water efficiency, storage, reuse, recycling, water management, innovative water projects, and long-term approaches to water shortages.

While this legislation will further disrupt a fragile delta and hurt its local economy, I, along with my colleagues, will be pushing for solutions that create more water and respond to the needs of the entire State.

The CHAIR. The time of the gentleman has expired.

Mr. HUFFMAN. I yield the gentleman an additional 20 seconds.

Mr. MCNERNEY. I want to ask my colleagues in the Great Lakes region and the Florida Everglades to pay attention. This bill, if passed, will set a new precedent for grabbing freshwater over any environmental protections. Your water could be next.

I urge my colleagues to oppose H.R. 2898.

Mrs. LUMMIS. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. LAMALFA).

Mr. LAMALFA. I thank the gentleman from Wyoming (Mrs. LUMMIS).

Mr. Chairman, we have heard today and will hear quite a bit more claims from the opposition, and I think it is high time that we reintroduce facts into the debate on California water.

My district is the source of much of California's water and home to its largest reservoirs, just two of which can hold 8 million acre-feet, enough for 32 million people for an entire year. This water is delivered throughout the length of the State, and no other district provides so much for so many.

However, even my constituents are facing mandatory rationing and fallowed fields. I support this measure because it respects State water rights and aids all Californians without favoring any region of the State over another.

Ask the Bay Area lawmakers, who have expressed so much concern over "sparking a water war" where their water comes from. You will find that their water comes from my district, my colleagues' districts in the Valley, as well as the Sierras.

This bill advances planning of five surface water storage projects that would yield enough water for 9.6 million people, projects that two-thirds of Californians voted to fund with State money just last year.

Yet, my disappointment here is that we have so many California legislators today and in the past that oppose anything we try to do to enhance the water supply and deliverability in the State of California.

What is more, it isn't human water use that is negatively impacting listed species. According to the National Marine Fisheries Service and Delta Stewardship Council, 90 percent of endangered winter-run salmon are killed and eaten by invasive fish species before they even reach the delta.

The opposition, despite all data to the contrary, denies that invasive species are a part of the problem. Years of lawsuits aimed at reducing water use haven't helped at all endangered salmon, but this bill takes real steps to aid that population. This bill takes action to reduce the populations of invasive species.

While opponents may claim this bill impacts commercial salmon fishing, they won't say that the National Marine Fisheries Service found that commercial ocean fishing reduces the remaining endangered winter-run Chinook population by as much as 25 percent.

So there it is right there. 92.5 percent of endangered winter-run Chinook are killed by invasive species and commercial fishing outside of whatever happens in the delta, 92.5 percent.

When opponents claim that this bill alters the Endangered Species Act, ask them to show you the language where it does so. They can't show you that because it doesn't exist. Believe me, if I could, I would amend the Endangered Species Act to be more effective, actually, in helping species as well as human needs.

In fact, this bill enhances implementation of the ESA by requiring improved population monitoring and invasive species management, components that should be universally supportable.

Mr. Chairman, let's put a stop to the half-truths and misleading rhetoric, such as no hearings being held. We had two hearings as well as hearings in the Valley on this bill and its components.

The opponents don't believe that we should take any action at all, that nothing is wrong, despite 36 percent mandatory water reductions to homes—such as in my district, like in Redding—thousands of lost jobs, and a half million fallowed acres.

These drought deniers claim that 38 million people—soon to be 50 million in California—can prosper with water delivery infrastructure built for 20 million people years ago, despite irrefutable evidence that our State's economy has dried up.

Mr. Chairman, it is time to take action and pass H.R. 2898.

Mr. HUFFMAN. Mr. Chairman, by way of clarification, the opposition does not oppose addressing invasive species that may have impacts on our fisheries.

What we do agree with, though, is all of the serious science, including peer-reviewed science, that finds that water diversions are the main challenge and the main impact. And we cannot ignore the elephant in the room when we are talking about recovering our fisheries.

As for this claim that there was some kind of a hearing in the Valley, Mr. Chairman, not in this Congress and not a real hearing.

It doesn't count when you have a Republican swing through Fresno with a fundraiser and a rally and a press event and no Democratic ranking members in

attendance. That is not serious deliberation.

We are talking about real hearings where diverse witnesses and water experts and lots of Democrats get to participate in a serious and meaningful way.

Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Mrs. NAPOLITANO), the ranking member of our Water Resources and Environment Subcommittee of the T&I Committee, a champion on water issues for many, many years.

Mrs. NAPOLITANO. I thank my colleague for yielding.

Mr. Chairman, I do heavily oppose H.R. 2898. It does create no new wet water.

I am hearing a lot of rhetoric on all these different things that have happened. I have been on that subcommittee for 17 years, and I have heard it all.

I have been to the Central Valley. I have been talking to farmers. But I don't see any of my colleagues on the other side visiting southern California and checking out how we do things in San Diego and Los Angeles, to be able to have hearings with the water agencies and all those that are critically affected by what is affecting southern California.

Now, this bill has been introduced. There has been no hearing in our Subcommittee on Water Resources and Environment. There has been no consultation with Democrats, except one maybe, with no water agency, with State agencies, with cities, and with tribes.

It does nothing for farmworkers, the ones who are really affected by the drought and who have no way of being able to have income or other way of subsistence.

The bill focuses on the Central Valley at the expense of the rest of both northern California and southern California.

It requires mandatory pumping to agribusiness, which reduces southern California water deliveries. It creates a complicated and ill-defined system that is a very poor attempt at protecting State water deliveries to southern California.

And it is proof, also, that the authors know that the bill will reduce deliveries to southern California due to water quality and environmental problems created with increased pumping to the Central Valley.

This bill affects the entire country, the U.S., by weakening Federal environmental review laws, by creating unreasonable deadlines for environmental review when the biggest problem with delayed view is "inadequate funding."

California's Natural Resources Secretary, John Laird, states that this bill would "reignite water wars, move water policy back into the courts, and try to pit one part of the State against another."

California Senator DIANNE FEINSTEIN, senior Senator, said the bill contains

provisions "that would violate environmental law."

California Senator BARBARA BOXER says the bill "will only reignite the water wars."

The White House opposes this legislation and will veto it, saying that "it fails to address critical elements of California's complex water challenges and will, if enacted, impede an effective and timely response to the continuing drought while providing no additional water to the hard-hit communities."

We must work on this water issue in a bipartisan manner to address California's entire State drought.

I have introduced H.R. 291, the Water in the 21st Century Act, which would provide actual drought relief to all of California with water conservation programs, water recycling projects, groundwater improvement operations, stormwater capture solutions, and desalinization.

We need to support long-term solutions with shovel-ready projects that quickly create water.

The CHAIR. The time of the gentlewoman has expired.

Mr. HUFFMAN. I yield the gentlewoman an additional 15 seconds.

Mrs. NAPOLITANO. There is a \$300 million backlog on title XVI for recycled water that would help southern California be able to wean itself off of the imported water. Key House Democratic proposals have been excluded from the bill we are marking up today.

Mr. Chairman, I ask my colleagues to oppose H.R. 2898.

Mrs. LUMMIS. Mr. Chairman, 18 hearings in 5 years have been held on this subject. Democrat Members were invited to attend hearings in California. Only one chose to attend.

Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. GOSAR).

Mr. GOSAR. Mr. Chairman, I rise today in support of Western Water and American Food Security Act.

The Obama administration has exacerbated drought conditions in the West by putting the demands of extremist special interest groups ahead of hard-working American families.

For example, Federal regulations and environmental lawsuits have allowed for hundreds of billions of gallons of water to be diverted into the San Francisco Bay in order to protect a 3-inch fish.

This has had a dramatic impact, killing thousands of jobs, harming our food supply, and leading to unemployment levels as high as 40 percent in some communities.

H.R. 2898 is a balanced approach for combating drought conditions in the West. The bill protects private water rights and prohibits Federal takings. This legislation streamlines the Federal permitting process and will increase water storage capacity.

American families are hurting in the West and need some relief. H.R. 2898 will help ensure a reliable water supply for our citizens and our Nation's ag producers.

I urge adoption of this commonsense bill.

Mr. HUFFMAN. Mr. Chairman, more clarification is needed. We continue to hear about this legendary 3-inch fish that is apparently taking so much water from Californians.

Facts are stubborn things. And the facts are that, over the last 2 years, that 3-inch fish has taken exactly zero water from those who depend on water diverted out of the delta system.

As for employment levels, certainly folks are hurting from this drought throughout California and in other Western States.

But with reference to agricultural employment, thanks to the incredible productivity of our farmers in California, ag employment was actually up 2 percent last year, another stubborn fact that needs to be remembered so that we can get the context of this bill right.

I am proud to yield 3 minutes to the gentleman from Arizona (Mr. GRIJALVA), our distinguished ranking member of the Natural Resources Committee.

Mr. GRIJALVA. I thank the gentleman from California for yielding me the time and for the good work he has done on the water issues in our committee and for the rational thought he brings to the discussion.

Mr. Chairman, the Endangered Species Act is not causing the California drought, period. It is wrong to mislead the people living through the drought by telling them that the answer is to abolish environmental laws. It isn't.

But here come the House Republicans again with another unfounded attack on endangered species that will go extinct without ESA protection.

Here they come again, claiming "power grab" and "overreach" every time that they don't get their way.

Here they come again, using a serious water challenge as an excuse to chip away at a law they don't support, even if it is unrelated to the problem at hand.

Millions of Californians need Congress to take this drought seriously. But my friends across the aisle have decided their opposition to the Endangered Species Act is more important, and the drought in California is a convenient excuse to dismantle ESA.

We recently finished debating the Interior, Environment, and Related Agencies appropriations bill that now includes language that would jeopardize the survival of the African elephant, greater sage-grouse, gray wolf, northern long-eared bat, Sonoran desert tortoise, and many other endangered species.

H.R. 2898 will add the delta smelt and several salmon and steelhead runs to the list of species that the House Republicans have decided we can do without.

I guess we shouldn't be surprised. After all, the sponsor of this legislation said last month on live television that he would "hopefully someday repeal

the Endangered Species Act.” That kind of rhetoric is not constructive, but is a useful glimpse into the real Republican agenda.

□ 0945

By showing what this bill is actually about, these comments tell us Republicans know that this is a distraction from the real problem. California faces a crippling drought and global warming that will continue to make the State drier and hotter, and the demand for water far outstrips supply.

Californians will have to make some tough choices in this drought, but they do not need to choose to exterminate fish and wildlife resources that belong to the American people. Congress should not choose to do so either.

People and wildlife can coexist, and the ESA is proving it. Since 1973, 99 percent of protected species have survived, and the U.S. economy has tripled from just over 5 trillion to more than 16 trillion. Restoring delta smelt, salmon, and steelheads will have additional economic benefit for commercial and recreational fishermen.

If that isn't enough, Americans are telling us that we have to protect species. Recent polling shows 90 percent of voters support ESA.

Sadly, this bill is just another example of House Republicans ignoring the will of the American people and driving the extinction of American fish and wildlife one species at a time.

I ask for a “no” vote on H.R. 2898.

Mrs. LUMMIS. Mr. Chair, I yield 3 minutes to the gentleman from California (Mr. VALADAO), the sponsor of the bill.

Mr. VALADAO. Mr. Chairman, I thank my friend from Wyoming, who has been a huge support on this legislation.

I hear on the other side that there are no real solutions in this bill, real solutions that actually help deliver water; and that frustrates me to no end because there are a lot of solutions that have a lot of support.

We also hear that this delta smelt has had no impact on pumping this water out of the delta, when the Bureau of Reclamation, through their own estimates, say about a million acre-feet annually is impacted between the Central Valley project and the State water project. That is a government agency that is doing the restricting and holding back the water that is telling us themselves.

Then every year in the news, we hear another three fish were caught in the pumps. They are looking and counting, and they are already starting to figure out when they are going to turn the pumps off again so they can restrict the pumping of those fish.

Then we hear this does not have an impact on farmworkers. Farmworkers aren't looking for your handouts. They are sick and tired of sitting at home and taking a check. They want to work. They want to produce.

They want to walk into a grocery store with the money they earned and

purchase the products that they were involved in growing. To them, that is a sign of the American dream. It is a sign of having the opportunity to produce and to be a productive member of society and to show their family and raise their family in an environment that allows them to grow with a little bit of respect and dignity for what they do.

Now, as far as the solutions in this bill that they claim don't exist, reservoirs are a big deal. That is what holds water so that we can use it for later on in periods like now. We actually asked to streamline the process so we can get those approved quicker.

We have asked to end the studies that have been going on for nearly 15 years. We are 13 years into it, and \$150 million of taxpayer money has been spent studying these things to no end. We want to end that. I don't think that is unreasonable. The President seems to think it is, but I don't see how it possibly could be.

We target predator species that are actually having an impact on the delta smelt. According to studies, you hear about 95 percent of those delta smelt and salmonoid are being consumed by these predator species. We offer a solution in order to take care of that problem.

Real science, we asked for a layer of bureaucracy. My opponent or my friend from the other side seems to think it is a layer of bureaucracy, but we are asking for real science to be put in place to make sure that, when we decide to turn off these pumps to hurt the communities in the Central Valley, to put these people out of work, that real science is actually used; and we actually try to verify that things are actually accomplishing something when we turn these pumps off.

As far as hearings, we have had hearings. We wanted those hearings in the valley. We took the request of our friends on the other side, and we had the hearing right there in Fresno in the heart of the problem so they can see for themselves what this is causing, what effect this is having in our communities.

Like my friend from Wyoming mentioned, we had one person show up; and I would like to thank that gentleman for coming, Mr. COSTA, and spending some time. It is his hometown, so he understands the issue well.

This is something that we take very seriously. This bill is a comprehensive bill that covers a lot of different topics, but it also helps deliver real water. I don't know what the difference between wet water and dry water is, but we are looking to deliver real water to the valley.

If this didn't deliver real water like they claim, what are they afraid of? What is the fear of this legislation passing if it doesn't deliver, in their own words?

We are looking to get some water, helping our community and helping people get back to work and grow delicious, wonderful American food that we are very proud of.

Mr. HUFFMAN. Mr. Chairman, I just want to cite testimony from the United States Fish and Wildlife Service before the State water board just a few months ago, February 18, 2015, in which they testified the delta smelt biological opinion has not required mandatory restrictions on water exports since early 2013, over 2 years ago.

Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. COSTA), my distinguished colleague from Fresno.

I do not agree with him on this particular bill, but I do want to say that he has been a champion for his district and certainly has great command of the water issue.

Mr. COSTA. Mr. Chairman, I thank the gentleman from California for yielding me 2 minutes.

I strongly urge my colleagues to support the Western Water and American Food Security Act that we are debating here today.

Yes, we are debating this issue, and this is not new. What you have exhibited here and seen this morning is where the water fault lines lie in California, and it also is reflective of many of the Western States.

This 4 years of historic drought has pointed out clearly that we have a broken water system in California. Here we are on the floor, having another debate over whether or not we are going to pass a bill to help people because, at the end of the day, these are people problems, people problems in every region of California.

Nowhere have those people been more impacted than in the San Joaquin Valley, which much of us represent. These are families where parents have lost their jobs, whose children are not able to attend school. These are farmworkers, these are farm communities that have felt the most severe impact of this drought and the water constraints that we now are dealing with.

My colleagues on the Democratic side argue that this is simply a cause of 4 continuous dry years, and while that is partially true, it ignores that that talking point doesn't recognize that, in fact, we have a broken water system designed for 20 million people.

Communities in the San Joaquin Valley have seen their water supply reduced long term by 40 percent, and agricultural use has declined over the last 40 years because we are more efficient water users. Some, in my area, have had a zero water allocation the last 2 years. Zero, that is no water.

This reduced reliability has impacted every region of the State to be sure. It has impacted large metropolitan areas like the Silicon Valley, Los Angeles, San Diego, as well as the small rural and often disadvantaged communities like those in the valley that I represent.

This measure, H.R. 2898, takes a step toward addressing this longstanding imbalance by enhancing scientific management of the water projects in California and then giving it greater

flexibility. It also provides additional storage.

The CHAIR. The time of the gentleman has expired.

Mrs. LUMMIS. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. COSTA).

Mr. COSTA. I thank the gentlewoman. It provides additional flexibility to increase our water supply. We have to use all the water tools in the water management toolbox, and that includes increasing storage capacity, and it is about time that we began doing that.

It also tries to address many of the other factors that are preventing the recovery of endangered species, like the invasive species that are the result of a lot of the decline in salmon in California.

Let me quote Karen Hesse, an author of "Out of the Dust." She said: "The way I see it, hard times aren't only about money or drought or dust. Hard times are about losing the spirit and hope and what happens when dreams dry up."

Well, ladies and gentlemen, I am here to tell you that a lot of the dreams are drying up in the people that I represent in the San Joaquin Valley. This drought is crushing their spirit, making them feel as if their dreams never become a reality and too often feel like they are the country cousin, literally and figuratively, of the two urban areas in southern California and northern California.

The solution that California needs is not more talking points, but legislation working together on a bipartisan basis. This legislation starts that process. It is a work in progress. Obviously, it will be amended.

It will be changed as we work with the Senate later this fall.

Mrs. LUMMIS. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. MCCARTHY).

Mr. MCCARTHY. Mr. Chairman, I thank the gentlewoman for yielding; and I thank my colleague on the other side, Mr. COSTA, for his work on this in the bipartisan bill. I thank Congressman VALADAO for bringing it to the floor.

Mr. Chairman, I come from a place that is called, for a very good reason, "America's salad bowl." We produce the vegetables; we produce the fruits, and we produce the nuts that feed the Nation.

The Nation should know what the people in my district know: Food grows where water flows, and no water equals higher food costs.

That is what the signs read across the district if you drive down the highways, but you can see trouble in more than just the signs you read. You see it in the parched farmlands, in the reservoirs that are all but empty, and in the faces of those whose jobs have dried up with the water.

Now, I am talking about this as a Californian, a native from Bakersfield, but this isn't a local problem. Half of

the produce we eat in America is grown in California, and California is the eighth largest economy in the world. When California hurts, the entire Nation hurts as well.

This is even bigger than just California. Almost 40 percent of the West is facing a severe drought, and it is undeniably clear that the status quo is unsustainable.

If we do nothing, people will lose their livelihoods; water prices also continue to go up, and America will have to rely more and more on foreign food, perhaps from countries that don't have the same labor or environmental laws that we do.

Now, we can't make it rain, but we can't give up either. Some people want to do just that, Mr. Chairman; some believe that our way of life has to change, that it is time to focus on conservation above all and manage our decline. I reject that.

If California is in decline, then the American West is in decline, and the hope of so many generations is in decline. We will lose that pioneering spirit that will lead us through the 21st century.

Now, we have a bill before us today that rejects the idea that we have reached the heights of the shining city on a hill and that it is time to come back down to a world of limits and of uncertainty. We have never accepted failure; nothing, not even a historic drought, will make us start now.

Here in the House, we have tried time and again to address this problem. This Congress, the last two Congresses, have addressed it before we hit a historic drought. Let's not forget, just 5 years ago, we had 172 percent of snowpack.

We talk a lot about desalinization, and I support it. What does desalinization do? It takes saltwater and makes it freshwater. Why in California do we allow our freshwater to become saltwater? Shouldn't we protect that first?

This bill takes ideas from both sides, as we just heard from Congressman COSTA and from this side. We designed the bill to move as much water down south to our farms and to our cities as possible without making any fundamental changes to the environmental law.

In reality, this bill is very simple. It does four things in California. We allow water to flow through the delta. We create a process to build more storage that has been promised so many years before but has been held in bureaucratic red tape. We will increase the reservoirs, and we will protect the senior water rights and the California State water project.

This drought also extends beyond California. That is why this bill includes so many provisions to help our friends in the Western States through their tough times as well.

You see, Mr. Chairman, we have a challenge before us. It is a challenge of nature, yes; but it is also a change of policy, foresight, and plain common sense. For decades, our State and coun-

try have faced droughts. For years, Californians have endured this drought.

Now, we are here today to move forward toward a solution. It is a solution built upon ideas from, yes, Democrats and Republicans. It is a solution that rejects the idea of decline and failure and says with a clear voice: We will not let the drought defeat us.

California is better than that; the West is better than that, and, Mr. Chairman, America is better than that. We will not lose hope. We will solve the problem with or without you.

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Mr. HUFFMAN. Mr. Chairman, could I inquire as to the balance of my time?

The CHAIR. The gentleman from California has 8½ minutes remaining. The gentlewoman from Wyoming has 15¾ minutes remaining.

Mr. HUFFMAN. Mr. Chairman, I appreciate the majority leader's statements about when freshwater becomes saltwater.

I am pleased to yield 3 minutes to the gentleman from California (Mr. THOMPSON), who represents the part of California that understands the incredible ecological and economic value of that mixing zone where freshwater becomes saltwater, and represents communities that are on that thin blue line depending on that point at which freshwater becomes saltwater. And if it were compromised, and if that saltwater were allowed to intrude by virtue of some of the provisions in this bill, he represents the front line of communities that would be very adversely impacted.

Mr. THOMPSON of California. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, he is absolutely correct. In my district, if that freshwater doesn't run through and run out to the ocean, the saltwater runs back in. I have two major cities in my district that rely on that for a source of water. If this bill were to pass, their water supply is in jeopardy. You can't drink saltwater; it just doesn't work.

California is in the middle of a very extreme drought. It is not due to a lack of pumping; it is not because of our State's water regulations, and it is not because we are putting fish ahead of farms and people. It is because there is no rain and there is no snow. No bill can make it rain, but this bill makes a bad situation even worse. It is wrong for California. It won't stop the drought; it won't make it rain; but it will kill jobs, and it will ruin drinking water for millions of Californians.

The State of California won't support this bill because it ignores 20 years of established science and undermines our extensive efforts to implement equal measures to address longstanding water shortages.

We have been down this road before in California. We ignored science and we diverted water out of the Klamath River, and nearly 80,000 spawning salmon died. Communities were devastated and livelihoods were lost.

This bill also sets a dangerous precedent for every other State in our country. California has longstanding water management rules. This bill overrides the very system of water regulations that Californians themselves devised to govern our State's water supply. It tells local resource managers and water districts how to administer their water supply.

If we pass this bill, we are telling every State in America that we are okay with the Federal Government undermining local experts and State laws from coast to coast. If that weren't enough, this bill also undercuts longstanding environmental laws.

The legislation we are debating today redefines the standard by which the Endangered Species Act is applied. This will weaken the law, increase the risk of species extinction, and lead to countless lawsuits and costly litigation. It is as if the majority is holding wildlife responsible for our lack of rain.

You will hear the other side talk about a little fish, the delta smelt, and how we are protecting fish at the expense of people. The truth is, as the gentleman from California mentioned, that protection of the smelt hasn't prevented one drop of water from being pumped south since 2013. We haven't pumped more water south because there simply isn't enough water. We are in a drought.

I am not insensitive to the supply and demand reality of California's water. I understand the concerns of the Central Valley farmers. I am a farmer myself. But if my well runs dry, the solution isn't to steal the water from my neighbors. We need real solutions that are based on science and that work for everyone. This bill is not that solution. It is bad for California; it is bad for other States; it is bad for our environment.

Mrs. LUMMIS. Mr. Chairman, facts are stubborn things. According to the Bureau of Reclamation, biological opinions involving species did reduce Central Valley's exports by 62,200 acre-feet in 2014. Already this year, according to the Bureau of Reclamation, species have reduced Central Valley project waters to farmers by 280,000 acre-feet. Again, my source is the Bureau of Reclamation.

At this time, Mr. Chairman, I yield 2 minutes to the gentleman from Utah (Mr. BISHOP), chairman of the House Natural Resources Committee.

Mr. BISHOP of Utah. Mr. Chairman, the other day, Topper Shutt in his broadcast, said, "Today is going to be a glorious day." He obviously was talking about the sunshine outside, which means we should have done this bill yesterday so I could be on my deck right now, but that is beside the point.

This is, though, a glorious day because we are finally doing a solution that helps people. Instead of just kicking the can down the road again for another year, we are going to find a solution to this problem, this problem of a

drought that is affecting the entire West to such a degree that one would think that Nostradamus' quatrains have come true. But what we are doing here is finding a solution.

Many of the opponents of this bill would simply say let's pass more rain dances and hope something happens. What we are doing here is taking the advice of our pioneer forefathers and saying what we have, save. Do it as storage. And not just for California, but for the entire West. That is the purpose behind this particular bill.

There are some concerns about environmental issues that may or may not have been wise to do in the past. That is not the concern of this bill. We are not stopping any of that. What we are doing is finding a creative way to provide for that, but also provide a way of getting water to people where they need it.

In the middle of the last century, we did water projects and hydropower projects that helped us win the war. Now is the time to do water projects and hydropower projects to help us feed people in this Nation and in the entire world and to help out areas that have up to 50 percent unemployment. I have been down there and I have seen those particular communities, many of them first- and second-generation Americans, minorities who only want to provide a decent living for themselves and for their families and to work.

What we need to do is actually solve this problem so we can put people to work to provide food for this country and to provide jobs for people and to help people. That is what this bill is about: finally helping people with creative solutions. If the Romans could build an aqueduct system to move water, we can build a system to move water that actually helps people. This is about people.

Pass this bill. Let's move it on. Let's solve the problem.

Mr. HUFFMAN. Mr. Chairman, I am pleased to yield 2½ minutes to the gentleman from California (Mr. CÁRDENAS), my colleague from Los Angeles, a city that, frankly, is pioneering some of the most promising water management strategies we have in California, strategies that are reflected in our alternative bill, for which I am grateful Mr. CÁRDENAS is a cosponsor. They are stretching water supplies not just using imported water wisely, but managing recycled water, groundwater, treating storm water, working on the cutting edge. They deserve Federal support for those proven strategies, support that our colleagues across the aisle have withheld for too many years.

Mr. CÁRDENAS. Mr. Chairman, I thank my colleague for yielding me time. Thank you for your wonderful work always on these issues.

Ladies and gentlemen, what we have here is a failure to communicate, a failure to communicate our priorities, but, more importantly, as legislators, a failure to work on compromise.

California is currently facing a historic drought. We can no longer take water for granted. Every single Californian has been forced to examine how much we truly depend on clean, reliable water in our everyday lives. Cities, residents, and businesses around the State are cutting back, but it is not enough. Unless the Western United States experiences significant rainfall in the near future, we will see ghost towns in extreme hardship for the most at-risk populations of our State.

While much of the coverage in the media has been on brown lawns across the State and the rationing that is going on, the real impacts threaten the lives of hard-working families throughout our State.

Take a trip through California's Central Valley. There you will see the gravity of the situation. You will see unemployment rates double or triple the national average, forcing families into makeshift dwellings that remind us of the Hoovervilles during the Dust Bowl. These families aren't thinking of their brown lawns. They are thinking of the fact that they have lost their home. These families want their jobs back. They want to go to work so that they can feed their children.

This bill and the various Democratic alternatives are works in progress. We have to find a solution, but this bill is not it.

If we are serious about facing the challenges our constituents sent us here to solve, I am ready and willing to work with you, and with you, to make the necessary, tough decisions and compromises.

I look forward to working with Mr. COSTA, whose district is facing the most significant impacts, and Senators DIANNE FEINSTEIN and BARBARA BOXER to craft a stronger bipartisan and bicameral solution.

We have no choice but to find better ways to capture and transport water in all parts of the State to meet the needs of the people and our economy while protecting the environment and delicate species. We must not use this time of need as a way to pick partisan fights. We have to find legislation that protects our environment while we also protect California families.

Lives are at stake. Ladies and gentlemen, we need to come together and work together.

Mrs. LUMMIS. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. CALVERT), chairman of the Subcommittee on Interior and Environment of the House Appropriations Committee.

Mr. CALVERT. Mr. Chairman, I thank the gentlewoman for yielding.

Mr. Chairman, here we go again, debating solutions to California's water woes, with each side making similar arguments we have heard for years.

In fact, more than a decade ago, I was standing in this very spot, in the middle of the debate of the last significant Western water law that Congress has passed. We passed the CALFED law

in 2004 and hoped that it would help California establish reliable and affordable water supplies that would help us get through dry spells like we are currently experiencing.

So why are we back here again debating many of the same issues? The simplest answer to that question is we allowed the “don’t build anything” faction in California to block the critical investments we need to make in our State’s water infrastructure.

The CALFED law authorized feasibility studies for large water storage projects like Temperance Flat, Sites Reservoir, Upper San Joaquin, expanding Los Vaqueros Reservoir and raising Shasta Dam. A decade later, our State’s population has grown by 3 million new residents, and those projects are still being studied. Think about that for a second. California’s population has grown the same amount as the population of the entire State of Iowa, and we haven’t made a significant investment in our water infrastructure to accommodate those residents.

It is well past time to stop talking about these projects and start building them. Thankfully, the bill before us will move us in that direction by requiring our resource agencies to finally complete those decade-long feasibility studies.

Of course, building water storage doesn’t help us in the short term, and it also requires excess water that can be diverted. That is why the Western Water and American Food Security Act injects commonsense and science in the operation of our water infrastructure.

When it does rain again, we simply can’t afford to make the same mistakes we have made in the past and allow millions of gallons to flow out to the Pacific Ocean. Those wasted flows don’t benefit the environment, farmers, or California residents, and they must be directed to a higher, better use.

The Acting CHAIR (Mr. FORTENBERRY). The time of the gentleman has expired.

Mrs. LUMMIS. I yield the gentleman an additional 30 seconds.

Mr. CALVERT. Mr. Chairman, we have a clear choice before us today. We can continue to listen to those who oppose investing in California’s water infrastructure and we can believe we can restrict our way out of this problem, or we can recognize that California’s situation today is far worse than it should be precisely because of our failure to build adequate water storage and restore more science and commonsense into our water policies that are operating today.

I encourage all my colleagues to support the Western Water and American Food Security Act so that we can avoid being back here on the House floor during California’s next drought having these very same arguments.

Mr. HUFFMAN. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman from California has 3 minutes remaining.

Mr. HUFFMAN. I yield 2 minutes to the distinguished gentleman from California (Mr. GARAMENDI), from the Sacramento Valley.

Mr. GARAMENDI. Mr. Chairman, I thank my colleagues.

We have been here before. I have listened to my colleagues who are the proponents of this bill over the last 5 years. As the previous speaker said, we have gone down this path before.

There really is a solution. Unfortunately, I guess all of us, in one way or another, hang on to our past rhetoric and ignore the opportunity that really demands our attention now to develop a comprehensive, good policy for California.

□ 1015

There is a lot in this bill that goes in the proper direction, and it is an improvement over the past bills. There is no doubt about it.

The issue of moving forward with the projects that are necessary, that is all good, dams and other kinds of programs and the aquifer restoration. It is a good deal. However, in this bill, there are things that are very, very troublesome.

You cannot mandate by law the operations of the water systems in California or anywhere else. You cannot specify how they will be operating because you do not know on a day-to-day or a year-to-year or a month-to-month basis what is actually going to be on the ground.

So that portion of the bill that sets out those operating procedures should be removed. Goals, yes. Operating procedures, no. It just won’t work.

As said by both the Federal and State governments, if you were to move this bill forward into law, you would create chaos in California. Every paragraph, every comma, every word, in California water law—both in law and in court decisions—sets the precedent, but, unfortunately, this bill overrides that.

We are very close to it. We can put this together. My colleague, Mr. HUFFMAN, has a proposal that is comprehensive, and it ought to be integrated into our programs and it ought to be integrated into this bill. But the kind of compromise and discussion that is necessary to develop a law that actually works has not been undertaken.

I would urge my colleagues, the proponents of this bill, to slow it down, to let the State and Federal Governments continue to do what they are doing, and that is to operate this system to the maximum potential despite the fact that there is very, very little water.

The Acting CHAIR. The time of the gentleman has expired.

Mr. HUFFMAN. I yield the gentleman an additional 15 seconds.

Mr. GARAMENDI. We can do this, but we have to work together. Unfortunately, that has not occurred; so I urge my colleagues, the proponents of this

bill, to take the time to meet with those of us who will be the losers if this bill moves forward. We can all be winners.

I draw your attention to Mr. HUFFMAN’s legislation, which is comprehensive, which will work, and which could be integrated into this legislation.

In the meantime, I continue to oppose it.

Mrs. LUMMIS. Mr. Chairman, respectfully, when I was in the Central Valley in California, I saw chaos. It is already happening, and the people are desperate for a solution.

Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. NUNES).

Mr. NUNES. Mr. Chairman, for 7 or 8 years, continually, the Republicans have offered solutions and, continually, nearly all of the Democrats have voted “no.”

This isn’t about solutions, because the real solution the left wants is to idle over a million acres of farm ground in the San Joaquin Valley. This is why the forefathers of our State built a system that would withstand a drought of 5 years.

Look, we need additional storage, but everyone in this body—anyone who knows anything about water—knows that, if you don’t fix the plumbing in the delta, if you don’t deal with the San Joaquin River settlement and if you don’t build a few new storage projects, over a million acres of farm ground are going to go idle.

Those are the facts. Conveniently, most of my friends who are up here speaking on the left live in the coastal areas and get their water—they steal their water—from our area to give themselves pristine drinking water. That is what they do.

Now we are going to be left with the chaos that has developed from over a million acres of farm ground coming out of production unless the Senate can take and act on this legislation quickly.

Mr. Chair, in the summer of 2002, shortly before I was elected to Congress, I sat through an eye-opening meeting with representatives from the Natural Resources Defense Council and several local environmental activist groups. Hoping to convince me to support various water restrictions, they argued that San Joaquin Valley farmers should stop growing alfalfa and cotton in order to save water—though they allowed that the planting of high-value crops such as almonds could continue.

Then, as our discussion turned to the groups’ overall vision for the San Joaquin Valley, they told me something astonishing:

Their goal was to remove 1.3 million acres of farmland from production. They showed me maps that laid out their whole plan: From Merced all the way down to Bakersfield, and on the entire west side of the Valley as well as part of the east side, productive agriculture would end and the land would return to some ideal state of nature. I was stunned by the vicious audacity of their goal—and I quickly learned how dedicated they were to realizing it.

HOW TO STEAL WATER AND GET AWAY WITH IT

For decades, extreme environmentalists have pursued this goal in California with relentless determination. The method they have used to depopulate the targeted land—water deprivation—has been ruthless and effective.

Much of the media and many politicians blame the San Joaquin Valley's water shortage on drought, but that is merely an aggravating factor. From my experience representing California's agricultural heartland, I know that our water crisis is not an unfortunate natural occurrence; it is the intended result of a long-term campaign waged by radical environmentalists who resorted to political pressure as well as profuse lawsuits.

Working in cooperation with sympathetic judges and friendly federal and state officials, environmental groups have gone to extreme lengths to deprive the San Joaquin Valley, the heart of much of the U.S. agricultural production, of much-needed water. Consider the following actions they took:

The Central Valley Project Improvement Act: Backed by the NRDC, Sierra Club and other extreme environmental groups, large Democratic majorities in Congress passed the CVPIA in 1992 after attaching it to a must-pass public lands bill. The act stipulated that 800,000 acre-feet of water—or 260 billion gallons—on the Valley's west side had to be diverted annually to environmental causes, with an additional 400,000 acre-feet later being diverted annually to wildlife refuges.

Smelt and salmon biological opinions: Lawsuits filed by the NRDC and similar organizations forced the U.S. Fish and Wildlife Service and the National Marine Fisheries Service to issue, respectively, biological opinions on smelt (in 2008) and on salmon (in 2009). These opinions virtually ended operation of the Jones and Banks pumping plants—the two major pumping stations that move San Joaquin River Delta water—and resulted in massive diversions of water for environmental purposes.

The San Joaquin River Settlement: After nearly two decades of litigation related to a lawsuit filed in 1988 by the National Resources Defense Council, Sierra Club and other environmental groups, San Joaquin Valley agriculture organizations agreed to a settlement in 2006, later approved by a Democratic Congress and signed into law by President Obama. The settlement created the San Joaquin River Restoration Program. The program, which aims to create salmon runs along the San Joaquin River, required major new water diversions from Valley communities. Despite warnings from me and other California Republicans, agriculture groups naively approved the settlement based on false promises by the settlement's supporters that Valley water supplies would eventually be restored at some future, unspecified date.

Groundwater regulation: In September 2014, California Gov. Jerry Brown approved regulations requiring that water basins implement plans to achieve "groundwater sustainability"—essentially limiting how much water locals can use from underground storage supplies. But these pumping restrictions, slated to take effect over the next decade, will reduce access to what has become the final water source for many Valley communities, which have increasingly turned to groundwater pumping as their surface water supplies were drastically cut.

A LITANY OF HYPOCRISY

As radical groups have pursued this campaign to dry up the San Joaquin Valley, it's worth noting some of their stunning contradictions, hypocrisies, fallacies and failures:

"There's not enough water in California": Environmentalists often claim that the California water crisis stems from the state not having enough water to satisfy its rapidly growing population, especially during a drought.

However, the state in fact has abundant water flowing into the Delta, which is the heart of California's irrigation structure. Water that originates in the snowpack of the Sierra Nevada Mountains runs off into the Delta, which has two pumping stations that help distribute the water throughout the state.

But on average, due to environmental regulations as well as a lack of water storage capacity (attributable, in large part, to activist groups' opposition to new storage projects), 70% of the water that enters the Delta is simply flushed into the ocean. California's water infrastructure was designed to withstand five years of drought, so the current crisis, which began about three years ago, should not be a crisis at all. During those three years, the state has flushed more than 2 million acre-feet of water—or 652 billion gallons—into the ocean due to the aforementioned biological opinions, which have prevented the irrigation infrastructure from operating at full capacity.

"Farmers use 80% of California's water": Having deliberately reduced the California water supply through decades of litigation, the radicals now need a scapegoat for the resulting crisis. So they blame farmers ("big agriculture," as they call them) for using 80% of the state's water.

This statistic, widely parroted by the media and some politicians, is a gross distortion. Of the water that is captured for use, farmers get 40%, cities get 10% and a full 50% goes to environmental purposes—that is, it gets flushed into the ocean. By arbitrarily excluding the huge environmental water diversion from their calculations—as if it is somehow irrelevant to the water crisis—environmentalists deceptively double the farmers' usage from 40% to 80%.

If at first you don't succeed, do the exact same thing: Many of the Delta water cuts stem from the radicals' litigation meant to protect salmon and smelt. Yet after decades of water reductions, the salmon population fluctuates wildly, while the smelt population has fallen to historic lows. The radicals' solution, however, is always to dump even more water from the Delta into the ocean, even though this approach has failed time and again.

The striped bass absurdity: If the radicals really want to protect salmon and the Delta smelt, it's a bit of a mystery why they also champion protections for the striped bass, a non-native species that eats both salmon and smelt.

Hetch Hetchy hypocrites: The San Francisco Bay Area provides a primary support base for many environmental groups. Lucky for them, their supporters don't have to endure the kinds of hardships these organizations have foisted on San Joaquin Valley communities.

While the radicals push for ever-harsher water restrictions in the Valley, their Bay Area supporters enjoy an unimpeded water supply piped in across the state from the Hetch

Hetchy reservoir in Yosemite National Park. This water is diverted around the Delta, meaning it does not contribute to the Delta's water quality standards. Environmental groups have conveniently decided not to subject Hetch Hetchy water to any sort of litigation that would cut the supply to the Bay Area.

We're from the government, and we're here to help: Government agencies that catch smelt as part of scientific population measurements actually kill more of the fish than are destroyed in the supposedly killer water pumps.

Hitchhiking salmon: The San Joaquin River Settlement is estimated already to have cost taxpayers \$1.2 billion—and it's clear to me that the total price tag will likely exceed \$2 billion—in a disastrous effort to restore salmon runs to the San Joaquin River.

Moreover, the settlement legislation defines success as reintroducing 500 salmon to the river, which means spending \$4 million per fish. The salmon, which have not been in the river for more than half a century, have proved so incapable of sustaining themselves that agents have resorted to plucking them out of the water and trucking them wherever they are supposed to go. It is a badly kept secret among both environmentalists and federal officials that this project has already failed.

A man-made state of nature: The radicals claim they want to reverse human depredations in the Delta and restore fish to their natural habitat. Yet the entire Delta system is not natural at all. It's a man-made network of islands that functions only thanks to upstream water storage projects. In fact, without man-made storage projects, canals and dams, in dry years such as this the rivers would quickly run dry, meaning there would be no water and no fish.

A THREE-STEP SOLUTION

The radicals have pursued their plan methodically and successfully; between the CVPIA, the biological opinions, and the San Joaquin River Settlement, around a million acres of farmland have been idled. What's left of the water supply is inadequate for sustaining Valley farming communities: South of the Delta, we now face an annual water supply deficit of approximately 2.5 million acre-feet, or 815 billion gallons.

In fact, with the state groundwater regulations announced last year, the radicals are poised to achieve their goal. The depletion of groundwater is a direct effect—and indeed, was an intended result—of the radicals' assault on our surface water.

(After all, if farmers, churches, schools and communities can't get surface water, they'll predictably resort to ground water.)

But the radicals have perversely cited the groundwater depletion they themselves engineered to justify regulating the groundwater supply. This is the final step in their program, since many farmers will not be able to keep growing food if they continue to receive zero water allocations and are restricted from tapping enough ground water.

The Valley cannot endure this situation much longer, but the good news is that it's not too late to save our communities. Led by the Valley's Republican delegation, the U.S. House has passed legislation twice that would bring a long-term end to the water crisis. The solution comprises these three simple measures:

Return Delta pumping to normal operations at federal and state pumps. Because normal

pumping levels are already paid for, this measure would cost taxpayers zero dollars.

Fix the San Joaquin River Settlement. Instead of continuing to spend hundreds of millions of dollars on an unworkable scheme to recreate salmon runs, we should turn the San Joaquin River into a year-round flowing river with recirculated water. This approach would be good for the warm-water fish habitat and for recreation, and it would save taxpayers hundreds of millions of dollars that will otherwise go down the salmon-run rat hole.

Expedite and approve construction of major new water projects. This should include building the Temperance Flat dam along the San Joaquin River, raising Shasta dam to increase its reservoir capacity, expanding the San Luis Reservoir and approving construction of the Sites Reservoir in the Sacramento Valley. Because water users themselves should rightfully pay for these projects, they would cost federal taxpayers zero dollars.

These measures would not only end the water crisis, they would improve the environment for fish and wildlife—all while saving taxpayer dollars.

THE PRICE OF INACTION

I warned of the likely outcome of the radicals' campaign in my testimony to a House committee back in 2009:

"Failure to act, and it's over. You will witness the collapse of modern civilization in the San Joaquin Valley."

That is indeed the grim future facing the Valley if we don't change our present trajectory. The solution passed twice by the U.S. House, however, was blocked by Senate Democrats, who were supported by the administration of Gov. Brown as well as the Obama administration. These Democrats need to begin speaking frankly and honestly with San Joaquin Valley communities, and with Californians more broadly, about the effects of idling 1.3 million acres of farmland. This will ruin not only Valley farming operations, but will wipe out entire swathes of associated local businesses and industries.

The damage is not limited to the Valley. Although residents of coastal areas such as Los Angeles, the Bay Area and San Diego have been led to believe they are being subject to water restrictions due to the drought, that's not actually true. As in the Valley, these areas and many others ultimately depend on the Delta pumps for their water supply. If the pumps had been functioning normally for the past decade, none of these cities would be undergoing a water crisis today.

And it's a safe bet that Brown's mandatory water reductions will not alleviate the crisis, leading to a drastic increase in restrictions in the not-too-distant future. Watering your lawn, washing your car and countless other everyday activities will be banned up and down California. In their mania to attack Central Valley farming, the radicals are inadvertently running the entire state out of water.

ENDGAME

Many organizations representing California agriculture, including water districts and—shockingly—even some San Joaquin Valley cities and counties, became part of the problem instead of the solution, having lent no support to the House-passed water bills. Suffering from a strange kind of Stockholm Syndrome, many of these groups and agencies hope that if they meekly accept their fate, their overlords will magnanimously bestow a few drops of water on them.

This mousy strategy, which willfully ignores what the radicals are really trying to achieve, hasn't worked out well for growers of almonds and other high-value crops. Although the radicals had been promising them a free pass back when the groups met with me in 2002, these growers have CS now become the radicals' primary scapegoat for the water crisis. This condemnation is reflected in articles such as *The Atlantic's* "The Dark Side of Almond Use," *The Guardian's* "Alarm as Almond Farms Consume California's Water," and *Bloomberg View's* "Amid a Drought, Cue the Almond Shaming."

Sadly, the end is near for communities whose land will be forced out of production. One hopes the affected families will eventually find a more welcome home in some other state where those who wield power appreciate folks who grow our food instead of demonize them.

But for now, the pitiless, decades-long assault to deprive them of their livelihoods is hurtling toward its apex. Meanwhile, many of those capable of advancing a solution are content to wring their hands, blame global warming and continue whistling past the graveyard.

Agriculture groups, water districts and municipalities that refuse to support the two House-passed bills owe their constituents an alternative solution that will resolve our water shortfall. Water bureaucrats who ignore or oppose the most prominent, viable solutions while offering no alternative are, in effect, complicit in the radicals' long struggle. They should publicly declare which land ought to come out of production and which Valley industries should be eliminated since they have no proposals to steer us away from that outcome.

The Valley's critical situation today demands unity around constructive solutions. To paraphrase Benjamin Franklin, we must all hang together, or we will surely all hang separately.

Mr. HUFFMAN. Mr. Chairman, I reserve the balance of my time.

Mrs. LUMMIS. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. DENHAM).

Mr. DENHAM. I thank the gentleman for yielding on this important issue.

Mr. Chairman, some will say they are not voting for this bill because of the challenges they perceive are in it. The biggest problem with this bill is that it doesn't do enough.

We need millions of new acre-feet of water. We should be looking at the next generation. I want my kids to farm, but without new water supplies, we continue to see farmers go out of business.

That speaks to the security of our food supply as a country. You can't farm with a zero allocation of water, which is why you see the high unemployment, which is why you see farmworkers who are going to be homeless and without jobs this year, which is why you will see more farms go out of business.

This is a battle that has gone on for quite some time, but this bill deals with some very small issues that will be very significant this year.

We need to have the full debate about what our country is going to do with

its water supplies and the greater storage that we are going to need in the future.

Yet, we are dealing with some commonsense issues like predator fish? Why would we try to save fish only to allow them to be eaten by a nonnative fish that eats 98 percent of the fish that we are spending millions of dollars to preserve?

That is not an environmental solution any more than trucking fish around a river because the river can't handle the fish.

If you want to be an extremist, be an extremist and deal with the commonsense solution here. This bill moves us in the right direction.

This will help farms stay in business, and this will allow us to continue to have jobs in the Central Valley and a vibrant food supply for the rest of the country.

This bill is ripe for passing this morning, and we would ask for a bipartisan vote.

Mr. HUFFMAN. Mr. Chairman, I reserve the balance of my time.

Mrs. LUMMIS. Mr. Chairman, I yield 1 minute to the gentleman from Colorado (Mr. TIPTON).

Mr. TIPTON. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the Western Water and American Food Security Act of 2015.

My Water Rights Protection Act, incorporated as part of H.R. 2898, would uphold State water law and priority-based systems and provide water users with a line of defense from increasingly brazen Federal attempts to take private water rights without compensation.

These Federal water grabs undermine long-held State water law, priority-based systems, and our private priority rights. By extorting water rights from those who hold water rights under State law, the Federal Government is overreaching, violating private property rights and the U.S. Constitution.

Federal land management agency attempts to take or to control private water rights and circumvent State law have put the ski community, grazers, municipalities, and local businesses at risk.

These private property rights are vital to Colorado and to the Western U.S. when it pertains to water. Many businesses depend on them as collateral to be able to get loans, expand, and create jobs.

Water is our lifeblood. Water users need certainty that the Federal land management agencies are prohibited from future attempts to take privately held water rights.

This legislation offers a sensible approach to preserve those rights. I urge its passage.

Mr. HUFFMAN. Mr. Chairman, I reserve the balance of my time.

Mrs. LUMMIS. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. RODNEY DAVIS).

Mr. RODNEY DAVIS of Illinois. Mr. Chairman, I was going to put this up,

but I don't know how to work the tripod very well. But it is a very important issue, and this is a very important chart because many have asked: Why would somebody from Illinois come talk about a bill that has to do with water in California?

Look at this chart. 99 percent of the almonds, 99 percent of the dates, and 99 percent of the kiwis that we eat in central Illinois, in my district, come from the Central Valley of California. All of those crops need water to grow.

Now, I want to thank my colleague from California (Mr. VALADAO) for introducing this bill. This is important to me because I have seen the Central Valley of California. I understand the importance of this industry to my consumers and as the subcommittee chairman on the House Agriculture Committee's Subcommittee on Biotechnology, Horticulture, and Research.

The issues we face here—changing policies in Washington, D.C.—affect the price of food that my consumers pay back in Illinois and affect the many Californians living in the Central Valley who are dealing with this tremendous issue.

I urge a “yes” vote on this bill. I want to thank all of my colleagues who are here today and encourage them once more.

Mr. HUFFMAN. Mr. Chairman, I reserve the balance of my time.

Mrs. LUMMIS. Mr. Chairman, I yield 1 minute to the gentleman from California (Mrs. MIMI WALTERS).

Mrs. MIMI WALTERS of California. Mr. Chairman, this year marks California's fourth consecutive year of the drought. In California alone, over 37 million people are impacted by the drought.

The economic cost of the drought is expected to be nearly \$3 billion, and almost 19,000 agriculture-related jobs will be lost as a result.

Our current drought is not the result of a lack of rain. It is the result of failed policies that have mismanaged critical water resources throughout the West.

My colleagues and I in the House come before you today with a solution: the Western Water and American Food Security Act of 2015. This vital bill will modernize our water infrastructure into the 21st century and will ensure that California is well equipped to handle future drought crises.

I urge my colleagues to support this bill and to stand with me as we work to provide Californians with the water resources they need.

Mr. HUFFMAN. Mr. Chairman, I reserve the balance of my time.

Mrs. LUMMIS. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. KNIGHT).

Mr. KNIGHT. Mr. Chairman, I rise in support of H.R. 2898, the Western Water and American Food Security Act. And I will give just a couple of examples.

I live in the desert of southern California. I am not a northern California person, and I am not a Central Valley

person, but I am a desert rat in California who understands water is imperative to all of our needs.

What is happening in my district right now is a 35 percent reduction in water. That is what they are requesting. All of our water companies have come forward and have said that they are raising the rates between 30 and 40 percent.

Now, let me tell you that you cannot reduce your water by 35 percent. You just cannot do it in a single family house. You can reduce. You can get down to about 10 or 15 percent. But when you are talking 35 percent, it just doesn't happen. That is the life we are living in today.

I have been sitting here for about an hour, and I have taken a few notes about what might happen if we pass this.

One of the things that hit me was reignite the environmental wars, reignite the problems that we are having with water in California.

Let me tell you that I don't believe there is a State in the Union that is going through as many adjudications of water than is happening in California right now.

If we are talking about reigniting the water wars or about reigniting the environmental wars, they are happening today, right now.

In my district alone, we have water adjudication that has been going on for 17 years. If we are talking about reigniting the environmental wars, it is happening right now, today. It is not just the delta smelt. It is the environmental impacts that we are putting on fish above people.

In my district, again, we have an issue where the Department of Water and Power from L.A. cannot release water down a canyon to help the people in the canyon because we have the stickleback fish in there.

They are afraid that it is going to harm that fish; so they have reduced the water from 1,200 acre-feet a year to 300 acre-feet. The environmental wars are happening in California today.

The Acting CHAIR. The time of the gentleman has expired.

Mrs. LUMMIS. I yield the gentleman an additional 1 minute.

Mr. KNIGHT. If we do not do something today, then when? When do we do something? When do we go back to our constituents and say that we are actually working on the number one priority in California? A State without water is dead.

I did a tele-town hall 2 weeks ago. I took 18 phone calls in 1 hour. There were 17 phone calls that were on water, and on one phone call, he had no idea what he was talking about. But 17 phone calls out of 18 were on water. This is the number one priority.

If not today, when?

Mr. HUFFMAN. Mr. Chairman, I reserve the balance of my time.

Mrs. LUMMIS. Mr. Chairman, we have no more speakers, and we are prepared to close.

Mr. HUFFMAN. Mr. Chairman, I yield myself the balance of my time.

We have a bill, unfortunately, that would run roughshod over California State law with respect to water, with respect to the management of wildlife.

It is a bill that would do harm to the Endangered Species Act and other environmental Federal laws. It is a bill that would, indeed, ignite a water war rather than seriously solve problems on this important issue.

Don't take it from me. Take it from other serious voices that have examined this bill and the Democratic alternative. Take it from the Los Angeles Times. Take it from the San Francisco Chronicle. Take it from the Department of the Interior and from the Obama administration, which has issued a veto threat.

□ 1030

This is the same bill that has passed on party lines each of the last few years, only to be parked in the Senate and go nowhere. It is high time that we start talking to each other and working with each other on serious, bipartisan solutions for our water challenges instead of playing party politics. I urge a “no” vote.

I yield back the balance of my time.

Mrs. LUMMIS. Mr. Chairman, I would prefer to take it from the farmers who are desperate for water. These are people who have instituted conservation measures that cost them millions of dollars, changing their crops from things like lettuce and tomatoes to almond and pistachio trees with drip irrigation systems that conserve tremendous amounts of water. Still, those trees were allowed to dry up and die.

Mr. Chairman, to close, I yield the remainder of my time to the gentleman from California (Mr. VALADAO), the sponsor of this bill.

Mr. VALADAO. Mr. Chairman, I would like to begin by thanking so many on both sides of the aisle who worked very hard on this legislation. We spent months working on this. We have crafted it throughout the beginning of this Congress, and it has been an important bill. It is going to continue to be an important bill. We look forward to seeing who has the courage to stand up and actually vote to help the folks of California.

When we see the situation that is going on out there in the valley and we see the faces of these people standing in the food lines, the people who have worked so hard for so many years to help build farms, to help build businesses for their families and we see those farmworkers who have come and had the opportunity to put their kids through school. Many of them end up in really great places, some of them even in Congress, like myself. You see so many different opportunities that come from the valley.

When we have a situation like we have today, where we have literally been cut off from water, we have had years in the past decade where we have

had abundance of water and abundance of snowpack, and we still get a small fraction of the contracted amounts. Now, today, we are down to zero.

When people speak of conservation, we have got to find a way to conserve water, we have got to find a way to save water, absolutely. We have done those things. We have implemented a lot of different programs, from drip irrigation, to change of crops, to even trying to breed better, more drought-tolerant crops.

We have done what we can. We do it in our homes; we have done it in the way we live our lives, but at the end of the day, you can't conserve anything from zero because zero is nothing. There is nothing left. What it has done to our economy, what it has done to the people in the valley, what it has done to the Nation, what it has done to food costs across the Nation, when we look at all the different programs, when we are looking for a place to save money, food cost is having a huge impact on us all throughout the country.

I ask for an "aye" vote.

Mrs. LUMMIS. Mr. Chairman, I yield back the balance of my time.

Ms. ESHOO. Mr. Chair, I rise in strong opposition to H.R. 2898 because it upends decades of state and federal water law and needlessly pits water users against one another. In the midst of California's worst drought in its history, this bill mandates that certain interests come out ahead of others.

California is currently in the fourth year of a punishing drought that has forced every resident to conserve water, has caused millions of acres of agricultural land to be fallowed, and places us at risk of major wildfires. But, this crisis should not be used as an excuse to permanently upend a century of water law and countless protections for threatened and endangered wildlife.

H.R. 2898 will weaken or override decades of state and federal law, including California state water law and the California Constitution; the state and federal Endangered Species Acts; the National Environmental Policy Act; and the San Joaquin River Settlement Act. This list should set off alarm bells for any proponent of states' rights or cooperative federalism. For over a century, the federal government has deferred to state water law whenever possible, but this bill unwinds that history entirely.

And what do we gain by discarding a century of water law and species protections? According to the Department of Interior which manages the Delta collaboratively with the state, this bill "will not provide additional meaningful relief to those most affected by the drought." Local conservationists predict that this bill would cause a complete extinction of the Delta smelt and would accelerate the decline of the wild salmon and steelhead runs in California which have been an important part of the Northern California economy since the mid-19th century.

Instead of taking up partisan legislation that will start a new water war in California, Congress should be providing immediate relief to drought-impacted communities and should invest in long-term drought resilience measures such as conservation, recycling, and desalination, which would drastically increase the

amount of water available to farmers in the Central Valley.

This irresponsible bill would override science-based management of the delicate Delta infrastructure and would gut several of our most bedrock environmental laws. For these reasons I strongly oppose this legislation and I urge my colleagues to vote against it.

Mr. DESAULNIER. Mr. Chair, I rise to express my strong opposition to H.R. 2898, the so-called "Western Water and American Food Security Act of 2015".

I represent a portion of the Sacramento-San Joaquin Delta, the largest estuary west of the Mississippi and the source of roughly half of California's fresh water. Nearly 25 million Californians rely upon the Delta in one form or another for their drinking water supply. Additionally, many species depend on the habitats in and around the 700,000-acre estuary for survival. Species in the Delta include birds and waterfowl like sand hill cranes, and fish like Chinook salmon, Central Valley steelhead and green sturgeon. Many of these species are unique to the Delta and found nowhere else on earth. H.R. 2898 would dramatically weaken protections for these ecosystems and for salmon, migratory birds, and other fish and wildlife in California's Bay-Delta estuary, as well as the thousands of fishing jobs in California and Oregon that depend on the health of these species.

California's ongoing drought—not federal environmental laws—is the primary reason for low water supplies across the state. California's drought is real, and we need real solutions. However, H.R. 2898 does nothing to solve California's severe water shortage or address drought across the West. Instead, this bill preempts state laws, reduces management flexibility, eliminates protections for salmon and other endangered species, and rolls back our nation's fundamental environmental laws.

H.R. 2898 is not a temporary response to drought. It permanently amends and overrides the requirements of the Endangered Species Act and other federal laws. The bill would also limit National Environmental Policy Act review for water projects, reducing transparency and eliminating the opportunity for local communities to provide input in the planning process. Moreover, several provisions of the bill would preempt state law, including section 313, which would override state laws, federal laws, a court order, and a binding settlement agreement to restore the San Joaquin River.

This measure would undermine the State of California's groundbreaking work to address the drought through the equitable implementation of water conservation programs, infrastructure improvements, and innovative water recycling initiatives. Water shortages are a result of four dry years, not the landmark environmental protections that this bill seeks to undermine. This bill will not make it rain. Permanently repealing proper environmental review will not solve the drought.

Ultimately, this bill would not fix our biggest problem—the lack of water—and would instead set a dangerous precedent of federal overreach for our state, and a repeal of America's longstanding and effective environmental protections. As a Californian and a Delta member, I strongly oppose H.R. 2898, due to the negative impact that this bill would have on my constituents and the environment.

The Acting CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

In lieu of the amendment in the nature of a substitute recommended by the Committee on Natural Resources, printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 114-23. That amendment in the nature of a substitute shall be considered as read.

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

H.R. 2898

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 "Western Water and American Food Security Act of 2015".

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

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Definitions.

TITLE I—ADJUSTING DELTA SMELT MANAGEMENT BASED ON INCREASED REAL-TIME MONITORING AND UPDATED SCIENCE

Sec. 101. Definitions.

Sec. 102. Revise incidental take level calculation for delta smelt to reflect new science.

Sec. 103. Factoring increased real-time monitoring and updated science into Delta smelt management.

TITLE II—ENSURING SALMONID MANAGEMENT IS RESPONSIVE TO NEW SCIENCE

Sec. 201. Definitions.

Sec. 202. Process for ensuring salmonid management is responsive to new science.

Sec. 203. Non-Federal program to protect native anadromous fish in the Stanislaus River.

Sec. 204. Pilot projects to implement calfed invasive species program.

TITLE III—OPERATIONAL FLEXIBILITY AND DROUGHT RELIEF

Sec. 301. Definitions.

Sec. 302. Operational flexibility in times of drought.

Sec. 303. Operation of cross-channel gates.

Sec. 304. Flexibility for export/inflow ratio.

Sec. 305. Emergency environmental reviews.

Sec. 306. Increased flexibility for regular project operations.

Sec. 307. Temporary operational flexibility for first few storms of the water year.

Sec. 308. Expediting water transfers.

Sec. 309. Additional emergency consultation.

Sec. 310. Additional storage at New Melones.

Sec. 311. Regarding the operation of Folsom Reservoir.

Sec. 312. Applicants.

Sec. 313. San Joaquin River settlement.

Sec. 314. Program for water rescheduling.

TITLE IV—CALFED STORAGE FEASIBILITY STUDIES

Sec. 401. Studies.

Sec. 402. Temperance Flat.

Sec. 403. CALFED storage accountability.

Sec. 404. Water storage project construction.

TITLE V—WATER RIGHTS PROTECTIONS

Sec. 501. Offset for State Water Project.

Sec. 502. Area of origin protections.

Sec. 503. No redirected adverse impacts.

Sec. 504. Allocations for Sacramento Valley contractors.

Sec. 505. Effect on existing obligations.

TITLE VI—MISCELLANEOUS

- Sec. 601. Authorized service area.
 Sec. 602. Oversight board for Restoration Fund.
 Sec. 603. Water supply accounting.
 Sec. 604. Implementation of water replacement plan.
 Sec. 605. Natural and artificially spawned species.
 Sec. 606. Transfer the New Melones Unit, Central Valley Project to interested providers.
 Sec. 607. Basin studies.
 Sec. 608. Operations of the Trinity River Division.
 Sec. 609. Amendment to purposes.
 Sec. 610. Amendment to definition.

TITLE VII—WATER SUPPLY PERMITTING ACT

- Sec. 701. Short title.
 Sec. 702. Definitions.
 Sec. 703. Establishment of lead agency and cooperating agencies.
 Sec. 704. Bureau responsibilities.
 Sec. 705. Cooperating agency responsibilities.
 Sec. 706. Funding to process permits.

TITLE VIII—BUREAU OF RECLAMATION PROJECT STREAMLINING

- Sec. 801. Short title.
 Sec. 802. Definitions.
 Sec. 803. Acceleration of studies.
 Sec. 804. Expedited completion of reports.
 Sec. 805. Project acceleration.
 Sec. 806. Annual report to Congress.

TITLE IX—ACCELERATED REVENUE, REPAYMENT, AND SURFACE WATER STORAGE ENHANCEMENT

- Sec. 901. Short title.
 Sec. 902. Prepayment of certain repayment contracts between the United States and contractors of federally developed water supplies.

TITLE X—SAFETY OF DAMS

- Sec. 1001. Authorization of additional project benefits.

TITLE XI—WATER RIGHTS PROTECTION

- Sec. 1101. Short title.
 Sec. 1102. Definition of water right.
 Sec. 1103. Treatment of water rights.
 Sec. 1104. Recognition of State authority.
 Sec. 1105. Effect of title.

SEC. 2. FINDINGS.

Congress finds as follows:

(1) As established in the Proclamation of a State of Emergency issued by the Governor of the State on January 17, 2014, the State is experiencing record dry conditions.

(2) Extremely dry conditions have persisted in the State since 2012, and the drought conditions are likely to persist into the future.

(3) The water supplies of the State are at record-low levels, as indicated by the fact that all major Central Valley Project reservoir levels were at 20–35 percent of capacity as of September 25, 2014.

(4) The lack of precipitation has been a significant contributing factor to the 6,091 fires experienced in the State as of September 15, 2014, and which covered nearly 400,000 acres.

(5) According to a study released by the University of California, Davis in July 2014, the drought has led to the following of 428,000 acres of farmland, loss of \$810 million in crop revenue, loss of \$203 million in dairy and other livestock value, and increased groundwater pumping costs by \$454 million. The statewide economic costs are estimated to be \$2.2 billion, with over 17,000 seasonal and part-time agricultural jobs lost.

(6) CVPIA Level II water deliveries to refuges have also been reduced by 25 percent in the north of Delta region, and by 35 percent in the south of Delta region.

(7) Only one-sixth of the usual acres of rice fields are being flooded this fall, which leads to a significant decline in habitat for migratory

birds and an increased risk of disease at the remaining wetlands due to overcrowding of such birds.

(8) The drought of 2013 through 2014 constitutes a serious emergency that poses immediate and severe risks to human life and safety and to the environment throughout the State.

(9) The serious emergency described in paragraph (4) requires—

(A) immediate and credible action that respects the complexity of the water system of the State and the importance of the water system to the entire State; and

(B) policies that do not pit stakeholders against one another, which history shows only leads to costly litigation that benefits no one and prevents any real solutions.

(10) Data on the difference between water demand and reliable water supplies for various regions of California south of the Delta, including the San Joaquin Valley, indicate there is a significant annual gap between reliable water supplies to meet agricultural, municipal and industrial, groundwater, and refuges water needs within the Delta Division, San Luis Unit and Friant Division of the Central Valley Project and the State Water Project south of the Sacramento-San Joaquin River Delta and the demands of those areas. This gap varies depending on the methodology of the analysis performed, but can be represented in the following ways:

(A) For Central Valley Project South-of-Delta water service contractors, if it is assumed that a water supply deficit is the difference in the amount of water available for allocation versus the maximum contract quantity, then the water supply deficits that have developed from 1992 to 2014 as a result of legislative and regulatory changes besides natural variations in hydrology during this timeframe range between 720,000 and 1,100,000 acre-feet.

(B) For Central Valley Project and State Water Project water service contractors south of the Delta and north of the Tehachapi mountain range, if it is assumed that a water supply deficit is the difference between reliable water supplies, including maximum water contract deliveries, safe yield of groundwater, safe yield of local and surface supplies and long-term contracted water transfers, and water demands, including water demands from agriculture, municipal and industrial and refuge contractors, then the water supply deficit ranges between approximately 2,500,000 to 2,700,000 acre-feet.

(11) Data of pumping activities at the Central Valley Project and State Water Project delta pumps identifies that, on average from Water Year 2009 to Water Year 2014, take of Delta smelt is 80 percent less than allowable take levels under the biological opinion issued December 15, 2008.

(12) Data of field sampling activities of the Interagency Ecological Program located in the Sacramento-San Joaquin Estuary identifies that, on average from 2005 to 2013, the program “takes” 3,500 delta smelt during annual surveys with an authorized “take” level of 33,480 delta smelt annually—according to the biological opinion issued December 9, 1997.

(13) In 2015, better information exists than was known in 2008 concerning conditions and operations that may or may not lead to high salvage events that jeopardize the fish populations, and what alternative management actions can be taken to avoid jeopardy.

(14) Alternative management strategies, removing non-native species, enhancing habitat, monitoring fish movement and location in real-time, and improving water quality in the Delta can contribute significantly to protecting and recovering these endangered fish species, and at potentially lower costs to water supplies.

(15) Resolution of fundamental policy questions concerning the extent to which application of the Endangered Species Act of 1973 affects the operation of the Central Valley Project and State Water Project is the responsibility of Con-

SEC. 3. DEFINITIONS.

In this Act:

(1) 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.

(2) EXPORT PUMPING RATES.—The term “export pumping rates” means the rates of pumping at the C.W. “Bill” Jones Pumping Plant and the Harvey O. Banks Pumping Plant, in the southern Delta.

(3) LISTED FISH SPECIES.—The term “listed fish species” means listed salmonid species and the Delta smelt.

(4) LISTED SALMONID SPECIES.—The term “listed salmonid species” means natural origin steelhead, natural origin genetic spring run Chinook, and genetic winter run Chinook salmon including hatchery steelhead or salmon populations within the evolutionary significant unit (ESU) or distinct population segment (DPS).

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

(6) OMR.—The term “OMR” means the Old and Middle River in the Delta.

(7) OMR FLOW OF –5,000 CUBIC FEET PER SECOND.—The term “OMR flow of –5,000 cubic feet per second” means Old and Middle River flow of negative 5,000 cubic feet per second as described in—

(A) the smelt biological opinion; and

(B) the salmonid biological opinion.

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

(9) 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.

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

TITLE I—ADJUSTING DELTA SMELT MANAGEMENT BASED ON INCREASED REAL-TIME MONITORING AND UPDATED SCIENCE

SEC. 101. DEFINITIONS.

In this title:

(1) DIRECTOR.—The term “Director” means the Director of the United States Fish and Wildlife Service.

(2) DELTA SMELT.—The term “Delta smelt” means the fish species with the scientific name *Hypomesus transpacificus*.

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

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

SEC. 102. REVISE INCIDENTAL TAKE LEVEL CALCULATION FOR DELTA SMELT TO REFLECT NEW SCIENCE.

(a) REVIEW AND MODIFICATION.—Not later than October 1, 2016, and at least every five years thereafter, the Director, in cooperation with other Federal, State, and local agencies, shall use the best scientific and commercial data available to complete a review and, modify the method used to calculate the incidental take levels for adult and larval/juvenile Delta smelt in the smelt biological opinion that takes into account all life stages, among other considerations—

(1) salvage information collected since at least 1993;

(2) updated or more recently developed statistical models;

(3) updated scientific and commercial data; and

(4) the most recent information regarding the environmental factors affecting Delta smelt salvage.

(b) **MODIFIED INCIDENTAL TAKE LEVEL.**—Unless the Director determines in writing that one or more of the requirements described in paragraphs (1) through (4) are not appropriate, the modified incidental take level described in subsection (a) shall—

(1) be normalized for the abundance of prespawning adult Delta smelt using the Fall Midwater Trawl Index or other index;

(2) be based on a simulation of the salvage that would have occurred from 1993 through 2012 if OMR flow has been consistent with the smelt biological opinions;

(3) base the simulation on a correlation between annual salvage rates and historic water clarity and OMR flow during the adult salvage period; and

(4) set the incidental take level as the 80 percent upper prediction interval derived from simulated salvage rates since at least 1993.

SEC. 103. FACTORING INCREASED REAL-TIME MONITORING AND UPDATED SCIENCE INTO DELTA SMELT MANAGEMENT.

(a) **IN GENERAL.**—The Director shall use the best scientific and commercial data available to implement, continuously evaluate, and refine or amend, as appropriate, the reasonable and prudent alternative described in the smelt biological opinion, and any successor opinions or court order. The Secretary shall make all significant decisions under the smelt biological opinion, or any successor opinions that affect Central Valley Project and State Water Project operations, in writing, and shall document the significant facts upon which such decisions are made, consistent with section 706 of title 5, United States Code.

(b) **INCREASED MONITORING TO INFORM REAL-TIME OPERATIONS.**—The Secretary shall conduct additional surveys, on an annual basis at the appropriate time of the year based on environmental conditions, in collaboration with other Delta science interests.

(1) In implementing this section, the Secretary shall—

(A) use the most accurate survey methods available for the detection of Delta smelt to determine the extent that adult Delta smelt are distributed in relation to certain levels of turbidity, or other environmental factors that may influence salvage rate; and

(B) use results from appropriate survey methods for the detection of Delta smelt to determine how the Central Valley Project and State Water Project may be operated more efficiently to minimize salvage while maximizing export pumping rates without causing a significant negative impact on the long-term survival of the Delta smelt.

(2) During the period beginning on December 1, 2015, and ending March 31, 2016, and in each successive December through March period, if suspended sediment loads enter the Delta from the Sacramento River and the suspended sediment loads appear likely to raise turbidity levels in the Old River north of the export pumps from values below 12 Nephelometric Turbidity Units (NTU) to values above 12 NTU, the Secretary shall—

(A) conduct daily monitoring using appropriate survey methods at locations including, but not limited to, the vicinity of Station 902 to determine the extent that adult Delta smelt are moving with turbidity toward the export pumps; and

(B) use results from the monitoring surveys referenced in paragraph (A) to determine how increased trawling can inform daily real-time Central Valley Project and State Water Project operations to minimize salvage while maximizing export pumping rates without causing a significant negative impact on the long-term survival of the Delta smelt.

(c) **PERIODIC REVIEW OF MONITORING.**—Within 12 months of the date of enactment of this title, and at least once every 5 years thereafter, the Secretary shall—

(1) evaluate whether the monitoring program under subsection (b), combined with other monitoring programs for the Delta, is providing sufficient data to inform Central Valley Project and State Water Project operations to minimize salvage while maximizing export pumping rates without causing a significant negative impact on the long-term survival of the Delta smelt; and

(2) determine whether the monitoring efforts should be changed in the short or long term to provide more useful data.

(d) **DELTA SMELT DISTRIBUTION STUDY.**—

(1) **IN GENERAL.**—No later than January 1, 2016, and at least every five years thereafter, the Secretary, in collaboration with the California Department of Fish and Wildlife, the California Department of Water Resources, public water agencies, and other interested entities, shall implement new targeted sampling and monitoring specifically designed to understand Delta smelt abundance, distribution, and the types of habitat occupied by Delta smelt during all life stages.

(2) **SAMPLING.**—The Delta smelt distribution study shall, at a minimum—

(A) include recording water quality and tidal data;

(B) be designed to understand Delta smelt abundance, distribution, habitat use, and movement throughout the Delta, Suisun Marsh, and other areas occupied by the Delta smelt during all seasons;

(C) consider areas not routinely sampled by existing monitoring programs, including wetland channels, near-shore water, depths below 35 feet, and shallow water; and

(D) use survey methods, including sampling gear, best suited to collect the most accurate data for the type of sampling or monitoring.

(e) **SCIENTIFICALLY SUPPORTED IMPLEMENTATION OF OMR FLOW REQUIREMENTS.**—In implementing the provisions of the smelt biological opinion, or any successor biological opinion or court order, pertaining to management of reverse flow in the Old and Middle Rivers, the Secretary shall—

(1) consider the relevant provisions of the biological opinion or any successor biological opinion;

(2) to maximize Central Valley project and State Water Project water supplies, manage export pumping rates to achieve a reverse OMR flow rate of $-5,000$ cubic feet per second unless information developed by the Secretary under paragraphs (3) and (4) leads the Secretary to reasonably conclude that a less negative OMR flow rate is necessary to avoid a negative impact on the long-term survival of the Delta smelt. If information available to the Secretary indicates that a reverse OMR flow rate more negative than $-5,000$ cubic feet per second can be established without an imminent negative impact on the long-term survival of the Delta smelt, the Secretary shall manage export pumping rates to achieve that more negative OMR flow rate;

(3) document in writing any significant facts about real-time conditions relevant to the determinations of OMR reverse flow rates, including—

(A) whether targeted real-time fish monitoring in the Old River pursuant to this section, including monitoring in the vicinity of Station 902, indicates that a significant negative impact on the long-term survival of the Delta smelt is imminent; and

(B) whether near-term forecasts with available salvage models show under prevailing conditions that OMR flow of $-5,000$ cubic feet per second or higher will cause a significant negative impact on the long-term survival of the Delta smelt;

(4) show in writing that any determination to manage OMR reverse flow at rates less negative than $-5,000$ 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 con-

nection between those data and the choice made, after considering—

(A) the distribution of Delta smelt throughout the Delta;

(B) the potential effects of documented, quantified entrainment on subsequent Delta smelt abundance;

(C) the water temperature;

(D) other significant factors relevant to the determination; and

(E) whether any alternative measures could have a substantially lesser water supply impact; and

(5) for any subsequent biological opinion, make the showing required in paragraph (4) for any determination to manage OMR reverse flow at rates less negative than the most negative limit in the biological opinion if the most negative limit in the biological opinion is more negative than $-5,000$ cubic feet per second.

(f) **MEMORANDUM OF UNDERSTANDING.**—No later than December 1, 2015, the Commissioner and the Director will execute a Memorandum of Understanding (MOU) to ensure that the smelt biological opinion is implemented in a manner that maximizes water supply while complying with applicable laws and regulations. If that MOU alters any procedures set out in the biological opinion, there will be no need to reinstitute consultation if those changes will not have a significant negative impact on the long-term survival on listed species and the implementation of the MOU would not be a major change to implementation of the biological opinion. Any change to procedures that does not create a significant negative impact on the long-term survival of the take permitted by the incidental take statement in the biological opinion under section 7(o)(2) of the Endangered Species Act of 1973.

(g) **CALCULATION OF REVERSE FLOW IN OMR.**—Within 90 days of the enactment of this title, the Secretary is directed, in consultation with the California Department of Water Resources to revise the method used to calculate reverse flow in Old and Middle Rivers for implementation of the reasonable and prudent alternatives in the smelt biological opinion and the salmonid biological opinion, and any succeeding biological opinions, for the purpose of increasing Central Valley Project and State Water Project water supplies. The method of calculating reverse flow in Old and Middle Rivers shall be reevaluated not less than every five years thereafter to achieve maximum export pumping rates within limits established by the smelt biological opinion, the salmonid biological opinion, and any succeeding biological opinions.

TITLE II—ENSURING SALMONID MANAGEMENT IS RESPONSIVE TO NEW SCIENCE

SEC. 201. DEFINITIONS.

In this title:

(1) **ASSISTANT ADMINISTRATOR.**—The term “Assistant Administrator” means the Assistant Administrator of the National Oceanic and Atmospheric Administration for Fisheries.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of Commerce.

(3) **OTHER AFFECTED INTERESTS.**—The term “other affected interests” means the State of California, Indian tribes, subdivisions of the State of California, public water agencies and those who benefit directly and indirectly from the operations of the Central Valley Project and the State Water Project.

(4) **COMMISSIONER.**—The term “Commissioner” means the Commissioner of the Bureau of Reclamation.

(5) **DIRECTOR.**—The term “Director” means the Director of the United States Fish and Wildlife Service.

SEC. 202. PROCESS FOR ENSURING SALMONID MANAGEMENT IS RESPONSIVE TO NEW SCIENCE.

(a) **GENERAL DIRECTIVE.**—The reasonable and prudent alternative described in the salmonid

biological opinion allows for and anticipates adjustments in Central Valley Project and State Water Project operation parameters to reflect the best scientific and commercial data currently available, and authorizes efforts to test and evaluate improvements in operations that will meet applicable regulatory requirements and maximize Central Valley Project and State Water Project water supplies and reliability. Implementation of the reasonable and prudent alternative described in the salmonid biological opinion shall be adjusted accordingly as new scientific and commercial data are developed. The Commissioner and the Assistant Administrator shall fully utilize these authorities as described below.

(b) ANNUAL REVIEWS OF CERTAIN CENTRAL VALLEY PROJECT AND STATE WATER PROJECT OPERATIONS.—No later than December 31, 2016, and at least annually thereafter:

(1) The Commissioner, with the assistance of the Assistant Administrator, shall examine and identify adjustments to the initiation of Action IV.2.3 as set forth in the Biological Opinion and Conference Opinion on the Long-Term Operations of the Central Valley Project and State Water Project, Endangered Species Act Section 7 Consultation, issued by the National Marine Fisheries Service on June 4, 2009, pertaining to negative OMR flows, subject to paragraph (5).

(2) The Commissioner, with the assistance of the Assistant Administrator, shall examine and identify adjustments in the timing, triggers or other operational details relating to the implementation of pumping restrictions in Action IV.2.1 pertaining to the inflow to export ratio, subject to paragraph (5).

(3) Pursuant to the consultation and assessments carried out under paragraphs (1) and (2) of this subsection, the Commissioner and the Assistant Administrator shall jointly make recommendations to the Secretary of the Interior and to the Secretary on adjustments to project operations that, in the exercise of the adaptive management provisions of the salmonid biological opinion, will reduce water supply impacts of the salmonid biological opinion on the Central Valley Project and the California State Water Project and are consistent with the requirements of applicable law and as further described in subsection (c).

(4) The Secretary and the Secretary of the Interior shall direct the Commissioner and Assistant Administrator to implement recommended adjustments to Central Valley Project and State Water Project operations for which the conditions under subsection (c) are met.

(5) The Assistant Administrator and the Commissioner shall review and identify adjustments to Central Valley Project and State Water Project operations with water supply restrictions in any successor biological opinion to the salmonid biological opinion, applying the provisions of this section to those water supply restrictions where there are references to Actions IV.2.1 and IV.2.3.

(c) IMPLEMENTATION OF OPERATIONAL ADJUSTMENTS.—After reviewing the recommendations under subsection (b), the Secretary of the Interior and the Secretary shall direct the Commissioner and the Assistant Administrator to implement those operational adjustments, or any combination, for which, in aggregate—

(1) the net effect on listed species is equivalent to those of the underlying project operational parameters in the salmonid biological opinion, taking into account both—

(A) efforts to minimize the adverse effects of the adjustment to project operations; and

(B) whatever additional actions or measures may be implemented in conjunction with the adjustments to operations to offset the adverse effects to listed species, consistent with (d), that are in excess of the adverse effects of the underlying operational parameters, if any; and

(2) the effects of the adjustment can be reasonably expected to fall within the incidental take authorizations.

(d) EVALUATION OF OFFSETTING MEASURES.—When examining and identifying opportunities to offset the potential adverse effect of adjustments to operations under subsection (c)(1)(B), the Commissioner and the Assistant Administrator shall take into account the potential species survival improvements that are likely to result from other measures which, if implemented in conjunction with such adjustments, would offset adverse effects, if any, of the adjustments. When evaluating offsetting measures, the Commissioner and the Assistant Administrator shall consider the type, timing and nature of the adverse effects, if any, to specific species and ensure that the measures likely provide equivalent overall benefits to the listed species in the aggregate, as long as the change will not cause a significant negative impact on the long-term survival of a listed salmonid species.

(e) FRAMEWORK FOR EXAMINING OPPORTUNITIES TO MINIMIZE OR OFFSET THE POTENTIAL ADVERSE EFFECT OF ADJUSTMENTS TO OPERATIONS.—Not later than December 31, 2015, and every five years thereafter, the Assistant Administrator shall, in collaboration with the Director of the California Department of Fish and Wildlife, based on the best scientific and commercial data available and for each listed salmonid species, issue estimates of the increase in through-Delta survival the Secretary expects to be achieved—

(1) through restrictions on export pumping rates as specified by Action IV.2.3 as compared to limiting OMR flow to a fixed rate of -5,000 cubic feet per second within the time period Action IV.2.3 is applicable, based on a given rate of San Joaquin River inflow to the Delta and holding other relevant factors constant;

(2) through San Joaquin River inflow to export restrictions on export pumping rates specified within Action IV.2.1 as compared to the restrictions in the April/May period imposed by the State Water Resources Control Board decision D-1641, based on a given rate of San Joaquin River inflow to the Delta and holding other relevant factors constant;

(3) through physical habitat restoration improvements;

(4) through predation control programs;

(5) through the installation of temporary barriers, the management of Cross Channel Gates operations, and other projects affecting flow in the Delta;

(6) through salvaging fish that have been entrained near the entrance to Clifton Court Forebay;

(7) through any other management measures that may provide equivalent or better protections for listed species while maximizing export pumping rates without causing a significant negative impact on the long-term survival of a listed salmonid species; and

(8) through development and implementation of conservation hatchery programs for salmon and steelhead to aid in the recovery of listed salmon and steelhead species.

(f) SURVIVAL ESTIMATES.—

(1) To the maximum extent practicable, the Assistant Administrator shall make quantitative estimates of survival such as a range of percentage increases in through-Delta survival that could result from the management measures, and if the scientific information is lacking for quantitative estimates, shall do so on qualitative terms based upon the best available science.

(2) If the Assistant Administrator provides qualitative survival estimates for a species resulting from one or more management measures, the Secretary shall, to the maximum extent feasible, rank the management measures described in subsection (e) in terms of their most likely expected contribution to increased through-Delta survival relative to the other measures.

(3) If at the time the Assistant Administrator conducts the reviews under subsection (b), the Secretary has not issued an estimate of increased through-Delta survival from different management measures pursuant to subsection

(e), the Secretary shall compare the protections to the species from different management measures based on the best scientific and commercial data available at the time.

(g) COMPARISON OF ADVERSE CONSEQUENCES FOR ALTERNATIVE MANAGEMENT MEASURES OF EQUIVALENT PROTECTION FOR A SPECIES.—

(1) For the purposes of this subsection and subsection (c)—

(A) the alternative management measure or combination of alternative management measures identified in paragraph (2) shall be known as the “equivalent alternative measure”;

(B) the existing measure or measures identified in subparagraphs (2) (A), (B), (C), or (D) shall be known as the “equivalent existing measure”; and

(C) an “equivalent increase in through-Delta survival rates for listed salmonid species” shall mean an increase in through-Delta survival rates that is equivalent when considering the change in through-Delta survival rates for the listed salmonid species in the aggregate, and not the same change for each individual species, as long as the change in survival rates will not cause a significant negative impact on the long-term survival of a listed salmonid species.

(2) As part of the reviews of project operations pursuant to subsection (b), the Assistant Administrator shall determine whether any alternative management measures or combination of alternative management measures listed in subsection (e) (3) through (8) would provide an increase in through-Delta survival rates for listed salmonid species that is equivalent to the increase in through-Delta survival rates for listed salmonid species from the following:

(A) Through restrictions on export pumping rates as specified by Action IV.2.3, as compared to limiting OMR flow to a fixed rate of -5,000 cubic feet per second within the time period Action IV.2.3 is applicable.

(B) Through restrictions on export pumping rates as specified by Action IV.2.3, as compared to a modification of Action IV.2.3 that would provide additional water supplies, other than that described in subparagraph (A).

(C) Through San Joaquin River inflow to export restrictions on export pumping rates specified within Action IV.2.1, as compared to the restrictions in the April/May period imposed by the State Water Resources Control Board decision D-1641.

(D) Through San Joaquin River inflow to export restrictions on export pumping rates specified within Action IV.2.1, as compared to a modification of Action IV.2.1 that would reduce water supply impacts of the salmonid biological opinion on the Central Valley Project and the California State Water Project, other than that described in subparagraph (C).

(3) If the Assistant Administrator identifies an equivalent alternative measure pursuant to paragraph (2), the Assistant Administrator shall determine whether—

(A) it is technically feasible and within Federal jurisdiction to implement the equivalent alternative measure;

(B) the State of California, or subdivision thereof, or local agency with jurisdiction has certified in writing within 10 calendar days to the Assistant Administrator that it has the authority and capability to implement the pertinent equivalent alternative measure; or

(C) the adverse consequences of doing so are less than the adverse consequences of the equivalent existing measure, including a concise evaluation of the adverse consequences to other affected interests.

(4) If the Assistant Administrator makes the determinations in subparagraph (3)(A) or (3)(B), the Commissioner shall adjust project operations to implement the equivalent alternative measure in place of the equivalent existing measure in order to increase export rates of pumping to the greatest extent possible while maintaining a net combined effect of equivalent through-Delta survival rates for the listed salmonid species.

(h) TRACKING ADVERSE EFFECTS BEYOND THE RANGE OF EFFECTS ACCOUNTED FOR IN THE SALMONID BIOLOGICAL OPINION AND COORDINATED OPERATION WITH THE DELTA SMELT BIOLOGICAL OPINION.—

(1) The adjustments to the project operations considered through the adaptive management process under this section, the Assistant Administrator and the Commissioner shall—

(A) evaluate the effects on listed salmonid species and water supply of the potential adjustment to operational criteria described in subparagraph (B); and

(B) consider requiring that before some or all of the provisions of Actions IV.2.1. or IV.2.3 are imposed in any specific instance, the Assistant Administrator show that the implementation of these provisions in that specific instance is necessary to avoid a significant negative impact on the long-term survival of a listed salmonid species.

(2) The Assistant Administrator, the Director, and the Commissioner, in coordination with State officials as appropriate, shall establish operational criteria to coordinate management of OMR flows under the smelt and salmonid biological opinions, in order to take advantage of opportunities to provide additional water supplies from the coordinated implementation of the biological opinions.

(3) The Assistant Administrator and the Commissioner shall document the effects of any adaptive management decisions related to the coordinated operation of the smelt and salmonid biological opinions that prioritizes the maintenance of one species at the expense of the other.

(i) REAL-TIME MONITORING AND MANAGEMENT.—Notwithstanding the calendar based triggers described in the salmonid biological opinion Reasonable and Prudent Alternative (RPA), the Assistant Administrator and the Commissioner shall not limit OMR reverse flow to -5,000 cubic feet per second unless current monitoring data indicate that this OMR flow limitation is reasonably required to avoid a significant negative impact on the long-term survival of a listed salmonid species.

(j) EVALUATION AND IMPLEMENTATION OF MANAGEMENT MEASURES.—If the quantitative estimates of through-Delta survival established by the Secretary for the adjustments in subsection (b)(2) exceed the through-Delta survival established for the RPAs, the Secretary shall evaluate and implement the management measures in subsection (b)(2) as a prerequisite to implementing the RPAs contained in the Salmonid Biological Opinion.

(k) ACCORDANCE WITH OTHER LAW.—Consistent with section 706 of title 5, United States Code, decisions of the Assistant Administrator and the Commissioner described in subsections (b) through (j) shall be made in writing, on the basis of best scientific and commercial data currently available, and shall include an explanation of the data examined at the connection between those data and the decisions made.

SEC. 203. NON-FEDERAL PROGRAM TO PROTECT NATIVE ANADROMOUS FISH IN THE STANISLAUS RIVER.

(a) ESTABLISHMENT OF NONNATIVE PREDATOR FISH REMOVAL PROGRAM.—The Secretary and the districts, in consultation with the Director, shall jointly develop and conduct a nonnative predator fish removal program to remove nonnative striped bass, smallmouth bass, largemouth bass, black bass, and other nonnative predator fish species from the Stanislaus River. The program shall—

(1) be scientifically based;

(2) include methods to quantify the number and size of predator fish removed each year, the impact of such removal on the overall abundance of predator fish, and the impact of such removal on the populations of juvenile anadromous fish found in the Stanislaus River by, among other things, evaluating the number of juvenile anadromous fish that migrate past the rotary screw trap located at Caswell;

(3) among other methods, use wire fyke trapping, portable resistance board weirs, and boat electrofishing; and

(4) be implemented as quickly as possible following the issuance of all necessary scientific research.

(b) MANAGEMENT.—The management of the program shall be the joint responsibility of the Secretary and the districts. Such parties shall work collaboratively to ensure the performance of the program, and shall discuss and agree upon, among other things, changes in the structure, management, personnel, techniques, strategy, data collection, reporting, and conduct of the program.

(c) CONDUCT.—

(1) IN GENERAL.—By agreement between the Secretary and the districts, the program may be conducted by their own personnel, qualified private contractors hired by the districts, personnel of, on loan to, or otherwise assigned to the National Marine Fisheries Service, or a combination thereof.

(2) PARTICIPATION BY THE NATIONAL MARINE FISHERIES SERVICE.—If the districts elect to conduct the program using their own personnel or qualified private contractors hired by them in accordance with paragraph (1), the Secretary may assign an employee of, on loan to, or otherwise assigned to the National Marine Fisheries Service, to be present for all activities performed in the field. Such presence shall ensure compliance with the agreed-upon elements specified in subsection (b). The districts shall pay the cost of such participation in accordance with subsection (d).

(3) TIMING OF ELECTION.—The districts shall notify the Secretary of their election on or before October 15 of each calendar year of the program. Such an election shall apply to the work performed in the subsequent calendar year.

(d) FUNDING.—

(1) IN GENERAL.—The districts shall be responsible for 100 percent of the cost of the program.

(2) CONTRIBUTED FUNDS.—The Secretary may accept and use contributions of funds from the districts to carry out activities under the program.

(3) ESTIMATION OF COST.—On or before December 1 of each year of the program, the Secretary shall submit to the districts an estimate of the cost to be incurred by the National Marine Fisheries Service for the program in the following calendar year, if any, including the cost of any data collection and posting under subsection (e). If an amount equal to the estimate is not provided through contributions pursuant to paragraph (2) before December 31 of that year—

(A) the Secretary shall have no obligation to conduct the program activities otherwise scheduled for such following calendar year until such amount is contributed by the districts; and

(B) the districts may not conduct any aspect of the program until such amount is contributed by the districts.

(4) ACCOUNTING.—On or before September 1 of each year, the Secretary shall provide to the districts an accounting of the costs incurred by the Secretary for the program in the preceding calendar year. If the amount contributed by the districts pursuant to paragraph (2) for that year was greater than the costs incurred by the Secretary, the Secretary shall—

(A) apply the excess contributions to costs of activities to be performed by the Secretary under the program, if any, in the next calendar year; or

(B) if no such activities are to be performed, repay the excess contribution to the districts.

(e) POSTING AND EVALUATION.—On or before the 15th day of each month, the Secretary shall post on the Internet website of the National Marine Fisheries Service a tabular summary of the raw data collected under the program in the preceding month.

(f) IMPLEMENTATION.—The program is hereby found to be consistent with the requirements of

the Central Valley Project Improvement Act (Public Law 102-575). No provision, plan or definition established or required by the Central Valley Project Improvement Act (Public Law 102-575) shall be used to prohibit the imposition of the program, or to prevent the accomplishment of its goals.

(g) TREATMENT OF STRIPED BASS.—For purposes of the application of the Central Valley Project Improvement Act (title XXXIV of Public Law 102-575) with respect to the program, striped bass shall not be treated as anadromous fish.

(h) DEFINITION.—For the purposes of this section, the term “districts” means the Oakdale Irrigation District and the South San Joaquin Irrigation District, California.

SEC. 204. PILOT PROJECTS TO IMPLEMENT CALFED INVASIVE SPECIES PROGRAM.

(a) IN GENERAL.—Not later than January 1, 2017, the Secretary of the Interior, in collaboration with the Secretary of Commerce, the Director of the California Department of Fish and Wildlife, and other relevant agencies and interested parties, shall begin pilot projects to implement the invasive species control program authorized pursuant to section 103(d)(6)(A)(iv) of Public Law 108-361 (118 Stat. 1690).

(b) REQUIREMENTS.—The pilot projects shall—

(1) seek to reduce invasive aquatic vegetation, predators, and other competitors which contribute to the decline of native listed pelagic and anadromous species that occupy the Sacramento and San Joaquin Rivers and their tributaries and the Sacramento-San Joaquin Bay-Delta; and

(2) remove, reduce, or control the effects of species, including Asiatic clams, silversides, gobies, Brazilian water weed, largemouth bass, smallmouth bass, striped bass, crappie, bluegill, white and channel catfish, and brown bullheads.

(c) SUNSET.—The authorities provided under this subsection shall expire seven years after the Secretaries commence implementation of the pilot projects pursuant to subsection (a).

(d) EMERGENCY ENVIRONMENTAL REVIEWS.—To expedite the environmentally beneficial programs for the conservation of threatened and endangered species, the Secretaries shall consult with the Council on Environmental Quality in accordance with section 1506.11 of title 40, Code of Federal Regulations (or successor regulations), to develop alternative arrangements to comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the projects pursuant to subsection (a).

TITLE III—OPERATIONAL FLEXIBILITY AND DROUGHT RELIEF

SEC. 301. 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 (Public Law 102-575; 106 Stat. 4707).

(2) RECLAMATION PROJECT.—The term “Reclamation Project” means a project constructed pursuant to the authorities of the reclamation laws and whose facilities are wholly or partially located in the State.

(3) SECRETARIES.—The term “Secretaries” means—

- (A) the Secretary of Agriculture;
- (B) the Secretary of Commerce; and
- (C) the Secretary of the Interior.

(4) 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.

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

SEC. 302. OPERATIONAL FLEXIBILITY IN TIMES OF DROUGHT.

(a) WATER SUPPLIES.—For the period of time such that in any year that the Sacramento Valley Index is 6.5 or lower, or at the request of the

State of California, and until two succeeding years following either of those events have been completed where the final Sacramento Valley Index is 7.8 or greater, the Secretaries shall provide the maximum quantity of water supplies practicable to all individuals or district who receive Central Valley Project water under water service or repayments contracts, water rights settlement contracts, exchange contracts, or refuge contracts or agreements entered into prior to or after the date of enactment of this title; State Water Project contractors, and any other tribe, locality, water agency, or municipality in the State, by approving, consistent with applicable laws (including regulations), projects and operations to provide additional water supplies as quickly as practicable based on available information to address the emergency conditions.

(b) ADMINISTRATION.—In carrying out subsection (a), the Secretaries shall, consistent with applicable laws (including regulations)—

(1) issue all necessary permit decisions under the authority of the Secretaries not later than 30 days after the date on which the Secretaries receive a completed application from the State to place and use temporary barriers or operable gates in Delta channels to improve water quantity and quality for the State Water Project and the Central Valley Project south of Delta water contractors and other water users, on the condition that the barriers or operable gates—

(A) do not result in a significant negative impact on the long-term survival of listed species within the Delta and provide benefits or have a neutral impact on in-Delta water user water quality; and

(B) are designed so that formal consultations under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) are not necessary;

(2) require the Director of the United States Fish and Wildlife Service and the Commissioner of Reclamation—

(A) to complete, not later than 30 days after the date on which the Director or the Commissioner receives a complete written request for water transfer, 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 the request; and

(B) to approve any water transfer request described in subparagraph (A) to maximize the quantity of water supplies available for non-habitat uses, on the condition that actions associated with the water transfer comply with applicable Federal laws (including regulations);

(3) adopt a 1:1 inflow to export ratio, as measured as a 3-day running average at Vernalis during the period beginning on April 1, and ending on May 31, absent a determination in writing that a more restrictive inflow to export ratio is required to avoid a significant negative impact on the long-term survival of a listed salmonid species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); provided that the 1:1 inflow to export ratio shall apply for the increment of increased flow of the San Joaquin River resulting from the voluntary sale, transfers, or exchanges of water from agencies with rights to divert water from the San Joaquin River or its tributaries and provided that the 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 and provided that movement of the Central Valley Project water is consistent with the requirements of section 3405(a)(1)(H) of the Central Valley Project Improvement Act; and

(4) allow and facilitate, consistent with existing priorities, water transfers through the C.W. "Bill" Jones Pumping Plant or the Harvey O. Banks Pumping Plant from April 1 to November 30 provided water transfers comply with State law, including the California Environmental Quality Act.

(c) ACCELERATED PROJECT DECISION AND ELEVENTION.—

(1) IN GENERAL.—On request by the Governor of the State, the Secretaries shall use the expedited procedures under this subsection to make final decisions relating to a Federal project or operation, or to local or State projects or operations that require decisions by the Secretary of the Interior or the Secretary of Commerce to provide additional water supplies if the project's or operation's purpose is to provide relief for emergency drought conditions pursuant to subsections (a) and (b).

(2) REQUEST FOR RESOLUTION.—

(A) IN GENERAL.—On request by the Governor of the State, the Secretaries referenced in paragraph (1), 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 relief for emergency drought conditions.

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

(3) NOTIFICATION.—On receipt of a request for a meeting under paragraph (2), the Secretary of the Interior shall notify the heads of all relevant Federal agencies of the request, including information on the project to be reviewed and the date of 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, subject to subsection (e)(2).

(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).

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

(e) LIMITATION.—Nothing in this section authorizes the Secretaries to approve projects—

(1) that would otherwise require congressional authorization; or

(2) without following procedures required by applicable law.

(f) DROUGHT PLAN.—For the period of time such that in any year that the Sacramento Valley index is 6.5 or lower, or at the request of the State of California, and until two succeeding years following either of those events have been completed where the final Sacramento Valley Index is 7.8 or greater, the Secretaries of Commerce and the Interior, in consultation with appropriate State officials, shall develop a drought operations plan that is consistent with the provisions of this Act including the provisions that are intended to provide additional water supplies that could be of assistance during the current drought.

SEC. 303. OPERATION OF CROSS-CHANNEL GATES.

(a) IN GENERAL.—The Secretary of Commerce and the Secretary of the Interior shall jointly—

(1) authorize and implement activities 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 for the duration of the drought emergency declaration of the State, and for the period of time such that in any year that the Sacramento Valley index is 6.5 or lower, or at the request of the State of California, and until two succeeding years following either of those events have been completed where the final Sacramento Valley Index is 7.8 or greater, consistent with operational criteria and monitoring criteria set forth into the Order Approving a Temporary Urgency

Change in License and Permit Terms in Response to Drought Conditions of the California State Water Resources Control Board, effective January 31, 2014 (or a successor order) and other authorizations associated with it;

(2) with respect to the operation of the Delta Cross Channel Gates described in paragraph (1), collect data on the impact of that operation on—

(A) species listed as threatened or endangered under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(B) water quality; and

(C) water supply;

(3) collaborate with the California Department of Water Resources to install a deflection barrier at Georgiana Slough in coordination with Delta Cross Channel Gate diurnal operations to protect migrating salmonids, consistent with knowledge gained from activities carried out during 2014 and 2015;

(4) evaluate the combined salmonid survival in light of activities carried out pursuant to paragraphs (1) through (3) in deciding how to operate the Delta Cross Channel gates to enhance salmonid survival and water supply benefits; and

(5) not later than May 15, 2016, submit to the appropriate committees of the House of Representatives and the Senate a notice and explanation on the extent to which the gates are able to remain open.

(b) RECOMMENDATIONS.—After assessing the information collected under subsection (a), the Secretary of the Interior shall recommend revisions to the operation of the Delta Cross-Channel Gates, to the Central Valley Project, and to the State Water Project, including, if appropriate, any reasonable and prudent alternative contained in the biological opinion issued by the National Marine Fisheries Service on June 4, 2009, that are likely to produce water supply benefits without causing a significant negative impact on the long-term survival of the listed fish species within the Delta or on water quality.

SEC. 304. FLEXIBILITY FOR EXPORT/INFLOW RATIO.

For the period of time such that in any year that the Sacramento Valley index is 6.5 or lower, or at the request of the State of California, and until two succeeding years following either of those events have been completed where the final Sacramento Valley Index is 7.8 or greater, the Commissioner of the Bureau of Reclamation shall continue to vary the averaging period of the Delta Export/Inflow ratio pursuant to the California State Water Resources Control Board decision D1641—

(1) to operate to a 35-percent Export/Inflow ratio with a 3-day averaging period on the rising limb of a Delta inflow hydrograph; and

(2) to operate to a 14-day averaging period on the falling limb of the Delta inflow hydrograph.

SEC. 305. EMERGENCY ENVIRONMENTAL REVIEWS.

(a) NEPA COMPLIANCE.—To minimize the time spent carrying out environmental reviews and to deliver water quickly that is needed to address emergency drought conditions in the State during the duration of an emergency drought declaration, the Secretaries shall, in carrying out this Act, consult with the Council on Environmental Quality in accordance with section 1506.11 of title 40, Code of Federal Regulations (including successor regulations), to develop alternative arrangements to comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) during the emergency.

(b) DETERMINATIONS.—For the purposes of this section, a Secretary may deem a project to be in compliance with all necessary environmental regulations and reviews if the Secretary determines that the immediate implementation of the project is necessary to address—

(1) human health and safety; or

(2) a specific and imminent loss of agriculture production upon which an identifiable region

depends for 25 percent or more of its tax revenue used to support public services including schools, fire or police services, city or county health facilities, unemployment services or other associated social services.

SEC. 306. INCREASED FLEXIBILITY FOR REGULAR PROJECT OPERATIONS.

The Secretaries shall, consistent with applicable laws (including regulations)—

(1) in coordination with the California Department of Water Resources and the California Department of Fish and Wildlife, implement off-site upstream projects in the Delta and upstream of the Sacramento River and San Joaquin basins 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 activities carried out pursuant to this Act, as determined by the Secretaries;

(2) manage reverse flow in the Old and Middle Rivers at -6,100 cubic feet per second if real-time monitoring indicates that flows of -6,100 cubic feet per second or more negative can be established for specific periods without causing a significant negative impact on the long-term survival of the Delta smelt, or if real-time monitoring does not support flows of -6,100 cubic feet per second than manage OMR flows at -5,000 cubic feet per second subject to section 103(e) (3) and (4); and

(3) use all available scientific tools to identify any changes to real-time operations of the Bureau of Reclamation, State, and local water projects that could result in the availability of additional water supplies.

SEC. 307. TEMPORARY OPERATIONAL FLEXIBILITY FOR FIRST FEW STORMS OF THE WATER YEAR.

(a) IN GENERAL.—Consistent with avoiding a significant 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 and other environmental protections under subsection (e), the Secretaries shall authorize the Central Valley Project and the State Water Project, combined, to operate at levels that result in negative OMR flows at -7,500 cubic feet per second (based on United States Geological Survey gauges on Old and Middle Rivers) daily average for 56 cumulative days after October 1 as described in subsection (c).

(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 ENDANGERED SPECIES ACT 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 an additional significant 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, provided that the requirements imposed do not reduce water supplies available for the Central Valley Project and the State Water Project.

(d) OTHER ENVIRONMENTAL PROTECTIONS.—

(1) STATE LAW.—The Secretaries' actions under this section shall be consistent with applicable regulatory requirements under State law.

(2) FIRST SEDIMENT FLUSH.—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 -5,000 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) APPLICABILITY OF OPINION.—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 of the Interior and the Secretary of Commerce shall consider allowing through-Delta water transfers to occur during this period if they can be accomplished consistent with section 3405(a)(1)(H) of the Central Valley Project Improvement Act. Water transfers solely or exclusively through the State Water Project are not required to be consistent with section 3405(a)(1)(H) of the Central Valley Project Improvement Act.

(4) MONITORING.—During operations under this section, the Commissioner of Reclamation, 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 (16 U.S.C. 1531 et seq.).

(e) TECHNICAL ADJUSTMENTS TO TARGET PERIOD.—If, before temporary operational flexibility has been implemented on 56 cumulative days, the Secretaries operate the Central Valley Project and the State Water Project combined at levels that result in OMR flows less negative than -7,500 cubic feet per second during days of temporary operational flexibility as defined in subsection (c), the duration of such operation shall not be counted toward the 56 cumulative days specified in subsection (a).

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

(1) If necessary to implement the provisions of this section, the Commissioner is authorized to take any action necessary to implement this section for up to 56 cumulative days. If during the 56 cumulative days the Commissioner determines that actions necessary to implement this section will exceed 56 days, the Commissioner shall use the emergency consultation procedures under the Endangered Species Act of 1973 and its implementing regulation at section 402.05 of title 50, Code of Federal Regulations, to temporarily adjust the operating criteria under the biological opinions—

(A) solely for extending beyond the 56 cumulative days for additional days of temporary operational flexibility—

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

(ii) 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 OMR flow requirements under the biological opinions, or

(B) for other adjustments to operating criteria or to take other urgent actions to address water supply shortages for the least amount of time or volume of diversion necessary as determined by the Commissioner.

(2) Following the conclusion of the 56 cumulative days of temporary operational flexibility, or the extended number of days covered by the emergency consultation procedures, the Commissioner 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 of 1973 (16 U.S.C. 1531 et

seq.). If the Commissioner 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 timeframe permitted for timely decisionmaking in response to changing conditions in the Delta.

SEC. 308. EXPEDITING WATER TRANSFERS.

(a) IN GENERAL.—Section 3405(a) of the Central Valley Project Improvement Act (Public Law 102-575; 106 Stat. 4709(a)) is amended—

(1) by redesignating paragraphs (1) through (3) as paragraphs (4) through (6), respectively;

(2) in the matter preceding paragraph (4) (as so designated)—

(A) in the first sentence, by striking "In order to" and inserting the following:

"(1) IN GENERAL.—In order to"; and

(B) in the second sentence, by striking "Except as provided herein" and inserting the following:

"(3) TERMS.—Except as otherwise provided in this section";

(3) by inserting before paragraph (3) (as so designated) the following:

"(2) EXPEDITED TRANSFER OF WATER.—The Secretary shall take all necessary actions to facilitate and expedite transfers of Central Valley Project water in accordance with—

"(A) this Act;

"(B) any other applicable provision of the reclamation laws; and

"(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).";

(4) in paragraph (4) (as so designated)—

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

(B) by striking "3405(a)(2) of this title" each place it appears and inserting "(5)";

(5) in paragraph (5) (as so designated), by adding at the end the following:

"(E) The contracting district from which the water is coming, the agency, or the Secretary shall determine if a written transfer proposal is complete within 45 days after the date of submission of the proposal. If the contracting district or agency or the Secretary determines that the proposal is incomplete, the district or agency or the Secretary shall state with specificity what must be added to or revised for the proposal to be complete."; and

(6) in paragraph (6) (as so designated), by striking "3405(a)(1)(A)-(C), (E), (G), (H), (I), (L), and (M) of this title" and inserting "(A) through (C), (E), (G), (H), (I), (L), and (M) of paragraph (4)".

(b) CONFORMING AMENDMENTS.—The Central Valley Project Improvement Act (Public Law 102-575) is amended—

(1) in section 3407(c)(1) (106 Stat. 4726), by striking "3405(a)(1)(C)" and inserting "3405(a)(4)(C)"; and

(2) in section 3408(i)(1) (106 Stat. 4729), by striking "3405(a)(1) (A) and (J) of this title" and inserting "subparagraphs (A) and (J) of section 3405(a)(4)".

SEC. 309. ADDITIONAL EMERGENCY CONSULTATION.

For adjustments to operating criteria other than under section 308 of this Act or to take urgent actions to address water supply shortages for the least amount of time or volume of diversion necessary as determined by the Commissioner of Reclamation, no mitigation measures shall be required during any year that the Sacramento Valley index is 6.5 or lower, or at the request of the State of California, and until two succeeding years following either of those events have been completed where the final Sacramento Valley Index is 7.8 or greater, and any mitigation measures imposed must be based on quantitative data and required only to the extent that such data demonstrates actual harm to species.

SEC. 310. ADDITIONAL STORAGE AT NEW MELONES.

The Commissioner of Reclamation is directed to work with local water and irrigation districts in the Stanislaus River Basin to ascertain the water storage made available by the Draft Plan of Operations in New Melones Reservoir (DRPO) for water conservation programs, conjunctive use projects, water transfers, rescheduled project water and other projects to maximize water storage and ensure the beneficial use of the water resources in the Stanislaus River Basin. All such programs and projects shall be implemented according to all applicable laws and regulations. The source of water for any such storage program at New Melones Reservoir shall be made available under a valid water right, consistent with the State of California water transfer guidelines and any other applicable State water law. The Commissioner shall inform the Congress within 18 months setting forth the amount of storage made available by the DRPO that has been put to use under this program, including proposals received by the Commissioner from interested parties for the purpose of this section.

SEC. 311. REGARDING THE OPERATION OF FOLSOM RESERVOIR.

The Secretary of the Interior, in collaboration with the Sacramento Water Forum, shall expedite evaluation, completion and implementation of the Modified Lower American River Flow Management Standard developed by the Water Forum in 2015 to improve water supply reliability for Central Valley Project American River water contractors and resource protection in the lower American River during consecutive dry-years under current and future demand and climate change conditions.

SEC. 312. APPLICANTS.

In the event that the Bureau of Reclamation or another Federal agency initiates or reinitiates consultation with the U.S. Fish and Wildlife Service or the National Marine Fisheries Service under section 7(a)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)(2)), with respect to construction or operation of the Central Valley Project and State Water Project, or any part thereof, the State Water Project contractors and the Central Valley Project contractors will be accorded all the rights and responsibilities extended to applicants in the consultation process.

SEC. 313. SAN JOAQUIN RIVER SETTLEMENT.

(a) CALIFORNIA STATE LAW SATISFIED BY WARM WATER FISHERY.—

(1) IN GENERAL.—Sections 5930 through 5948 of the California Fish and Game Code, and all applicable Federal laws, including the San Joaquin River Restoration Settlement Act (Public Law 111–11) and the Stipulation of Settlement (Natural Resources Defense Council, et al. v. Kirk Rodgers, et al., Eastern District of California, No. Civ. S–88–1658–LKK/GGH), shall be satisfied by the existence of a warm water fishery in the San Joaquin River below Friant Dam, but upstream of Gravelly Ford.

(2) DEFINITION OF WARM WATER FISHERY.—For the purposes of this section, the term “warm water fishery” means a water system that has an environment suitable for species of fish other than salmon (including all subspecies) and trout (including all subspecies).

(b) REPEAL OF THE SAN JOAQUIN RIVER SETTLEMENT.—As of the date of enactment of this section, the Secretary of the Interior shall cease any action to implement the San Joaquin River Restoration Settlement Act (subtitle A of title X of Public Law 111–11) and the Stipulation of Settlement (Natural Resources Defense Council, et al. v. Kirk Rodgers, et al., Eastern District of California, No. Civ. S–88–1658 LKK/GGH).

SEC. 314. PROGRAM FOR WATER RESCHEDULING.

By December 31, 2015, the Secretary of the Interior shall develop and implement a program, including rescheduling guidelines for Shasta and Folsom Reservoirs, to allow existing Central

Valley Project agricultural water service contractors within the Sacramento River Watershed, and refuge service and municipal and industrial water service contractors within the Sacramento River Watershed and the American River Watershed to reschedule water, provided for under their Central Valley Project contracts, from one year to the next; provided, that the program is consistent with existing rescheduling guidelines as utilized by the Bureau of Reclamation for rescheduling water for Central Valley Project water service contractors that are located South of the Delta.

TITLE IV—CALFED STORAGE FEASIBILITY STUDIES**SEC. 401. STUDIES.**

The Secretary of the Interior, through the Commissioner of Reclamation, shall—

(1) complete the feasibility studies described in clauses (i)(I) and (ii)(II) of section 103(d)(1)(A) of Public Law 108–361 (118 Stat. 1684) and submit such studies to the appropriate committees of the House of Representatives and the Senate not later than December 31, 2015;

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

(3) complete the feasibility study described in section 103(f)(1)(A) of Public Law 108–361 (118 Stat. 1694) and submit such study to the appropriate Committees of the House of Representatives and the Senate not later than December 31, 2017;

(4) provide a progress report on the status of the feasibility studies referred to in paragraphs (1) through (3) to the appropriate committees of the House of Representatives and the Senate not later than 90 days after the date of the enactment of this Act and each 180 days thereafter until December 31, 2017, as applicable. The report shall include timelines for study completion, draft environmental impact statements, final environmental impact statements, and Records of Decision;

(5) in conducting any feasibility study under this Act, the reclamation laws, the Central Valley Project Improvement Act (title XXXIV of Public Law 102–575; 106 Stat. 4706), the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and other applicable law, for the purposes of determining feasibility the Secretary shall document, delineate, and publish costs directly relating to the engineering and construction of a water storage project separately from the costs resulting from regulatory compliance or the construction of auxiliary facilities necessary to achieve regulatory compliance; and

(6) communicate, coordinate and cooperate with public water agencies that contract with the United States for Central Valley Project water and that are expected to participate in the cost pools that will be created for the projects proposed in the feasibility studies under this section.

SEC. 402. TEMPERANCE FLAT.

(a) DEFINITIONS.—For the purposes of this section:

(1) PROJECT.—The term “Project” means the Temperance Flat Reservoir Project on the Upper San Joaquin River.

(2) RMP.—The term “RMP” means the document titled “Bakersfield Field Office, Record of Decision and Approved Resource Management Plan,” dated December 2014.

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

(b) APPLICABILITY OF RMP.—The RMP and findings related thereto shall have no effect on or applicability to the Secretary’s determination of feasibility of, or on any findings or environmental review documents related to—

(1) the Project; or

(2) actions taken by the Secretary pursuant to section 103(d)(1)(A)(ii)(II) of the Bay-Delta Authorization Act (title I of Public Law 108–361).

(c) DUTIES OF SECRETARY UPON DETERMINATION OF FEASIBILITY.—If the Secretary finds the Project to be feasible, the Secretary shall manage the land recommended in the RMP for designation under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.) in a manner that does not impede any environmental reviews, preconstruction, construction, or other activities of the Project, regardless of whether or not the Secretary submits any official recommendation to Congress under the Wild and Scenic Rivers Act.

(d) RESERVED WATER RIGHTS.—Effective December 22, 2014, there shall be no Federal reserved water rights to any segment of the San Joaquin River related to the Project as a result of any designation made under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.).

SEC. 403. CALFED STORAGE ACCOUNTABILITY.

If the Secretary of the Interior fails to provide the feasibility studies described in section 401 to the appropriate committees of the House of Representatives and the Senate by the times prescribed, the Secretary shall notify each committee chair individually in person on the status of each project once a month until the feasibility study for that project is provided to Congress.

SEC. 404. WATER STORAGE PROJECT CONSTRUCTION.

(a) PARTNERSHIP AND AGREEMENTS.—The Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation, may partner or enter into an agreement on the water storage projects identified in section 103(d)(1) of the Water Supply Reliability and Environmental Improvement Act (Public Law 108–361) (and Acts supplemental and amendatory to the Act) with local joint powers authorities formed pursuant to State law by irrigation districts and other local water districts and local governments within the applicable hydrologic region, to advance those projects.

(b) AUTHORIZATION FOR PROJECT.—If the Secretary determines a project described in section 402(a)(1) and (2) is feasible, the Secretary is authorized to carry out the project in a manner that is substantially in accordance with the recommended plan, and subject to the conditions described in the feasibility study, provided that no Federal funding shall be used to construct the project.

TITLE V—WATER RIGHTS PROTECTIONS**SEC. 501. 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 California Fish and Game Code 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. 502. 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 Secretary of the Interior and the Secretary of Commerce 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 of the Interior 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 of the Interior in 2005.

SEC. 503. 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. 504. 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, the operations of the Central Valley Project's American River Division or any deliveries from that Division, its units or 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 1 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.

SEC. 505. 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.

TITLE VI—MISCELLANEOUS

SEC. 601. AUTHORIZED SERVICE AREA.

(a) **IN GENERAL.**—The authorized service area of the Central Valley Project authorized under the Central Valley Project Improvement Act (Public Law 102-575; 106 Stat. 4706) shall include the area within the boundaries of the Kettleman City Community Services District, California, as in existence on the date of enactment of this Act.

(b) **LONG-TERM CONTRACT.**—

(1) **IN GENERAL.**—Notwithstanding the Central Valley Project Improvement Act (Public Law 102-575; 106 Stat. 4706) and subject to paragraph (2), the Secretary of the Interior, in accordance with the Federal reclamation laws, shall enter into a long-term contract with the Kettleman City Community Services District, California, under terms and conditions mutually agreeable to the parties, for the delivery of up to 900 acre-feet of Central Valley Project water for municipal and industrial use.

(2) **LIMITATION.**—Central Valley Project water deliveries authorized under the contract entered into under paragraph (1) shall be limited to the minimal quantity necessary to meet the immediate needs of the Kettleman City Community Services District, California, in the event that local supplies or State Water Project allocations are insufficient to meet those needs.

(c) **PERMIT.**—The Secretary shall apply for a permit with the State for a joint place of use for water deliveries authorized under the contract entered into under subsection (b) with respect to the expanded service area under subsection (a), consistent with State law.

(d) **ADDITIONAL COSTS.**—If any additional infrastructure, water treatment, or related costs are needed to implement this section, those costs shall be the responsibility of the non-Federal entity.

SEC. 602. OVERSIGHT BOARD FOR RESTORATION FUND.

(a) **PLAN; ADVISORY BOARD.**—Section 3407 of the Central Valley Project Improvement Act (Public Law 102-575; 106 Stat. 4726) is amended by adding at the end the following:

"(g) **PLAN ON EXPENDITURE OF FUNDS.**—

"(1) **IN GENERAL.**—For each fiscal year, the Secretary, in consultation with the Advisory

Board, shall submit to Congress a plan for the expenditure of all of the funds deposited into the Restoration Fund during the preceding fiscal year.

“(2) CONTENTS.—The plan shall include an analysis of the cost-effectiveness of each expenditure.

“(h) ADVISORY BOARD.—

“(1) ESTABLISHMENT.—There is established the Restoration Fund Advisory Board (referred to in this section as the ‘Advisory Board’), which shall be composed of 11 members appointed by the Secretary.

“(2) MEMBERSHIP.—

“(A) IN GENERAL.—The Secretary shall appoint members to the Advisory Board that represent the various Central Valley Project stakeholders, of whom—

“(i) 4 members shall be agricultural users of the Central Valley Project, including at least one agricultural user from north-of-the-Delta and one agricultural user from south-of-the-Delta;

“(ii) 2 members shall be municipal and industrial users of the Central Valley Project, including one municipal and industrial user from north-of-the-Delta and one municipal and industrial user from south-of-the-Delta;

“(iii) 3 members shall be power contractors of the Central Valley Project, including at least one power contractor from north-of-the-Delta and from south-of-the-Delta;

“(iv) 1 member shall be a representative of a Federal national wildlife refuge that contracts for Central Valley Project water supplies with the Bureau of Reclamation; and

“(v) 1 member shall have expertise in the economic impacts of the changes to water operations.

“(B) OBSERVER.—The Secretary and the Secretary of Commerce may each designate a representative to act as an observer of the Advisory Board.

“(C) CHAIR.—The Secretary shall appoint 1 of the members described in subparagraph (A) to serve as Chair of the Advisory Board.

“(3) TERMS.—The term of each member of the Advisory Board shall be 4 years.

“(4) DATE OF APPOINTMENTS.—The appointment of a member of the Panel shall be made not later than—

“(A) the date that is 120 days after the date of enactment of this Act; or

“(B) in the case of a vacancy on the Panel described in subsection (c)(2), the date that is 120 days after the date on which the vacancy occurs.

“(5) VACANCIES.—

“(A) IN GENERAL.—A vacancy on the Panel shall be filled in the manner in which the original appointment was made and shall be subject to any conditions that applied with respect to the original appointment.

“(B) FILLING UNEXPIRED TERM.—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

“(C) EXPIRATION OF TERMS.—The term of any member shall not expire before the date on which the successor of the member takes office.

“(6) REMOVAL.—A member of the Panel may be removed from office by the Secretary of the Interior.

“(7) FEDERAL ADVISORY COMMITTEE ACT.—The Panel shall not be subject to the requirements of the Federal Advisory Committee Act.

“(8) DUTIES.—The duties of the Advisory Board are—

“(A) to meet not less frequently than semi-annually to develop and make recommendations to the Secretary regarding priorities and spending levels on projects and programs carried out under this title;

“(B) to ensure that any advice given or recommendation made by the Advisory Board reflects the independent judgment of the Advisory Board;

“(C) not later than December 31, 2015, and annually thereafter, to submit to the Secretary and

Congress the recommendations under subparagraph (A); and

“(D) not later than December 31, 2015, and biennially thereafter, to submit to Congress details of the progress made in achieving the actions required under section 3406.

“(9) ADMINISTRATION.—With the consent of the appropriate agency head, the Advisory Board may use the facilities and services of any Federal agency.

“(10) COOPERATION AND ASSISTANCE.—

“(A) PROVISION OF INFORMATION.—Upon request of the Panel Chair for information or assistance to facilitate carrying out this section, the Secretary of the Interior shall promptly provide such information, unless otherwise prohibited by law.

“(B) SPACE AND ASSISTANCE.—The Secretary of the Interior shall provide the Panel with appropriate and adequate office space, together with such equipment, office supplies, and communications facilities and services as may be necessary for the operation of the Panel, and shall provide necessary maintenance services for such offices and the equipment and facilities located therein.”

SEC. 603. WATER SUPPLY ACCOUNTING.

(a) IN GENERAL.—All Central Valley Project water, except Central Valley Project water released pursuant to U.S. Department of the Interior Record of Decision, Trinity River Mainstem Fishery Restoration Final Environmental Impact Statement/Environmental Impact Report dated December 2000 used to implement an action undertaken for a fishery beneficial purpose that was not imposed by terms and conditions existing in licenses, permits, and other agreements pertaining to the Central Valley Project under applicable State or Federal law existing on October 30, 1992, shall be credited to the quantity of Central Valley Project yield dedicated and managed under this section; provided, that nothing herein shall affect the Secretary of the Interior's duty to comply with any otherwise lawful requirement imposed on operations of the Central Valley Project under any provision of Federal or State law.

(b) RECLAMATION POLICIES AND ALLOCATIONS.—Reclamation policies and allocations shall not be based upon any premise or assumption that Central Valley Project contract supplies are supplemental or secondary to any other contractor source of supply.

SEC. 604. IMPLEMENTATION OF WATER REPLACEMENT PLAN.

(a) IN GENERAL.—Not later than October 1, 2016, the Secretary of the Interior shall update and implement the plan required by section 3408(j) of title XXXIV of Public Law 102-575. The Secretary shall notify the Congress annually describing the progress of implementing the plan required by section 3408(j) of title XXXIV of Public Law 102-575.

(b) POTENTIAL AMENDMENT.—If the plan required in subsection (a) has not increased the Central Valley Project yield by 800,000 acre-feet within 5 years after the enactment of this Act, then section 3406 of the Central Valley Project Improvement Act (title XXXIV of Public Law 102-575) is amended as follows:

(1) In subsection (b)—

(A) by amending paragraph (2)(C) to read:

“(C) If by March 15, 2021, and any year thereafter the quantity of Central Valley Project water forecasted to be made available to all water service or repayment contractors of the Central Valley Project is below 50 percent of the total quantity of water to be made available under said contracts, the quantity of Central Valley Project yield dedicated and managed for that year under this paragraph shall be reduced by 25 percent.”

SEC. 605. NATURAL AND ARTIFICIALLY SPAWNED SPECIES.

After the date of the enactment of this title, and regardless of the date of listing, the Secretaries of the Interior and Commerce shall not

distinguish between natural-spawned and hatchery-spawned or otherwise artificially propagated strains of a species in making any determination under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) that relates to any anadromous or pelagic fish species that resides for all or a portion of its life in the Sacramento-San Joaquin Delta or rivers tributary thereto.

SEC. 606. TRANSFER THE NEW MELONES UNIT, CENTRAL VALLEY PROJECT TO INTERESTED PROVIDERS.

(a) DEFINITIONS.—For the purposes of this section, the following terms apply:

(1) INTERESTED LOCAL WATER AND POWER PROVIDERS.—The term “interested local water and power providers” includes the Calaveras County Water District, Calaveras Public Power Agency, Central San Joaquin Water Conservation District, Oakdale Irrigation District, Stockton East Water District, South San Joaquin Irrigation District, Tuolumne Utilities District, Tuolumne Public Power Agency, and Union Public Utilities District.

(2) NEW MELONES UNIT, CENTRAL VALLEY PROJECT.—The term “New Melones Unit, Central Valley Project” means all Federal reclamation projects located within or diverting water from or to the watershed of the Stanislaus and San Joaquin rivers and their tributaries as authorized by the Act of August 26, 1937 (50 Stat. 850), and all Acts amendatory or supplemental thereto, including the Act of October 23, 1962 (76 Stat. 1173).

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

(b) NEGOTIATIONS.—Notwithstanding any other provision of law, not later than 180 days after the date of the enactment of this Act, the Secretary shall enter into negotiations with interested local water and power providers for the transfer ownership, control, and operation of the New Melones Unit, Central Valley Project to interested local water and power providers within the State of California.

(c) TRANSFER.—The Secretary shall transfer the New Melones Unit, Central Valley Project in accordance with an agreement reached pursuant to negotiations conducted under subsection (b).

(d) NOTIFICATION.—Not later than 360 days after the date of the enactment of this Act, and every 6 months thereafter, the Secretary shall notify the appropriate committees of the House of Representatives and the Senate—

(1) if an agreement is reached pursuant to negotiations conducted under subsection (b), the terms of that agreement;

(2) of the status of formal discussions with interested local water and power providers for the transfer of ownership, control, and operation of the New Melones Unit, Central Valley Project to interested local water and power providers;

(3) of all unresolved issues that are preventing execution of an agreement for the transfer of ownership, control, and operation of the New Melones Unit, Central Valley Project to interested local water and power providers;

(4) on analysis and review of studies, reports, discussions, hearing transcripts, negotiations, and other information about past and present formal discussions that—

(A) have a serious impact on the progress of the formal discussions;

(B) explain or provide information about the issues that prevent progress or finalization of formal discussions; or

(C) are, in whole or in part, preventing execution of an agreement for the transfer; and

(5) of any actions the Secretary recommends that the United States should take to finalize an agreement for that transfer.

SEC. 607. BASIN STUDIES.

(a) AUTHORIZED STUDIES.—The Secretary of the Interior is authorized and directed to expand opportunities and expedite completion of assessments under section 9503(b) of the SECURE Water Act (42 U.S.C. 10363(b)), with non-

Federal partners, of individual sub-basins and watersheds within major Reclamation river basins; and shall ensure timely decision and expedited implementation of adaptation and mitigation strategies developed through the special study process.

(b) FUNDING.—

(1) IN GENERAL.—The non-Federal partners shall be responsible for 100 percent of the cost of the special studies.

(2) CONTRIBUTED FUNDS.—The Secretary may accept and use contributions of funds from the non-Federal partners to carry out activities under the special studies.

SEC. 608. OPERATIONS OF THE TRINITY RIVER DIVISION.

The Secretary of the Interior, in the operation of the Trinity River Division of the Central Valley Project, shall not make releases from Lewiston Dam in excess of the volume for each water-year type required by the U.S. Department of the Interior Record of Decision, Trinity River Mainstem Fishery Restoration Final Environmental Impact Statement/Environmental Impact Report dated December 2000.

(1) A maximum of 369,000 acre-feet in a “Critically Dry” year.

(2) A maximum of 453,000 acre-feet in a “Dry” year.

(3) A maximum of 647,000 acre-feet in a “Normal” year.

(4) A maximum of 701,000 acre-feet in a “Wet” year.

(5) A maximum of 815,000 acre-feet in an “Extremely Wet” year.

SEC. 609. AMENDMENT TO PURPOSES.

Section 3402 of the Central Valley Project Improvement Act (106 Stat. 4706) is amended—

(1) in subsection (f), by striking the period at the end; and

(2) by adding at the end the following:

“(g) to ensure that water dedicated to fish and wildlife purposes by this title is replaced and provided to Central Valley Project water contractors by December 31, 2018, at the lowest cost reasonably achievable; and

“(h) to facilitate and expedite water transfers in accordance with this Act.”.

SEC. 610. AMENDMENT TO DEFINITION.

Section 3403 of the Central Valley Project Improvement Act (106 Stat. 4707) is amended—

(1) by amending subsection (a) to read as follows:

“(a) the term ‘anadromous fish’ means those native stocks of salmon (including steelhead) and sturgeon that, as of October 30, 1992, were present in the Sacramento and San Joaquin Rivers and their tributaries and ascend those rivers and their tributaries to reproduce after maturing in San Francisco Bay or the Pacific Ocean;”;

(2) in subsection (l), by striking “and;”;

(3) in subsection (m), by striking the period and inserting “; and”; and

(4) by adding at the end the following:

“(n) the term ‘reasonable flow’ means water flows capable of being maintained taking into account competing consumptive uses of water and economic, environmental, and social factors.”.

TITLE VII—WATER SUPPLY PERMITTING ACT

SEC. 701. SHORT TITLE.

This title may be cited as the “Water Supply Permitting Coordination Act”.

SEC. 702. DEFINITIONS.

In this title:

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

(2) BUREAU.—The term “Bureau” means the Bureau of Reclamation.

(3) QUALIFYING PROJECTS.—The term “qualifying projects” means new surface water storage projects in the States covered under the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that

Act (43 U.S.C. 371 et seq.) constructed on lands administered by the Department of the Interior or the Department of Agriculture, exclusive of any easement, right-of-way, lease, or any private holding.

(4) COOPERATING AGENCIES.—The term “cooperating agency” means a Federal agency with jurisdiction over a review, analysis, opinion, statement, permit, license, or other approval or decision required for a qualifying project under applicable Federal laws and regulations, or a State agency subject to section 703(c).

SEC. 703. ESTABLISHMENT OF LEAD AGENCY AND COOPERATING AGENCIES.

(a) ESTABLISHMENT OF LEAD AGENCY.—The Bureau of Reclamation is established as the lead agency for purposes of coordinating all reviews, analyses, opinions, statements, permits, licenses, or other approvals or decisions required under Federal law to construct qualifying projects.

(b) IDENTIFICATION AND ESTABLISHMENT OF COOPERATING AGENCIES.—The Commissioner of the Bureau shall—

(1) identify, as early as practicable upon receipt of an application for a qualifying project, any Federal agency that may have jurisdiction over a review, analysis, opinion, statement, permit, license, approval, or decision required for a qualifying project under applicable Federal laws and regulations; and

(2) notify any such agency, within a reasonable timeframe, that the agency has been designated as a cooperating agency in regards to the qualifying project unless that agency responds to the Bureau in writing, within a timeframe set forth by the Bureau, notifying the Bureau that the agency—

(A) has no jurisdiction or authority with respect to the qualifying project;

(B) has no expertise or information relevant to the qualifying project or any review, analysis, opinion, statement, permit, license, or other approval or decision associated therewith; or

(C) does not intend to submit comments on the qualifying project or conduct any review of such a project or make any decision with respect to such project in a manner other than in cooperation with the Bureau.

(c) STATE AUTHORITY.—A State in which a qualifying project is being considered may choose, consistent with State law—

(1) to participate as a cooperating agency; and

(2) to make subject to the processes of this title all State agencies that—

(A) have jurisdiction over the qualifying project;

(B) are required to conduct or issue a review, analysis, or opinion for the qualifying project; or

(C) are required to make a determination on issuing a permit, license, or approval for the qualifying project.

SEC. 704. BUREAU RESPONSIBILITIES.

(a) IN GENERAL.—The principal responsibilities of the Bureau under this title are to—

(1) serve as the point of contact for applicants, State agencies, Indian tribes, and others regarding proposed qualifying projects;

(2) coordinate preparation of unified environmental documentation that will serve as the basis for all Federal decisions necessary to authorize the use of Federal lands for qualifying projects; and

(3) coordinate all Federal agency reviews necessary for project development and construction of qualifying projects.

(b) COORDINATION PROCESS.—The Bureau shall have the following coordination responsibilities:

(1) PRE-APPLICATION COORDINATION.—Notify cooperating agencies of proposed qualifying projects not later than 30 days after receipt of a proposal and facilitate a preapplication meeting for prospective applicants, relevant Federal and State agencies, and Indian tribes to—

(A) explain applicable processes, data requirements, and applicant submissions necessary to

complete the required Federal agency reviews within the timeframe established; and

(B) establish the schedule for the qualifying project.

(2) CONSULTATION WITH COOPERATING AGENCIES.—Consult with the cooperating agencies throughout the Federal agency review process, identify and obtain relevant data in a timely manner, and set necessary deadlines for cooperating agencies.

(3) SCHEDULE.—Work with the qualifying project applicant and cooperating agencies to establish a project schedule. In establishing the schedule, the Bureau shall consider, among other factors—

(A) the responsibilities of cooperating agencies under applicable laws and regulations;

(B) the resources available to the cooperating agencies and the non-Federal qualifying project sponsor, as applicable;

(C) the overall size and complexity of the qualifying project;

(D) the overall schedule for and cost of the qualifying project; and

(E) the sensitivity of the natural and historic resources that may be affected by the qualifying project.

(4) ENVIRONMENTAL COMPLIANCE.—Prepare a unified environmental review document for each qualifying project application, incorporating a single environmental record on which all cooperating agencies with authority to issue approvals for a given qualifying project shall base project approval decisions. Help ensure that cooperating agencies make necessary decisions, within their respective authorities, regarding Federal approvals in accordance with the following timelines:

(A) Not later than one year after acceptance of a completed project application when an environmental assessment and finding of no significant impact is determined to be the appropriate level of review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) Not later than one year and 30 days after the close of the public comment period for a draft environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), when an environmental impact statement is required under the same.

(5) CONSOLIDATED ADMINISTRATIVE RECORD.—Maintain a consolidated administrative record of the information assembled and used by the cooperating agencies as the basis for agency decisions.

(6) PROJECT DATA RECORDS.—To the extent practicable and consistent with Federal law, ensure that all project data is submitted and maintained in generally accessible electronic format, compile, and where authorized under existing law, make available such project data to cooperating agencies, the qualifying project applicant, and to the public.

(7) PROJECT MANAGER.—Appoint a project manager for each qualifying project. The project manager shall have authority to oversee the project and to facilitate the issuance of the relevant final authorizing documents, and shall be responsible for ensuring fulfillment of all Bureau responsibilities set forth in this section and all cooperating agency responsibilities under section 705.

SEC. 705. COOPERATING AGENCY RESPONSIBILITIES.

(a) ADHERENCE TO BUREAU SCHEDULE.—Upon notification of an application for a qualifying project, all cooperating agencies shall submit to the Bureau a timeframe under which the cooperating agency reasonably considers it will be able to complete its authorizing responsibilities. The Bureau shall use the timeframe submitted under this subsection to establish the project schedule under section 704, and the cooperating agencies shall adhere to the project schedule established by the Bureau.

(b) ENVIRONMENTAL RECORD.—Cooperating agencies shall submit to the Bureau all environmental review material produced or compiled in

the course of carrying out activities required under Federal law consistent with the project schedule established by the Bureau.

(c) **DATA SUBMISSION.**—To the extent practicable and consistent with Federal law, the cooperating agencies shall submit all relevant project data to the Bureau in a generally accessible electronic format subject to the project schedule set forth by the Bureau.

SEC. 706. FUNDING TO PROCESS PERMITS.

(a) **IN GENERAL.**—The Secretary, after public notice in accordance with the Administrative Procedures Act (5 U.S.C. 553), may accept and expend funds contributed by a non-Federal public entity to expedite the evaluation of a permit of that entity related to a qualifying project.

(b) **EFFECT ON PERMITTING.**—

(1) **IN GENERAL.**—In carrying out this section, the Secretary shall ensure that the use of funds accepted under subsection (a) will not impact impartial decisionmaking with respect to permits, either substantively or procedurally.

(2) **EVALUATION OF PERMITS.**—In carrying out this section, the Secretary shall ensure that the evaluation of permits carried out using funds accepted under this section shall—

(A) be reviewed by the Regional Director of the Bureau, or the Regional Director's designee, of the region in which the qualifying project or activity is located; and

(B) use the same procedures for decisions that would otherwise be required for the evaluation of permits for similar projects or activities not carried out using funds authorized under this section.

(3) **IMPARTIAL DECISIONMAKING.**—In carrying out this section, the Secretary and the cooperating agencies receiving funds under this section for qualifying projects shall ensure that the use of the funds accepted under this section for such projects shall not—

(A) impact impartial decisionmaking with respect to the issuance of permits, either substantively or procedurally; or

(B) diminish, modify, or otherwise affect the statutory or regulatory authorities of such agencies.

(c) **LIMITATION ON USE OF FUNDS.**—None of the funds accepted under this section shall be used to carry out a review of the evaluation of permits required under subsection (b)(2)(A).

(d) **PUBLIC AVAILABILITY.**—The Secretary shall ensure that all final permit decisions carried out using funds authorized under this section are made available to the public, including on the Internet.

TITLE VIII—BUREAU OF RECLAMATION PROJECT STREAMLINING

SEC. 801. SHORT TITLE.

This title may be cited as the “Bureau of Reclamation Project Streamlining Act”.

SEC. 802. DEFINITIONS.

In this title:

(1) **ENVIRONMENTAL IMPACT STATEMENT.**—The term “environmental impact statement” means the detailed statement of environmental impacts of a project required to be prepared pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) **ENVIRONMENTAL REVIEW PROCESS.**—

(A) **IN GENERAL.**—The term “environmental review process” means the process of preparing an environmental impact statement, environmental assessment, categorical exclusion, or other document under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for a project study.

(B) **INCLUSIONS.**—The term “environmental review process” includes the process for and completion of any environmental permit, approval, review, or study required for a project study under any Federal law other than the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(3) **FEDERAL JURISDICTIONAL AGENCY.**—The term “Federal jurisdictional agency” means a Federal agency with jurisdiction delegated by

law, regulation, order, or otherwise over a review, analysis, opinion, statement, permit, license, or other approval or decision required for a project study under applicable Federal laws (including regulations).

(4) **FEDERAL LEAD AGENCY.**—The term “Federal lead agency” means the Bureau of Reclamation.

(5) **PROJECT.**—The term “project” means a surface water project, a project under the purview of title XVI of Public Law 102–575, or a rural water supply project investigated under Public Law 109–451 to be carried out, funded or operated in whole or in part by the Secretary pursuant to the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

(6) **PROJECT SPONSOR.**—The term “project sponsor” means a State, regional, or local authority or instrumentality or other qualifying entity, such as a water conservation district, irrigation district, water conservancy district, joint powers authority, mutual water company, canal company, rural water district or association, or any other entity that has the capacity to contract with the United States under Federal reclamation law.

(7) **PROJECT STUDY.**—The term “project study” means a feasibility study for a project carried out pursuant to the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

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

(9) **SURFACE WATER STORAGE.**—The term “surface water storage” means any surface water reservoir or impoundment that would be owned, funded or operated in whole or in part by the Bureau of Reclamation or that would be integrated into a larger system owned, operated or administered in whole or in part by the Bureau of Reclamation.

SEC. 803. ACCELERATION OF STUDIES.

(a) **IN GENERAL.**—To the extent practicable, a project study initiated by the Secretary, after the date of enactment of this Act, under the Reclamation Act of 1902 (32 Stat. 388), and all Acts amendatory thereof or supplementary thereto, shall—

(1) result in the completion of a final feasibility report not later than 3 years after the date of initiation;

(2) have a maximum Federal cost of \$3,000,000; and

(3) ensure that personnel from the local project area, region, and headquarters levels of the Bureau of Reclamation concurrently conduct the review required under this section.

(b) **EXTENSION.**—If the Secretary determines that a project study described in subsection (a) will not be conducted in accordance with subsection (a), the Secretary, not later than 30 days after the date of making the determination, shall—

(1) prepare an updated project study schedule and cost estimate;

(2) notify the non-Federal project cost-sharing partner that the project study has been delayed; and

(3) provide written notice to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate as to the reasons the requirements of subsection (a) are not attainable.

(c) **EXCEPTION.**—

(1) **IN GENERAL.**—Notwithstanding the requirements of subsection (a), the Secretary may extend the timeline of a project study by a period not to exceed 3 years, if the Secretary determines that the project study is too complex to comply with the requirements of subsection (a).

(2) **FACTORS.**—In making a determination that a study is too complex to comply with the requirements of subsection (a), the Secretary shall consider—

(A) the type, size, location, scope, and overall cost of the project;

(B) whether the project will use any innovative design or construction techniques;

(C) whether the project will require significant action by other Federal, State, or local agencies;

(D) whether there is significant public dispute as to the nature or effects of the project; and

(E) whether there is significant public dispute as to the economic or environmental costs or benefits of the project.

(3) **NOTIFICATION.**—Each time the Secretary makes a determination under this subsection, the Secretary shall provide written notice to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate as to the results of that determination, including an identification of the specific one or more factors used in making the determination that the project is complex.

(4) **LIMITATION.**—The Secretary shall not extend the timeline for a project study for a period of more than 7 years, and any project study that is not completed before that date shall no longer be authorized.

(d) **REVIEWS.**—Not later than 90 days after the date of the initiation of a project study described in subsection (a), the Secretary shall—

(1) take all steps necessary to initiate the process for completing federally mandated reviews that the Secretary is required to complete as part of the study, including the environmental review process under section 805;

(2) convene a meeting of all Federal, tribal, and State agencies identified under section 805(d) that may—

(A) have jurisdiction over the project;

(B) be required by law to conduct or issue a review, analysis, opinion, or statement for the project study; or

(C) be required to make a determination on issuing a permit, license, or other approval or decision for the project study; and

(3) take all steps necessary to provide information that will enable required reviews and analyses related to the project to be conducted by other agencies in a thorough and timely manner.

(e) **INTERIM REPORT.**—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate and make publicly available a report that describes—

(1) the status of the implementation of the planning process under this section, including the number of participating projects;

(2) a review of project delivery schedules, including a description of any delays on those studies initiated prior to the date of the enactment of this Act; and

(3) any recommendations for additional authority necessary to support efforts to expedite the project.

(f) **FINAL REPORT.**—Not later than 4 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate and make publicly available a report that describes—

(1) the status of the implementation of this section, including a description of each project study subject to the requirements of this section;

(2) the amount of time taken to complete each project study; and

(3) any recommendations for additional authority necessary to support efforts to expedite the project study process, including an analysis of whether the limitation established by subsection (a)(2) needs to be adjusted to address the impacts of inflation.

SEC. 804. EXPEDITED COMPLETION OF REPORTS.

The Secretary shall—

(1) expedite the completion of any ongoing project study initiated before the date of enactment of this Act; and

(2) if the Secretary determines that the project is justified in a completed report, proceed directly to preconstruction planning, engineering, and design of the project in accordance with the Reclamation Act of 1902 (32 Stat. 388), and all Acts amendatory thereof or supplementary thereto.

SEC. 805. PROJECT ACCELERATION.

(a) APPLICABILITY.—

(1) IN GENERAL.—This section shall apply to—

(A) each project study that is initiated after the date of enactment of this Act and for which an environmental impact statement is prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(B) the extent determined appropriate by the Secretary, to other project studies initiated before the date of enactment of this Act and for which an environmental review process document is prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(C) any project study for the development of a non-federally owned and operated surface water storage project for which the Secretary determines there is a demonstrable Federal interest and the project—

(i) is located in a river basin where other Bureau of Reclamation water projects are located;

(ii) will create additional water supplies that support Bureau of Reclamation water projects; or

(iii) will become integrated into the operation of Bureau of Reclamation water projects.

(2) FLEXIBILITY.—Any authority granted under this section may be exercised, and any requirement established under this section may be satisfied, for the conduct of an environmental review process for a project study, a class of project studies, or a program of project studies.

(3) LIST OF PROJECT STUDIES.—

(A) IN GENERAL.—The Secretary shall annually prepare, and make publicly available, a list of all project studies that the Secretary has determined—

(i) meets the standards described in paragraph (1); and

(ii) does not have adequate funding to make substantial progress toward the completion of the project study.

(B) INCLUSIONS.—The Secretary shall include for each project study on the list under subparagraph (A) a description of the estimated amounts necessary to make substantial progress on the project study.

(b) PROJECT REVIEW PROCESS.—

(1) IN GENERAL.—The Secretary shall develop and implement a coordinated environmental review process for the development of project studies.

(2) COORDINATED REVIEW.—The coordinated environmental review process described in paragraph (1) shall require that any review, analysis, opinion, statement, permit, license, or other approval or decision issued or made by a Federal, State, or local governmental agency or an Indian tribe for a project study described in subsection (b) be conducted, to the maximum extent practicable, concurrently with any other applicable governmental agency or Indian tribe.

(3) TIMING.—The coordinated environmental review process under this subsection shall be completed not later than the date on which the Secretary, in consultation and concurrence with the agencies identified under section 805(d), establishes with respect to the project study.

(c) LEAD AGENCIES.—

(1) JOINT LEAD AGENCIES.—

(A) IN GENERAL.—Subject to the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the requirements of section 1506.8 of title 40, Code of Federal Regulations (or successor regulations), including the concurrence of the proposed joint lead agency, a project sponsor may serve as the joint lead agency.

(B) PROJECT SPONSOR AS JOINT LEAD AGENCY.—A project sponsor that is a State or local governmental entity may—

(i) with the concurrence of the Secretary, serve as a joint lead agency with the Federal lead agency for purposes of preparing any environmental document under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(ii) prepare any environmental review process document under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) required in support of any action or approval by the Secretary if—

(I) the Secretary provides guidance in the preparation process and independently evaluates that document;

(II) the project sponsor complies with all requirements applicable to the Secretary under—

(aa) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(bb) any regulation implementing that Act; and

(cc) any other applicable Federal law; and

(III) the Secretary approves and adopts the document before the Secretary takes any subsequent action or makes any approval based on that document, regardless of whether the action or approval of the Secretary results in Federal funding.

(2) DUTIES.—The Secretary shall ensure that—

(A) the project sponsor complies with all design and mitigation commitments made jointly by the Secretary and the project sponsor in any environmental document prepared by the project sponsor in accordance with this subsection; and

(B) any environmental document prepared by the project sponsor is appropriately supplemented to address any changes to the project the Secretary determines are necessary.

(3) ADOPTION AND USE OF DOCUMENTS.—Any environmental document prepared in accordance with this subsection shall be adopted and used by any Federal agency making any determination related to the project study to the same extent that the Federal agency could adopt or use a document prepared by another Federal agency under—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) parts 1500 through 1508 of title 40, Code of Federal Regulations (or successor regulations).

(4) ROLES AND RESPONSIBILITY OF LEAD AGENCY.—With respect to the environmental review process for any project study, the Federal lead agency shall have authority and responsibility—

(A) to take such actions as are necessary and proper and within the authority of the Federal lead agency to facilitate the expeditious resolution of the environmental review process for the project study; and

(B) to prepare or ensure that any required environmental impact statement or other environmental review document for a project study required to be completed under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) is completed in accordance with this section and applicable Federal law.

(d) PARTICIPATING AND COOPERATING AGENCIES.—

(1) IDENTIFICATION OF JURISDICTIONAL AGENCIES.—With respect to carrying out the environmental review process for a project study, the Secretary shall identify, as early as practicable in the environmental review process, all Federal, State, and local government agencies and Indian tribes that may—

(A) have jurisdiction over the project;

(B) be required by law to conduct or issue a review, analysis, opinion, or statement for the project study; or

(C) be required to make a determination on issuing a permit, license, or other approval or decision for the project study.

(2) STATE AUTHORITY.—If the environmental review process is being implemented by the Secretary for a project study within the boundaries of a State, the State, consistent with State law, may choose to participate in the process and to

make subject to the process all State agencies that—

(A) have jurisdiction over the project;

(B) are required to conduct or issue a review, analysis, opinion, or statement for the project study; or

(C) are required to make a determination on issuing a permit, license, or other approval or decision for the project study.

(3) INVITATION.—

(A) IN GENERAL.—The Federal lead agency shall invite, as early as practicable in the environmental review process, any agency identified under paragraph (1) to become a participating or cooperating agency, as applicable, in the environmental review process for the project study.

(B) DEADLINE.—An invitation to participate issued under subparagraph (A) shall set a deadline by which a response to the invitation shall be submitted, which may be extended by the Federal lead agency for good cause.

(4) PROCEDURES.—Section 1501.6 of title 40, Code of Federal Regulations (as in effect on the date of enactment of the Bureau of Reclamation Project Streamlining Act) shall govern the identification and the participation of a cooperating agency.

(5) FEDERAL COOPERATING AGENCIES.—Any Federal agency that is invited by the Federal lead agency to participate in the environmental review process for a project study shall be designated as a cooperating agency by the Federal lead agency unless the invited agency informs the Federal lead agency, in writing, by the deadline specified in the invitation that the invited agency—

(A)(i) has no jurisdiction or authority with respect to the project;

(ii) has no expertise or information relevant to the project; or

(iii) does not have adequate funds to participate in the project; and

(B) does not intend to submit comments on the project.

(6) ADMINISTRATION.—A participating or cooperating agency shall comply with this section and any schedule established under this section.

(7) EFFECT OF DESIGNATION.—Designation as a participating or cooperating agency under this subsection shall not imply that the participating or cooperating agency—

(A) supports a proposed project; or

(B) has any jurisdiction over, or special expertise with respect to evaluation of, the project.

(8) CONCURRENT REVIEWS.—Each participating or cooperating agency shall—

(A) carry out the obligations of that agency under other applicable law concurrently and in conjunction with the required environmental review process, unless doing so would prevent the participating or cooperating agency from conducting needed analysis or otherwise carrying out those obligations; and

(B) formulate and implement administrative, policy, and procedural mechanisms to enable the agency to ensure completion of the environmental review process in a timely, coordinated, and environmentally responsible manner.

(e) NON-FEDERAL PROJECTS INTEGRATED INTO RECLAMATION SYSTEMS.—The Federal lead agency shall serve in that capacity for the entirety of all non-Federal projects that will be integrated into a larger system owned, operated or administered in whole or in part by the Bureau of Reclamation.

(f) NON-FEDERAL PROJECT.—If the Secretary determines that a project can be expedited by a non-Federal sponsor and that there is a demonstrable Federal interest in expediting that project, the Secretary shall take such actions as are necessary to advance such a project as a non-Federal project, including, but not limited to, entering into agreements with the non-Federal sponsor of such project to support the planning, design and permitting of such project as a non-Federal project.

(g) PROGRAMMATIC COMPLIANCE.—

(1) *IN GENERAL.*—The Secretary shall issue guidance regarding the use of programmatic approaches to carry out the environmental review process that—

(A) eliminates repetitive discussions of the same issues;

(B) focuses on the actual issues ripe for analyses at each level of review;

(C) establishes a formal process for coordinating with participating and cooperating agencies, including the creation of a list of all data that are needed to carry out an environmental review process; and

(D) complies with—

(i) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(ii) all other applicable laws.

(2) *REQUIREMENTS.*—In carrying out paragraph (1), the Secretary shall—

(A) as the first step in drafting guidance under that paragraph, consult with relevant Federal, State, and local governmental agencies, Indian tribes, and the public on the appropriate use and scope of the programmatic approaches;

(B) emphasize the importance of collaboration among relevant Federal, State, and local governmental agencies, and Indian tribes in undertaking programmatic reviews, especially with respect to including reviews with a broad geographical scope;

(C) ensure that the programmatic reviews—

(i) promote transparency, including of the analyses and data used in the environmental review process, the treatment of any deferred issues raised by Federal, State, and local governmental agencies, Indian tribes, or the public, and the temporal and special scales to be used to analyze those issues;

(ii) use accurate and timely information in the environmental review process, including—

(I) criteria for determining the general duration of the usefulness of the review; and

(II) the timeline for updating any out-of-date review;

(iii) describe—

(I) the relationship between programmatic analysis and future tiered analysis; and

(II) the role of the public in the creation of future tiered analysis; and

(iv) are available to other relevant Federal, State, and local governmental agencies, Indian tribes, and the public;

(D) allow not fewer than 60 days of public notice and comment on any proposed guidance; and

(E) address any comments received under subparagraph (D).

(h) *COORDINATED REVIEWS.*—

(1) *COORDINATION PLAN.*—

(A) *ESTABLISHMENT.*—The Federal lead agency shall, after consultation with and with the concurrence of each participating and cooperating agency and the project sponsor or joint lead agency, as applicable, establish a plan for coordinating public and agency participation in, and comment on, the environmental review process for a project study or a category of project studies.

(B) *SCHEDULE.*—

(i) *IN GENERAL.*—As soon as practicable but not later than 45 days after the close of the public comment period on a draft environmental impact statement, the Federal lead agency, after consultation with and the concurrence of each participating and cooperating agency and the project sponsor or joint lead agency, as applicable, shall establish, as part of the coordination plan established in subparagraph (A), a schedule for completion of the environmental review process for the project study.

(ii) *FACTORS FOR CONSIDERATION.*—In establishing a schedule, the Secretary shall consider factors such as—

(I) the responsibilities of participating and cooperating agencies under applicable laws;

(II) the resources available to the project sponsor, joint lead agency, and other relevant Federal and State agencies, as applicable;

(III) the overall size and complexity of the project;

(IV) the overall schedule for and cost of the project; and

(V) the sensitivity of the natural and historical resources that could be affected by the project.

(iii) *MODIFICATIONS.*—The Secretary may—

(I) lengthen a schedule established under clause (i) for good cause; and

(II) shorten a schedule only with concurrence of the affected participating and cooperating agencies and the project sponsor or joint lead agency, as applicable.

(iv) *DISSEMINATION.*—A copy of a schedule established under clause (i) shall be—

(I) provided to each participating and cooperating agency and the project sponsor or joint lead agency, as applicable; and

(II) made available to the public.

(2) *COMMENT DEADLINES.*—The Federal lead agency shall establish the following deadlines for comment during the environmental review process for a project study:

(A) *DRAFT ENVIRONMENTAL IMPACT STATEMENTS.*—For comments by Federal and State agencies and the public on a draft environmental impact statement, a period of not more than 60 days after publication in the Federal Register of notice of the date of public availability of the draft environmental impact statement, unless—

(i) a different deadline is established by agreement of the Federal lead agency, the project sponsor or joint lead agency, as applicable, and all participating and cooperating agencies; or

(ii) the deadline is extended by the Federal lead agency for good cause.

(B) *OTHER ENVIRONMENTAL REVIEW PROCESSES.*—For all other comment periods established by the Federal lead agency for agency or public comments in the environmental review process, a period of not more than 30 days after the date on which the materials on which comment is requested are made available, unless—

(i) a different deadline is established by agreement of the Federal lead agency, the project sponsor, or joint lead agency, as applicable, and all participating and cooperating agencies; or

(ii) the deadline is extended by the Federal lead agency for good cause.

(3) *DEADLINES FOR DECISIONS UNDER OTHER LAWS.*—In any case in which a decision under any Federal law relating to a project study, including the issuance or denial of a permit or license, is required to be made by the date described in subsection (i)(5)(B), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate—

(A) as soon as practicable after the 180-day period described in subsection (i)(5)(B), an initial notice of the failure of the Federal agency to make the decision; and

(B) every 60 days thereafter until such date as all decisions of the Federal agency relating to the project study have been made by the Federal agency, an additional notice that describes the number of decisions of the Federal agency that remain outstanding as of the date of the additional notice.

(4) *INVOLVEMENT OF THE PUBLIC.*—Nothing in this subsection reduces any time period provided for public comment in the environmental review process under applicable Federal law (including regulations).

(5) *TRANSPARENCY REPORTING.*—

(A) *REPORTING REQUIREMENTS.*—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish and maintain an electronic database and, in coordination with other Federal and State agencies, issue reporting requirements to make publicly available the status and progress with respect to compliance with applicable requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other Federal,

State, or local approval or action required for a project study for which this section is applicable.

(B) *PROJECT STUDY TRANSPARENCY.*—Consistent with the requirements established under subparagraph (A), the Secretary shall make publicly available the status and progress of any Federal, State, or local decision, action, or approval required under applicable laws for each project study for which this section is applicable.

(i) *ISSUE IDENTIFICATION AND RESOLUTION.*—

(1) *COOPERATION.*—The Federal lead agency, the cooperating agencies, and any participating agencies shall work cooperatively in accordance with this section to identify and resolve issues that could delay completion of the environmental review process or result in the denial of any approval required for the project study under applicable laws.

(2) *FEDERAL LEAD AGENCY RESPONSIBILITIES.*—

(A) *IN GENERAL.*—The Federal lead agency shall make information available to the cooperating agencies and participating agencies as early as practicable in the environmental review process regarding the environmental and socioeconomic resources located within the project area and the general locations of the alternatives under consideration.

(B) *DATA SOURCES.*—The information under subparagraph (A) may be based on existing data sources, including geographic information systems mapping.

(3) *COOPERATING AND PARTICIPATING AGENCY RESPONSIBILITIES.*—Based on information received from the Federal lead agency, cooperating and participating agencies shall identify, as early as practicable, any issues of concern regarding the potential environmental or socioeconomic impacts of the project, including any issues that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project study.

(4) *ACCELERATED ISSUE RESOLUTION AND ELEVATION.*—

(A) *IN GENERAL.*—On the request of a participating or cooperating agency or project sponsor, the Secretary shall convene an issue resolution meeting with the relevant participating and cooperating agencies and the project sponsor or joint lead agency, as applicable, to resolve issues that may—

(i) delay completion of the environmental review process; or

(ii) result in denial of any approval required for the project study under applicable laws.

(B) *MEETING DATE.*—A meeting requested under this paragraph shall be held not later than 21 days after the date on which the Secretary receives the request for the meeting, unless the Secretary determines that there is good cause to extend that deadline.

(C) *NOTIFICATION.*—On receipt of a request for a meeting under this paragraph, the Secretary shall notify all relevant participating and cooperating agencies of the request, including the issue to be resolved and the date for the meeting.

(D) *ELEVATION OF ISSUE RESOLUTION.*—If a resolution cannot be achieved within the 30-day period beginning on the date of a meeting under this paragraph and a determination is made by the Secretary that all information necessary to resolve the issue has been obtained, the Secretary shall forward the dispute to the heads of the relevant agencies for resolution.

(E) *CONVENTION BY SECRETARY.*—The Secretary may convene an issue resolution meeting under this paragraph at any time, at the discretion of the Secretary, regardless of whether a meeting is requested under subparagraph (A).

(5) *FINANCIAL PENALTY PROVISIONS.*—

(A) *IN GENERAL.*—A Federal jurisdictional agency shall complete any required approval or decision for the environmental review process on an expeditious basis using the shortest existing applicable process.

(B) *FAILURE TO DECIDE.*—

(i) *IN GENERAL.*—

(I) *TRANSFER OF FUNDS.*—If a Federal jurisdictional agency fails to render a decision required under any Federal law relating to a project study that requires the preparation of an environmental impact statement or environmental assessment, including the issuance or denial of a permit, license, statement, opinion, or other approval by the date described in clause (ii), the amount of funds made available to support the office of the head of the Federal jurisdictional agency shall be reduced by an amount of funding equal to the amount specified in item (aa) or (bb) of subclause (II), and those funds shall be made available to the division of the Federal jurisdictional agency charged with rendering the decision by not later than 1 day after the applicable date under clause (ii), and once each week thereafter until a final decision is rendered, subject to subparagraph (C).

(II) *AMOUNT TO BE TRANSFERRED.*—The amount referred to in subclause (I) is—

(aa) \$20,000 for any project study requiring the preparation of an environmental assessment or environmental impact statement; or

(bb) \$10,000 for any project study requiring any type of review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) other than an environmental assessment or environmental impact statement.

(ii) *DESCRIPTION OF DATE.*—The date referred to in clause (i) is the later of—

(I) the date that is 180 days after the date on which an application for the permit, license, or approval is complete; and

(II) the date that is 180 days after the date on which the Federal lead agency issues a decision on the project under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(C) *LIMITATIONS.*—

(i) *IN GENERAL.*—No transfer of funds under subparagraph (B) relating to an individual project study shall exceed, in any fiscal year, an amount equal to 1 percent of the funds made available for the applicable agency office.

(ii) *FAILURE TO DECIDE.*—The total amount transferred in a fiscal year as a result of a failure by an agency to make a decision by an applicable deadline shall not exceed an amount equal to 5 percent of the funds made available for the applicable agency office for that fiscal year.

(iii) *AGGREGATE.*—Notwithstanding any other provision of law, for each fiscal year, the aggregate amount of financial penalties assessed against each applicable agency office under this Act and any other Federal law as a result of a failure of the agency to make a decision by an applicable deadline for environmental review, including the total amount transferred under this paragraph, shall not exceed an amount equal to 9.5 percent of the funds made available for the agency office for that fiscal year.

(D) *NOTIFICATION OF TRANSFERS.*—Not later than 10 days after the last date in a fiscal year on which funds of the Federal jurisdictional agency may be transferred under subparagraph (B)(5) with respect to an individual decision, the agency shall submit to the appropriate committees of the House of Representatives and the Senate written notification that includes a description of—

(i) the decision;

(ii) the project study involved;

(iii) the amount of each transfer under subparagraph (B) in that fiscal year relating to the decision;

(iv) the total amount of all transfers under subparagraph (B) in that fiscal year relating to the decision; and

(v) the total amount of all transfers of the agency under subparagraph (B) in that fiscal year.

(E) *NO FAULT OF AGENCY.*—

(i) *IN GENERAL.*—A transfer of funds under this paragraph shall not be made if the applicable agency described in subparagraph (A) noti-

fies, with a supporting explanation, the Federal lead agency, cooperating agencies, and project sponsor, as applicable, that—

(I) the agency has not received necessary information or approvals from another entity in a manner that affects the ability of the agency to meet any requirements under Federal, State, or local law;

(II) significant new information, including from public comments, or circumstances, including a major modification to an aspect of the project, requires additional analysis for the agency to make a decision on the project application; or

(III) the agency lacks the financial resources to complete the review under the scheduled timeframe, including a description of the number of full-time employees required to complete the review, the amount of funding required to complete the review, and a justification as to why not enough funding is available to complete the review by the deadline.

(ii) *LACK OF FINANCIAL RESOURCES.*—If the agency provides notice under clause (i)(III), the Inspector General of the agency shall—

(I) conduct a financial audit to review the notice; and

(II) not later than 90 days after the date on which the review described in subclause (I) is completed, submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate the results of the audit conducted under subclause (I).

(F) *LIMITATION.*—The Federal agency from which funds are transferred pursuant to this paragraph shall not reprogram funds to the office of the head of the agency, or equivalent office, to reimburse that office for the loss of the funds.

(G) *EFFECT OF PARAGRAPH.*—Nothing in this paragraph affects or limits the application of, or obligation to comply with, any Federal, State, local, or tribal law.

(j) *MEMORANDUM OF AGREEMENTS FOR EARLY COORDINATION.*—

(1) *SENSE OF CONGRESS.*—It is the sense of Congress that—

(A) the Secretary and other Federal agencies with relevant jurisdiction in the environmental review process should cooperate with each other, State and local agencies, and Indian tribes on environmental review and Bureau of Reclamation project delivery activities at the earliest practicable time to avoid delays and duplication of effort later in the process, prevent potential conflicts, and ensure that planning and project development decisions reflect environmental values; and

(B) the cooperation referred to in subparagraph (A) should include the development of policies and the designation of staff that advise planning agencies and project sponsors of studies or other information foreseeably required for later Federal action and early consultation with appropriate State and local agencies and Indian tribes.

(2) *TECHNICAL ASSISTANCE.*—If requested at any time by a State or project sponsor, the Secretary and other Federal agencies with relevant jurisdiction in the environmental review process, shall, to the maximum extent practicable and appropriate, as determined by the agencies, provide technical assistance to the State or project sponsor in carrying out early coordination activities.

(3) *MEMORANDUM OF AGENCY AGREEMENT.*—If requested at any time by a State or project sponsor, the Federal lead agency, in consultation with other Federal agencies with relevant jurisdiction in the environmental review process, may establish memoranda of agreement with the project sponsor, Indian tribes, State and local governments, and other appropriate entities to carry out the early coordination activities, including providing technical assistance in identifying potential impacts and mitigation issues in an integrated fashion.

(k) *LIMITATIONS.*—Nothing in this section preempts or interferes with—

(1) any obligation to comply with the provisions of any Federal law, including—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) any other Federal environmental law;

(2) the reviewability of any final Federal agency action in a court of the United States or in the court of any State;

(3) any requirement for seeking, considering, or responding to public comment; or

(4) any power, jurisdiction, responsibility, duty, or authority that a Federal, State, or local governmental agency, Indian tribe, or project sponsor has with respect to carrying out a project or any other provision of law applicable to projects.

(l) *TIMING OF CLAIMS.*—

(1) *TIMING.*—

(A) *IN GENERAL.*—Notwithstanding any other provision of law, a claim arising under Federal law seeking judicial review of a permit, license, or other approval issued by a Federal agency for a project study shall be barred unless the claim is filed not later than 3 years after publication of a notice in the Federal Register announcing that the permit, license, or other approval is final pursuant to the law under which the agency action is taken, unless a shorter time is specified in the Federal law that allows judicial review.

(B) *APPLICABILITY.*—Nothing in this subsection creates a right to judicial review or places any limit on filing a claim that a person has violated the terms of a permit, license, or other approval.

(2) *NEW INFORMATION.*—

(A) *IN GENERAL.*—The Secretary shall consider new information received after the close of a comment period if the information satisfies the requirements for a supplemental environmental impact statement under title 40, Code of Federal Regulations (including successor regulations).

(B) *SEPARATE ACTION.*—The preparation of a supplemental environmental impact statement or other environmental document, if required under this section, shall be considered a separate final agency action and the deadline for filing a claim for judicial review of the action shall be 3 years after the date of publication of a notice in the Federal Register announcing the action relating to such supplemental environmental impact statement or other environmental document.

(m) *CATEGORICAL EXCLUSIONS.*—

(1) *IN GENERAL.*—Not later than 180 days after the date of enactment of this Act, the Secretary shall—

(A) survey the use by the Bureau of Reclamation of categorical exclusions in projects since 2005;

(B) publish a review of the survey that includes a description of—

(i) the types of actions that were categorically excluded or could be the basis for developing a new categorical exclusion; and

(ii) any requests previously received by the Secretary for new categorical exclusions; and

(C) solicit requests from other Federal agencies and project sponsors for new categorical exclusions.

(2) *NEW CATEGORICAL EXCLUSIONS.*—Not later than 1 year after the date of enactment of this Act, if the Secretary has identified a category of activities that merit establishing a categorical exclusion that did not exist on the day before the date of enactment this Act based on the review under paragraph (1), the Secretary shall publish a notice of proposed rulemaking to propose that new categorical exclusion, to the extent that the categorical exclusion meets the criteria for a categorical exclusion under section 1508.4 of title 40, Code of Federal Regulations (or successor regulation).

(n) *REVIEW OF PROJECT ACCELERATION REFORMS.*—

(1) *IN GENERAL.*—The Comptroller General of the United States shall—

(A) assess the reforms carried out under this section; and

(B) not later than 5 years and not later than 10 years after the date of enactment of this Act, submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes the results of the assessment.

(2) CONTENTS.—The reports under paragraph (1) shall include an evaluation of impacts of the reforms carried out under this section on—

(A) project delivery;

(B) compliance with environmental laws; and

(C) the environmental impact of projects.

(o) PERFORMANCE MEASUREMENT.—The Secretary shall establish a program to measure and report on progress made toward improving and expediting the planning and environmental review process.

(p) CATEGORICAL EXCLUSIONS IN EMERGENCIES.—For the repair, reconstruction, or rehabilitation of a Bureau of Reclamation surface water storage project that is in operation or under construction when damaged by an event or incident that results in a declaration by the President of a major disaster or emergency pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Secretary shall treat such repair, reconstruction, or rehabilitation activity as a class of action categorically excluded from the requirements relating to environmental assessments or environmental impact statements under section 1508.4 of title 40, Code of Federal Regulations (or successor regulations), if the repair or reconstruction activity is—

(1) in the same location with the same capacity, dimensions, and design as the original Bureau of Reclamation surface water storage project as before the declaration described in this section; and

(2) commenced within a 2-year period beginning on the date of a declaration described in this subsection.

SEC. 806. ANNUAL REPORT TO CONGRESS.

(a) IN GENERAL.—Not later than February 1 of each year, the Secretary shall develop and submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate an annual report, to be entitled “Report to Congress on Future Water Project Development”, that identifies the following:

(1) PROJECT REPORTS.—Each project report that meets the criteria established in subsection (c)(1)(A).

(2) PROPOSED PROJECT STUDIES.—Any proposed project study submitted to the Secretary by a non-Federal interest pursuant to subsection (b) that meets the criteria established in subsection (c)(1)(A).

(3) PROPOSED MODIFICATIONS.—Any proposed modification to an authorized water project or project study that meets the criteria established in subsection (c)(1)(A) that—

(A) is submitted to the Secretary by a non-Federal interest pursuant to subsection (b); or

(B) is identified by the Secretary for authorization.

(4) EXPEDITED COMPLETION OF REPORT AND DETERMINATIONS.—Any project study that was expedited and any Secretarial determinations under section 804.

(b) REQUESTS FOR PROPOSALS.—

(1) PUBLICATION.—Not later than May 1 of each year, the Secretary shall publish in the Federal Register a notice requesting proposals from non-Federal interests for proposed project studies and proposed modifications to authorized projects and project studies to be included in the annual report.

(2) DEADLINE FOR REQUESTS.—The Secretary shall include in each notice required by this subsection a requirement that non-Federal interests submit to the Secretary any proposals described in paragraph (1) by not later than 120

days after the date of publication of the notice in the Federal Register in order for the proposals to be considered for inclusion in the annual report.

(3) NOTIFICATION.—On the date of publication of each notice required by this subsection, the Secretary shall—

(A) make the notice publicly available, including on the Internet; and

(B) provide written notification of the publication to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(c) CONTENTS.—

(1) PROJECT REPORTS, PROPOSED PROJECT STUDIES, AND PROPOSED MODIFICATIONS.—

(A) CRITERIA FOR INCLUSION IN REPORT.—The Secretary shall include in the annual report only those project reports, proposed project studies, and proposed modifications to authorized projects and project studies that—

(i) are related to the missions and authorities of the Bureau of Reclamation;

(ii) require specific congressional authorization, including by an Act of Congress;

(iii) have not been congressionally authorized;

(iv) have not been included in any previous annual report; and

(v) if authorized, could be carried out by the Bureau of Reclamation.

(B) DESCRIPTION OF BENEFITS.—

(i) DESCRIPTION.—The Secretary shall describe in the annual report, to the extent applicable and practicable, for each proposed project study and proposed modification to an authorized water resources development project or project study included in the annual report, the benefits, as described in clause (ii), of each such study or proposed modification.

(ii) BENEFITS.—The benefits (or expected benefits, in the case of a proposed project study) described in this clause are benefits to—

(I) the protection of human life and property;

(II) improvement to domestic irrigated water and power supplies;

(III) the national economy;

(IV) the environment; or

(V) the national security interests of the United States.

(C) IDENTIFICATION OF OTHER FACTORS.—The Secretary shall identify in the annual report, to the extent practicable—

(i) for each proposed project study included in the annual report, the non-Federal interest that submitted the proposed project study pursuant to subsection (b); and

(ii) for each proposed project study and proposed modification to a project or project study included in the annual report, whether the non-Federal interest has demonstrated—

(1) that local support exists for the proposed project study or proposed modification to an authorized project or project study (including the surface water storage development project that is the subject of the proposed feasibility study or the proposed modification to an authorized project study); and

(II) the financial ability to provide the required non-Federal cost share.

(2) TRANSPARENCY.—The Secretary shall include in the annual report, for each project report, proposed project study, and proposed modification to a project or project study included under paragraph (1)(A)—

(A) the name of the associated non-Federal interest, including the name of any non-Federal interest that has contributed, or is expected to contribute, a non-Federal share of the cost of—

(i) the project report;

(ii) the proposed project study;

(iii) the authorized project study for which the modification is proposed; or

(iv) construction of—

(I) the project that is the subject of—

(aa) the water report;

(bb) the proposed project study; or

(c) the authorized project study for which a modification is proposed; or

(II) the proposed modification to a project;

(B) a letter or statement of support for the water report, proposed project study, or proposed modification to a project or project study from each associated non-Federal interest;

(C) the purpose of the feasibility report, proposed feasibility study, or proposed modification to a project or project study;

(D) an estimate, to the extent practicable, of the Federal, non-Federal, and total costs of—

(i) the proposed modification to an authorized project study; and

(ii) construction of—

(I) the project that is the subject of—

(aa) the project report; or

(bb) the authorized project study for which a modification is proposed, with respect to the change in costs resulting from such modification; or

(II) the proposed modification to an authorized project; and

(E) an estimate, to the extent practicable, of the monetary and nonmonetary benefits of—

(i) the project that is the subject of—

(I) the project report; or

(II) the authorized project study for which a modification is proposed, with respect to the benefits of such modification; or

(ii) the proposed modification to an authorized project.

(3) CERTIFICATION.—The Secretary shall include in the annual report a certification stating that each feasibility report, proposed feasibility study, and proposed modification to a project or project study included in the annual report meets the criteria established in paragraph (1)(A).

(4) APPENDIX.—The Secretary shall include in the annual report an appendix listing the proposals submitted under subsection (b) that were not included in the annual report under paragraph (1)(A) and a description of why the Secretary determined that those proposals did not meet the criteria for inclusion under such paragraph.

(d) SPECIAL RULE FOR INITIAL ANNUAL REPORT.—Notwithstanding any other deadlines required by this section, the Secretary shall—

(1) not later than 60 days after the date of enactment of this Act, publish in the Federal Register a notice required by subsection (b)(1); and

(2) include in such notice a requirement that non-Federal interests submit to the Secretary any proposals described in subsection (b)(1) by not later than 120 days after the date of publication of such notice in the Federal Register in order for such proposals to be considered for inclusion in the first annual report developed by the Secretary under this section.

(e) PUBLICATION.—Upon submission of an annual report to Congress, the Secretary shall make the annual report publicly available, including through publication on the Internet.

(f) DEFINITION.—In this section, the term “project report” means a final feasibility report developed under the Reclamation Act of 1902 (32 Stat. 388), and all Acts amendatory thereof or supplementary thereto.

TITLE IX—ACCELERATED REVENUE, REPAYMENT, AND SURFACE WATER STORAGE ENHANCEMENT

SEC. 901. SHORT TITLE.

This title may be cited as the “Accelerated Revenue, Repayment, and Surface Water Storage Enhancement Act”.

SEC. 902. PREPAYMENT OF CERTAIN REPAYMENT CONTRACTS BETWEEN THE UNITED STATES AND CONTRACTORS OF FEDERALLY DEVELOPED WATER SUPPLIES.

(a) CONVERSION AND PREPAYMENT OF CONTRACTS.—

(1) CONVERSION.—Upon request of the contractor, the Secretary of the Interior shall convert any water service contract in effect on the date of enactment of this Act and between the United States and a water users’ association to

allow for prepayment of the repayment contract pursuant to paragraph (2) under mutually agreeable terms and conditions. The manner of conversion under this paragraph shall be as follows:

(A) Water service contracts that were entered into under section 9(e) of the Act of August 4, 1939 (53 Stat. 1196), to be converted under this section shall be converted to repayment contracts under section 9(d) of that Act (53 Stat. 1195).

(B) Water service contracts that were entered under subsection (c)(2) of section 9 of the Act of August 4, 1939 (53 Stat. 1194), to be converted under this section shall be converted to a contract under subsection (c)(1) of section 9 of that Act (53 Stat. 1195).

(2) PREPAYMENT.—All repayment contracts under section 9(d) of that Act (53 Stat. 1195) in effect on the date of enactment of this Act at the request of the contractor, and all contracts converted pursuant to paragraph (1)(A) shall—

(A) provide for the repayment, either in lump sum or by accelerated prepayment, of the remaining construction costs identified in water project specific irrigation rate repayment schedules, as adjusted to reflect payment not reflected in such schedule, and properly assignable for ultimate return by the contractor, or if made in approximately equal installments, no later than 3 years after the effective date of the repayment contract, such amount to be discounted by ½ the Treasury rate. An estimate of the remaining construction costs, as adjusted, shall be provided by the Secretary to the contractor no later than 90 days following receipt of request of the contractor;

(B) require that construction costs or other capitalized costs incurred after the effective date of the contract or not reflected in the rate schedule referenced in subparagraph (A), and properly assignable to such contractor shall be repaid in not more than 5 years after notification of the allocation if such amount is a result of a collective annual allocation of capital costs to the contractors exercising contract conversation under this subsection of less than \$5,000,000. If such amount is \$5,000,000 or greater, such cost shall be repaid as provided by applicable reclamation law;

(C) provide that power revenues will not be available to aid in repayment of construction costs allocated to irrigation under the contract; and

(D) continue so long as the contractor pays applicable charges, consistent with section 9(d) of the Act of August 4, 1939 (53 Stat. 1195), and applicable law.

(3) CONTRACT REQUIREMENTS.—The following shall apply with regard to all repayment contracts under subsection (c)(1) of section 9 of that Act (53 Stat. 1195) in effect on the date of enactment of this Act at the request of the contractor, and all contracts converted pursuant to paragraph (1)(B):

(A) Provide for the repayment in lump sum of the remaining construction costs identified in water project specific municipal and industrial rate repayment schedules, as adjusted to reflect payments not reflected in such schedule, and properly assignable for ultimate return by the contractor. An estimate of the remaining construction costs, as adjusted, shall be provided by the Secretary to the contractor no later than 90 days after receipt of request of contractor.

(B) The contract shall require that construction costs or other capitalized costs incurred after the effective date of the contract or not reflected in the rate schedule referenced in subparagraph (A), and properly assignable to such contractor, shall be repaid in not more than 5 years after notification of the allocation if such amount is a result of a collective annual allocation of capital costs to the contractors exercising contract conversation under this subsection of less than \$5,000,000. If such amount is \$5,000,000 or greater, such cost shall be repaid as provided by applicable reclamation law.

(C) Continue so long as the contractor pays applicable charges, consistent with section 9(c)(1) of the Act of August 4, 1939 (53 Stat. 1195), and applicable law.

(4) CONDITIONS.—All contracts entered into pursuant to paragraphs (1), (2), and (3) shall—

(A) not be adjusted on the basis of the type of prepayment financing used by the water users' association;

(B) conform to any other agreements, such as applicable settlement agreements and new constructed appurtenant facilities; and

(C) not modify other water service, repayment, exchange and transfer contractual rights between the water users' association, and the Bureau of Reclamation, or any rights, obligations, or relationships of the water users' association and their landowners as provided under State law.

(b) ACCOUNTING.—The amounts paid pursuant to subsection (a) shall be subject to adjustment following a final cost allocation by the Secretary of the Interior. In the event that the final cost allocation indicates that the costs properly assignable to the contractor are greater than what has been paid by the contractor, the contractor shall be obligated to pay the remaining allocated costs. The term of such additional repayment contract shall be not less than one year and not more than 10 years, however, mutually agreeable provisions regarding the rate of repayment of such amount may be developed by the parties. In the event that the final cost allocation indicates that the costs properly assignable to the contractor are less than what the contractor has paid, the Secretary shall credit such overpayment as an offset against any outstanding or future obligation of the contractor.

(c) APPLICABILITY OF CERTAIN PROVISIONS.—

(1) EFFECT OF EXISTING LAW.—Upon a contractor's compliance with and discharge of the obligation of repayment of the construction costs pursuant to a contract entered into pursuant to subsection (a)(2)(A), subsections (a) and (b) of section 213 of the Reclamation Reform Act of 1982 (96 Stat. 1269) shall apply to affected lands.

(2) EFFECT OF OTHER OBLIGATIONS.—The obligation of a contractor to repay construction costs or other capitalized costs described in subsection (a)(2)(B), (a)(3)(B), or (b) shall not affect a contractor's status as having repaid all of the construction costs assignable to the contractor or the applicability of subsections (a) and (b) of section 213 of the Reclamation Reform Act of 1982 (96 Stat. 1269) once the amount required to be paid by the contractor under the repayment contract entered into pursuant to subsection (a)(2)(A) has been paid.

(d) EFFECT ON EXISTING LAW NOT ALTERED.—Implementation of the provisions of this title shall not alter—

(1) the repayment obligation of any water service or repayment contractor receiving water from the same water project, or shift any costs that would otherwise have been properly assignable to the water users' association identified in subsections (a)(1), (a)(2), and (a)(3) absent this section, including operation and maintenance costs, construction costs, or other capitalized costs incurred after the date of the enactment of this Act, or to other contractors; and

(2) specific requirements for the disposition of amounts received as repayments by the Secretary under the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

(e) SURFACE WATER STORAGE ENHANCEMENT PROGRAM.—

(1) IN GENERAL.—Except as provided in subsection (d)(2), three years following the date of enactment of this Act, 50 percent of receipts generated from prepayment of contracts under this section beyond amounts necessary to cover the amount of receipts forgone from scheduled payments under current law for the 10-year period following the date of enactment of this Act shall be directed to the Reclamation Surface Water Storage Account under paragraph (2).

(2) SURFACE STORAGE ACCOUNT.—The Secretary shall allocate amounts collected under paragraph (1) into the "Reclamation Surface Storage Account" to fund the construction of surface water storage. The Secretary may also enter into cooperative agreements with water users' associations for the construction of surface water storage and amounts within the Surface Storage Account may be used to fund such construction. Surface water storage projects that are otherwise not federally authorized shall not be considered Federal facilities as a result of any amounts allocated from the Surface Storage Account for part or all of such facilities.

(3) REPAYMENT.—Amounts used for surface water storage construction from the Account shall be fully reimbursed to the Account consistent with the requirements under Federal reclamation law (the law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093))), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.) except that all funds reimbursed shall be deposited in the Account established under paragraph (2).

(4) AVAILABILITY OF AMOUNTS.—Amounts deposited in the Account under this subsection shall—

(A) be made available in accordance with this section, subject to appropriation; and

(B) be in addition to amounts appropriated for such purposes under any other provision of law.

(5) PURPOSES OF SURFACE WATER STORAGE.—Construction of surface water storage under this section shall be made for the following purposes:

(A) Increased municipal and industrial water supply.

(B) Agricultural floodwater, erosion, and sedimentation reduction.

(C) Agricultural drainage improvements.

(D) Agricultural irrigation.

(E) Increased recreation opportunities.

(F) Reduced adverse impacts to fish and wildlife from water storage or diversion projects within watersheds associated with water storage projects funded under this section.

(G) Any other purposes consistent with reclamation laws or other Federal law.

(f) DEFINITIONS.—For the purposes of this title, the following definitions apply:

(1) ACCOUNT.—The term "Account" means the Reclamation Surface Water Storage Account established under subsection (e)(2).

(2) CONSTRUCTION.—The term "construction" means the designing, materials engineering and testing, surveying, and building of surface water storage including additions to existing surface water storage and construction of new surface water storage facilities, exclusive of any Federal statutory or regulatory obligations relating to any permit, review, approval, or other such requirement.

(3) SURFACE WATER STORAGE.—The term "surface water storage" means any federally owned facility under the jurisdiction of the Bureau of Reclamation or any non-Federal facility used for the surface storage and supply of water resources.

(4) TREASURY RATE.—The term "Treasury rate" means the 20-year Constant Maturity Treasury (CMT) rate published by the United States Department of the Treasury existing on the effective date of the contract.

(5) WATER USERS' ASSOCIATION.—The term "water users' association" means—

(A) an entity organized and recognized under State laws that is eligible to enter into contracts with reclamation to receive contract water for delivery to and users of the water and to pay applicable charges; and

(B) includes a variety of entities with different names and differing functions, such as associations, conservatory district, irrigation district, municipality, and water project contract unit.

TITLE X—SAFETY OF DAMS

SEC. 1001. AUTHORIZATION OF ADDITIONAL PROJECT BENEFITS.

The Reclamation Safety of Dams Act of 1978 is amended—

(1) in section 3, by striking “Construction” and inserting “Except as provided in section 5B, construction”; and

(2) by inserting after section 5A (43 U.S.C. 509) the following:

“SEC. 5B. AUTHORIZATION OF ADDITIONAL PROJECT BENEFITS.

“Notwithstanding section 3, if the Secretary determines that additional project benefits, including but not limited to additional conservation storage capacity, are feasible and not inconsistent with the purposes of this Act, the Secretary is authorized to develop additional project benefits through the construction of new or supplementary works on a project in conjunction with the Secretary’s activities under section 2 of this Act and subject to the conditions described in the feasibility study, provided—

“(1) the Secretary determines that developing additional project benefits through the construction of new or supplementary works on a project will promote more efficient management of water and water-related facilities;

“(2) the feasibility study pertaining to additional project benefits has been authorized pursuant to section 8 of the Federal Water Project Recreation Act of 1965 (16 U.S.C. 4601–18); and

“(3) the costs associated with developing the additional project benefits are agreed to in writing between the Secretary and project proponents and shall be allocated to the authorized purposes of the structure and repaid consistent with all provisions of Federal Reclamation law (the Act of June 17, 1902, 43 U.S.C. 371 et seq.) and Acts supplemental to and amendatory of that Act.”.

TITLE XI—WATER RIGHTS PROTECTION

SEC. 1101. SHORT TITLE.

This title may be cited as the “Water Rights Protection Act”.

SEC. 1102. DEFINITION OF WATER RIGHT.

In this title, the term “water right” means any surface or groundwater right filed, permitted, certified, confirmed, decreed, adjudicated, or otherwise recognized by a judicial proceeding or by the State in which the user acquires possession of the water or puts the water to beneficial use, including water rights for federally recognized Indian tribes.

SEC. 1103. TREATMENT OF WATER RIGHTS.

The Secretary of the Interior and the Secretary of Agriculture shall not—

(1) condition or withhold, in whole or in part, the issuance, renewal, amendment, or extension of any permit, approval, license, lease, allotment, easement, right-of-way, or other land use or occupancy agreement on—

(A) limitation or encumbrance of any water right, or the transfer of any water right (including joint and sole ownership), directly or indirectly to the United States or any other designee; or

(B) any other impairment of any water right, in whole or in part, granted or otherwise recognized under State law, by Federal or State adjudication, decree, or other judgment, or pursuant to any interstate water compact;

(2) require any water user (including any federally recognized Indian tribe) to apply for or acquire a water right in the name of the United States under State law as a condition of the issuance, renewal, amendment, or extension of any permit, approval, license, lease, allotment, easement, right-of-way, or other land use or occupancy agreement;

(3) assert jurisdiction over groundwater withdrawals or impacts on groundwater resources, unless jurisdiction is asserted, and any regulatory or policy actions taken pursuant to such assertion are, consistent with, and impose no greater restrictions or regulatory requirements than, applicable State laws (including regulations) and policies governing the protection and use of groundwater resources; or

(4) infringe on the rights and obligations of a State in evaluating, allocating, and adjudicating the waters of the State originating on or under, or flowing from, land owned or managed by the Federal Government.

SEC. 1104. RECOGNITION OF STATE AUTHORITY.

(a) IN GENERAL.—In carrying out section 1103, the Secretary of the Interior and the Secretary of Agriculture shall—

(1) recognize the longstanding authority of the States relating to evaluating, protecting, allocating, regulating, and adjudicating groundwater by any means, including a rulemaking, permitting, directive, water court adjudication, resource management planning, regional authority, or other policy; and

(2) coordinate with the States in the adoption and implementation by the Secretary of the Interior or the Secretary of Agriculture of any rulemaking, policy, directive, management plan, or other similar Federal action so as to ensure that such actions are consistent with, and impose no greater restrictions or regulatory requirements than, State groundwater laws and programs.

(b) EFFECT ON STATE WATER RIGHTS.—In carrying out this title, the Secretary of the Interior and the Secretary of Agriculture shall not take any action that adversely affects—

(1) any water rights granted by a State;

(2) the authority of a State in adjudicating water rights;

(3) definitions established by a State with respect to the term “beneficial use”, “priority of water rights”, or “terms of use”;

(4) terms and conditions of groundwater withdrawal, guidance and reporting procedures, and conservation and source protection measures established by a State;

(5) the use of groundwater in accordance with State law; or

(6) any other rights and obligations of a State established under State law.

SEC. 1105. EFFECT OF TITLE.

(a) EFFECT ON EXISTING AUTHORITY.—Nothing in this title limits or expands any existing legally recognized authority of the Secretary of the Interior or the Secretary of Agriculture to issue, grant, or condition any permit, approval, license, lease, allotment, easement, right-of-way, or other land use or occupancy agreement on Federal land subject to the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture, respectively.

(b) EFFECT ON RECLAMATION CONTRACTS.—Nothing in this title interferes with Bureau of Reclamation contracts entered into pursuant to the reclamation laws.

(c) EFFECT ON ENDANGERED SPECIES ACT.—Nothing in this title affects the implementation of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(d) EFFECT ON FEDERAL RESERVED WATER RIGHTS.—Nothing in this title limits or expands any existing or claimed reserved water rights of the Federal Government on land administered by the Secretary of the Interior or the Secretary of Agriculture.

(e) EFFECT ON FEDERAL POWER ACT.—Nothing in this title limits or expands authorities under sections 4(e), 10(j), or 18 of the Federal Power Act (16 U.S.C. 797(e), 803(j), 811).

(f) EFFECT ON INDIAN WATER RIGHTS.—Nothing in this title limits or expands any water right or treaty right of any federally recognized Indian tribe.

The Acting CHAIR. No amendment to the amendment in the nature of a substitute shall be in order except those printed in House Report 114–204. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall

not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. MCCLINTOCK

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 114–204.

Mr. MCCLINTOCK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

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

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

The Acting CHAIR. Pursuant to House Resolution 362, the gentleman from California (Mr. MCCLINTOCK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. MCCLINTOCK. Mr. Chairman, this amendment makes one technical change to the bill by capitalizing an acronym in the table of contents and makes one clarifying change to title IX by ensuring that those who have already negotiated prepayments of their debt to the U.S. Treasury are not impacted by provisions in that title.

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

Mr. HUFFMAN. Mr. Chairman, I claim time in opposition, although I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. HUFFMAN. I reserve the balance of my time.

Mr. MCCLINTOCK. Mr. Chairman, who has the right to close?

The Acting CHAIR. The gentleman from California (Mr. MCCLINTOCK) has the right to close.

Mr. MCCLINTOCK. Mr. Chairman, I am prepared to close. I reserve the balance of my time.

Mr. HUFFMAN. Mr. Chairman, again, I do not oppose this technical amendment to the bill, but I do want to point out that fixing typos and re-alphabetizing indexes and other technical changes do not fix the much deeper problems with this bill and do not change the reality that it is not going to become law because it has deep substantive problems that need to be addressed.

That is why it is so widely opposed, as it has been in prior years, when essentially the same bill has been run through on party lines.

I yield 1 minute to the gentleman from Fresno, California (Mr. COSTA).

Mr. COSTA. I thank the gentleman for yielding me the time.

Mr. Chairman, while this amendment does make technical changes that were agreed upon in committee, it speaks to, I think, a much larger question, which is the debate we have been having here, and that is: Is this, in fact, a work in progress? I submit that it is.

Obviously, this legislation would not be signed into law under its current form, and I think many of those who are supporting the legislation understand that; but we understand that, in fact, there is a crisis, a drought affecting every region of California.

For those of us who feel very strongly about trying to maintain a strong agricultural economy, we know we have to work together. The fact is California produces half—half—of the Nation's fruits and vegetables, and these are 300 commodities that are so important to not only America's food supply but to a good healthy diet and to ensure that, in fact, we can compete around the world as it relates to ensuring that America remains independent in producing its own food.

There is a lot at stake here. We need to work together as this process goes along. We will have serious areas of disagreement, but that doesn't mean we can't continue to work together.

Mr. McCLINTOCK. Mr. Chairman, I am prepared to close when the gentleman is finished.

Mr. HUFFMAN. Mr. Chairman, again, we don't oppose this technical amendment, but we wish that there were substantive amendments that might address some of the deep flaws that have prevented this bill from having any chance of becoming law in prior years and will again this year.

I will just close by quoting from the Los Angeles Times. It states:

A competing Democratic bill, H.R. 2983 by Representative Jared Huffman, has some areas of overlap. Like the Valadao bill, it reasonably calls on the Federal Government to accelerate feasibility studies for a number of proposed dams that have been stuck for years in the planning phase. Republicans, of course, have faith that the dams will pencil out and will be funded. Many Democrats are convinced that the yield numbers—the amount of additional water that would be stored and the associated dollar cost—would be so paltry as to finally put an end to the discussion.

In other areas, though, the Huffman bill is starkly different and, frankly, much smarter, focusing on updating Federal water policies and practices that today are firmly rooted in outdated, mid-20th century knowledge and technology.

There is a lot we could be working on together substantively. We certainly have no problem with the technical changes here, but it is high time that we have hearings and serious deliberations and discussions about substance. If we do that, we might just find that there are some common solutions that could become law.

I yield back the balance of my time.

Mr. McCLINTOCK. Mr. Chairman, I would simply remind my colleague that, in the 112th Congress, this bill went through one of the most exhaustive public processes of any bill heard by Congress.

Its genesis was in two public hearings in the Central Valley in 2010 and 2011. It was vetted through not one, but two public hearings in Washington in which minority Democrats called twice as many witnesses as majority Republicans.

On the House floor, every Democratic amendment was made in order and considered. In fact, over the past 5 years, we have held 18 hearings on various versions of this bill. We consulted 60 water agencies throughout northern and central California, including many in Democratic districts.

The bill was taken up again in the 113th Congress and redebated. This time, extensive negotiations took place between House and Senate Members. The fact is there are few issues in this Congress that have been more thoroughly debated than those encompassed in this bill.

I yield back the balance of my time. The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. McCLINTOCK).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. MCNERNEY

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 114-204.

Mr. MCNERNEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 39, line 10, after "water weed," insert "water hyacinth."

The Acting CHAIR. Pursuant to House Resolution 362, the gentleman from California (Mr. MCNERNEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. MCNERNEY. Mr. Chairman, my amendment is simple and straightforward but addresses a critical issue affecting the economy, the environment, and the health of the delta as well as other regions throughout the State.

This amendment adds water hyacinth to the list of invasive species to be considered for a pilot project established by the bill. The water hyacinth is an extremely invasive weed that has taken over the delta.

Take a look at the picture. This channel is completely blocked over by the weed. It can double in size every 10 days. It has seeds that remain buried in sediment and remain viable for 20 years. It is difficult to remove mechanically and to manage through pesticides.

The result is what you see here in this picture. It clogs waterways, preventing the movement of water through the delta. It negatively affects farmers, recreational opportunities, and disrupts the national ecosystem. These effects have only been worsened by the drought.

I represent the Port of Stockton. This is the third largest inland port in

the Nation. The hyacinth affects traffic in and out of the port, preventing navigation of the channels at night because of ships that can't navigate between the weeds, the levees, and smaller vessels.

This causes unreasonable delays and costs importers approximately \$200,000 in additional expenses per year. Last year alone, the port had to remove more than 2 million tons of the plants. Even Stockton's Christmas lighted boat parade had to be canceled for the first time in its 35-year history.

Eradicating this invasive species will take a holistic approach, involving stakeholders at all levels. I have heard from the marina owners, farmers, environmental organizations, and local communities on how the water hyacinth continues to impact their lives on a daily basis.

I was fortunate enough to help secure \$1 million in Federal funding to help an existing effort between Federal, State, and local partners focused on managing the water hyacinth infestation, but these efforts are just the beginning. This amendment ensures that we continue building off the current work.

I would like to thank my colleagues, Mr. GARAMENDI, Mr. DESAULNIER, and Mr. COSTA, for joining me on this amendment. I urge its adoption.

I yield 1 minute to the gentleman from California (Mr. GARAMENDI), my colleague.

Mr. GARAMENDI. Mr. Chairman, I thank my colleague from the delta.

This is but one small example of what we ought to be doing, and that is working together to solve very, very complex problems. Unfortunately, the underlying legislation really is not the result of the kind of interaction that is necessary.

Mr. MCNERNEY and I represent the delta. That delta is as large as the Westlands Water District, and it also happens to be the largest estuary on the West Coast of the Western Hemisphere from Alaska to Chile. It is absolutely an essential element in the environment of the entire West Coast of the United States; yet the underlying legislation ignores the fact that those of us who represent this area have been no part of the legislation.

If we work together, we can solve problems such as water hyacinth and the next amendment, which I will be taking up. I want to commend Mr. MCNERNEY for putting forth this amendment and hopefully beginning the interaction necessary to develop a proper water bill for all California.

□ 1045

Mr. MCNERNEY. I yield 1 minute to the gentleman from California (Mr. COSTA).

Mr. COSTA. Mr. Chairman, I want to thank the gentleman from California (Mr. MCNERNEY) for offering this amendment.

Water hyacinth is a significant problem that has impacted the operations of both the Central Valley water

project as well as the State Water Project.

This year, as a result of water hyacinth infestation, pumping at the Jones Pumping Plant was reduced significantly for periods of time that resulted in the loss of water. Local water contractors responded in a collaborative manner to help remove that infestation that we see there, over 89,000 cubic yards of hyacinth at a cost of almost \$2 million to remove it to try to get the operations to continue.

Luckily, the capacity at the State pump, Banks pump, provided an opportunity to make up the difference. However, we may not be so lucky in the future.

So I want to support this amendment. It impacts not just cities, boaters, and recreationalists, but farmers and the entire region. This is a good amendment, and I urge my colleagues to support it.

Mr. MCNERNEY. I yield back the balance of my time.

Mr. DENHAM. Mr. Chairman, I ask unanimous consent to claim time in opposition to this amendment, although I am not opposed to it.

The Acting CHAIR. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. DENHAM. Mr. Chairman, I, too, represent San Joaquin County, along with Representative MCNERNEY, and believe that this is a solution to a big problem that we share within the delta.

This native species is something that needs to be managed and is a welcome amendment to this bill. This amendment rightly focuses on the invasive plant that can have devastating impacts on fish and other organisms in the delta.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. MCNERNEY).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. GARAMENDI

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 114-204.

Mr. GARAMENDI. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 48, after line 19, insert the following:

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

The Acting CHAIR. Pursuant to House Resolution 362, the gentleman from California (Mr. GARAMENDI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. GARAMENDI. Mr. Chairman, this amendment, like the previous

amendment, is simple but very important.

We heard the discussion from Mr. MCNERNEY and supporters of his amendment about the water hyacinth and the endangered species that have plagued not just the California delta, but other parts of the West.

It is important. This amendment is also a small but important amendment. It deals with a way of providing a fish screen on the Delta Cross Channel, a very important element in the California water system. Why this hasn't been done before, I don't know.

I live within a mile of the Delta Cross Channel, and I have often wondered why the agencies have not pursued a fish screen. They have to close the channel gates when the fish are in the river, thereby providing less water through the delta. So this would simply move it along.

These two amendments are an example of what we ought to be doing.

Mr. MCNERNEY and I represent the delta, which is 700,000 acres, equal in size to the area that is the principal proponent of the underlying legislation, that is the Westlands Water District. Both are important and critical agriculture areas, both of which need water.

The underlying legislation ignores the environmental needs and the agricultural needs of the delta, and in a very complex way provides a mechanism to take water out of the delta without regard to either the environmental or the agricultural or the community needs in the area.

It is not going to pass. It should never become law. It is an example of how not to solve California water problems. The way you solve California water problems are with amendments such as Mr. MCNERNEY's or this amendment that I am putting forth and serious discussions between those of us who represent the delta.

I would also like to point out to my colleagues who are proponents of this bill that I represent 200 miles of the Sacramento River, from the very end of it—that is at San Francisco Bay—to an area 199.6 miles upriver, including virtually all of the rice industry of California, of which there are some 600,000 acres, and nearly half of that acreage is fallow this year.

So the drought isn't just about the impact on the San Joaquin Valley system, of which we have heard much debate this morning. It is also about the Sacramento Valley north of the delta, where the drought has had a major impact.

California needs to work together in the immediate situation, which it is actually doing. The Federal and State governments' water policy through the Department of the Interior and the Bureau of Reclamation, the Fish and Wildlife Agency—both the State and Federal Government have done yeoman's work, extraordinary work, stretching the water supplies of California. This bill would override that ef-

fort and make it impossible for them to continue.

God help us if the drought goes another year—it could—in which case this bill, if it would become law, all that has been done in California over this last 3 years to stretch the water supplies would be pushed aside.

We shouldn't do it that way. We should be working together. Mr. HUFFMAN has a good piece of legislation that has already achieved statewide support from water contractors, from those who understand the intricacies of this system. We can do it if we sat down together. And that has not happened.

For those of us who represent the delta and north of the delta, we find this to be objectionable and we find it to be rather foolish. There is a middle ground. But don't, as this bill does, push aside the environmental laws, which are the only protections for the largest estuary system on the West Coast of the Western Hemisphere. Don't do that.

Why would you destroy the salmon fisheries? Why would you destroy 700,000 acres and the water supplies for the Bay area? You shouldn't do that. You don't need to do that.

There are rational and reasonable ways to solve the California water problem. Some of it is in this bill. The storage systems are good, well done, but don't do that in a way that pushes aside the environmental protections that provide the balance not just for the environment, but for the communities that are affected. Don't do that. We can work together. Just give us a chance to do so, which you have not thus far done.

I yield back the balance of my time.

Mr. DENHAM. Mr. Chairman, I claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. DENHAM. Mr. Chairman, the gentleman from California talks about a bill that he is not willing to support, but yet he wants to amend a bill that he says is going nowhere.

The truth is the bill is going somewhere. This bill is going to move off this floor and move into the Senate. It is time for the Senate to show some action. It is time for the two bodies to actually do what they are supposed to do and work together to find a solution for California.

To do nothing is criminal. To do nothing will put farms out of business, will create much higher unemployment than seen anywhere else in the country, and will devastate a food supply that feeds the rest of the Nation and much of the world.

Now this amendment in particular has some problems. In conversations with the Bureau of Reclamation, they have not asked for this project and they have no money identified for the project. I am unaware of the State of California's position as well.

Fish screens are hugely expensive projects. They are subject to destruction under high flow events due to debris and restrict recreation.

I am concerned that this project is not even feasible. What this project aims to do is make sure that water is not transferred south of the delta. What many of my friends forget is, as I represent San Joaquin County, Mountain House, a community—not just farmland—that gets a zero allocation, is south of the delta. It actually exports water. So does Tracy, Manteca, Ripon, Escalon, areas in San Joaquin that I represent that are south of the delta.

This is not an us against them fight. This is a fight for the survival of California. And it is not just about an emergency transfer of water. It is about the future of California. Do we want to have enough water for all of our residents? Do we want our number one industry, agriculture, to be a vibrant industry?

We have the opportunity to have greater storage. And we ought to have some commonsense solutions in the process. You talk about wanting to save fish? Why not get rid of the predator fish, or at least go out and harvest some of them so they are not eating 98 percent of the fish that you say you are trying to help?

There are commonsense solutions in here that will allow us to have greater flexibility, greater storage, and a better plan for the future of California. We should not be wasting water and just allowing freshwater to get pushed arbitrarily out to the ocean.

This is sound environmental policy that will help us in the future and gives us a negotiating point with the Senate, Republicans and Democrats actually working together, for a solution that helps us in California.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. GARAMENDI).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. GARAMENDI. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. LAMALFA

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 114-204.

Mr. LAMALFA. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

(2) complete the feasibility study described in clause (i)(II) of section 103(d)(1)(A) of Pub-

lic Law 108-361 and submit such study to the appropriate committees of the House of Representatives and the Senate not later than November 30, 2016;

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

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

The Acting CHAIR. Pursuant to House Resolution 362, the gentleman from California (Mr. GARAMENDI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. LAMALFA. Mr. Chairman, I am pleased to offer this amendment with my neighbor to the north, Mr. WALDEN, which will protect due process for water contractors of the Bureau of Reclamation-operated Klamath Project in California and Oregon.

The amendment confers applicant status on these contractors, ensuring that they are included in Endangered Species Act consultations that could affect operations of the water projects they rely upon. Applicant status also ensures that information and alternative actions provided by the contractors must be considered when the Bureau considers ESA-related operational changes.

While the Bureau has, in its own words, treated the contractors in a manner similar to applicants since the 1990s, and local Indian tribes have invited contractors to provide information, the Bureau has not granted them the protections and inputs the full applicant status would provide, which is why we need the bill.

H.R. 2898 already provides applicant status for the federally operated Central Valley Project in California.

Mr. DENHAM. Will the gentleman yield?

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

Mr. DENHAM. I believe the gentleman has two amendments today.

Mr. LAMALFA. Yes. This first amendment is on the Klamath Project. Are the amendments out of order? They are out of numerical order.

Mr. Chairman, I offer this amendment on the Sites Reservoir. This helps complete a surface water storage project feasibility study by aligning the bill's language with the MOU recently signed by the Bureau of Reclamation and project stakeholders.

□ 1100

Sites Reservoir has been studied for decades, but stakeholders recently agreed to help fund the study's completion. Last year, California's voters authorized billions in funding for projects like Sites, but the State cannot determine which projects to invest in until the feasibility studies are complete.

This is a key project to help the State prepare for future droughts, and the State Department of Water Resources found that it would generate an additional 900,000 acre-feet of water during drought years. That is enough for 7.2 million people per year.

This noncontroversial amendment helps to allow Californians to invest in their own water infrastructure, which is a laudable goal that I think we should all support.

I have been pleased to sponsor a bill with my colleague, Mr. GARAMENDI, aimed at advancing this project, and I hope I will have your support today on this amendment.

I reserve the balance of my time.

Mr. HUFFMAN. Mr. Chairman, I ask unanimous consent to claim time in opposition, though I am not opposed to this amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from California?

There was no objection.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. HUFFMAN. Mr. Chairman, I yield 2 minutes to my distinguished colleague from Fresno, California (Mr. COSTA).

Mr. COSTA. I thank the gentleman for yielding me the time.

Mr. Chairman, as my colleague mentioned, this amendment updates the bill to be consistent with the memorandum of understanding between the Bureau of Reclamation and the Sites Joint Powers Authority.

As has been noted by speakers on both sides, California last year came together, in a bipartisan, overwhelming way, to provide \$7.5 billion for improving our water system to provide more funding for the tools in our water toolbox to provide greater reliability throughout California; \$2.7 billion of that water bond measure was set aside for water storage projects. This is one of the projects that can participate in that funding.

I support this effort because increased storage capacity—both surface, as well as groundwater recharge—is absolutely necessary to provide the additional resiliency and reliability in California's water system.

I support the construction of Sites Reservoir, working in conjunction with increasing the supply of Shasta Reservoir, by increasing that dam, would provide additional water supply, as well as Temperance Flat, as well as the expansion of Los Vaqueros, which is underway by the Contra Costa Water District, as well as the expansion of San Luis Reservoir, which is allowed for in this legislation, as well as increased groundwater banking. All of these are part of the solution.

We must expand the storage in the State to reduce the impacts of future droughts and the population growth; therefore, I support this amendment.

Mr. LAMALFA. Mr. Chairman, again, this is a technical measure to help

align the language in H.R. 2898 with the MOU, memorandum of understanding, that the Bureau of Reclamation has put forward so that we can expedite the studies for the Sites Reservoir project, one that we have needed for a long, long time and will be very helpful towards water solutions for California.

I ask for the support of this very simple technical measure, and I yield back the balance of my time.

Mr. HUFFMAN. Mr. Chairman, this amendment simply aligns the bill with the recently signed MOU with the Bureau of Reclamation regarding these studies. We do not oppose it. It is consistent with an earlier policy rider added to the Energy and Water Appropriations bill.

Contrary to some of the things we have heard in this debate, I and other Democrats are not standing in the way of these storage studies. The delta smelt and the environmental laws are not standing in the way of these storage studies.

In fact, my own drought bill, H.R. 2983, provides crucial funding and direction to the Bureau of Reclamation to finish CALFED feasibility studies that have the financing possible to be completed within the next 10 years.

We do support finishing these studies. Now, some of these projects may pencil out, but I think it has become clear over the many, many years these studies have languished that some of these projects have turned into zombie reservoirs which won't go away because project proponents have never been forced to fully account for how their financing will actually work.

Many of these projects will not pencil out, but it is high time that we complete the studies, face the reality, and get the information so that we can move on with real water solutions.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. LAMALFA).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. CALVERT

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 114-204.

Mr. CALVERT. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 81, line 3, strike "3" and insert "2".
Page 81, line 12, strike "and".
Page 81, line 15, strike the period and insert "; and".

Page 81, after line 15, insert the following:
"(vi) 1 member shall be a representative of a wildlife entity that primarily focuses on waterfowl."

The Acting CHAIR. Pursuant to House Resolution 362, the gentleman from California (Mr. CALVERT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CALVERT. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, in H.R. 2898, we establish an oversight board for the Central Valley Project Restoration Fund.

What my amendment does is simple. It adds an additional conservation seat to the 11-member board, which will provide parity between the environmental and user group interests.

The advisory board reflects the interests of agriculture, municipal and industrial users, power contractors, wildlife refuges, in addition to the economic impacts of water operations, so that the Secretary of the Interior will receive recommendations that encompass a broad perspective.

The reason for my amendment is also simple, to ensure that a more balanced and effective approach is being taken as the Secretary of the Interior prioritizes spending levels on projects and programs carried out through the restoration fund.

Again, in closing, my amendment strikes a better balance between conservation and user groups interests on the 11-member board and will help to ensure that the annual surcharges water and power users contribute will be spent on the most effective methods in habitat restoration and environmental mitigation.

Mrs. LUMMIS. Will the gentleman yield?

Mr. CALVERT. I yield to the gentleman from Wyoming.

Mrs. LUMMIS. Mr. Chairman, we support the amendment and commend the author for offering it.

Mr. CALVERT. Mr. Chairman, I reserve the balance of my time.

Mr. HUFFMAN. Mr. Chairman, I ask unanimous consent to claim time in opposition, though I do not oppose the amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from California?

There was no objection.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. HUFFMAN. Mr. Chairman, I, too, commend the author for his concern about waterfowl and wildlife. This amendment, by itself, is not harmful, but it is important to acknowledge that it doesn't come close to curing the problems with this bill that are, in fact, very harmful to fish and wildlife.

The gentleman's amendment seeks to provide cover in some ways to proponents of this bill who are now coming under fire from the California Waterfowl Association and other sportsmen's groups because this bill hurts migratory birds and other wildlife and waterfowl.

The California Waterfowl Association is on record opposing this bill because: "It would eliminate water supplies for California migratory waterfowl and other wetlands-dependent species."

Other sportsmen's groups also oppose. Trout Unlimited has spoken out against the bill because it would weaken protections for steelhead and salmon.

While I do not oppose this bill, it is important not to suggest that this bill is somehow good for or supported by hunters or sportsmen's groups. It is not.

Mr. Chairman, I yield 1 minute to the distinguished gentleman from Fresno, California (Mr. COSTA).

Mr. COSTA. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, this is a very legitimate concern that my colleagues are dealing with in terms of how funds are being spent by the restoration programs and how we provide support for the efforts to provide more accountability and improve the transparency of the expenditures of the fund.

I appreciate and support my colleague's amendment to improve the makeup of the advisory board, which I think is important. However, I think that adding one more waterfowl representative needs to be done to try to provide additional balance in terms of the representation of the various interests on the board.

Let me finally say I represent Grasslands, a large part of Grasslands district, which is the largest part of the Pacific Flyway in terms of almost 200,000 acres of contiguous wetlands, and they have raised some issues as relates to this legislation, and we are going to work those out because, in fact, that is a very important part of the Pacific Flyway.

In addition to that, the flexibility that we create in the underlying bill really is, in part, to ensure that we do provide water, even the limited water available, so that we can maintain this important habitat.

Mr. CALVERT. I thank my colleagues for supporting this amendment. It is a simple amendment. This is a process, as my friend from California has mentioned. After we move this bill forward today, we will have the opportunity, hopefully, to conference with the Senate. Hopefully, they can pass a bill in the Senate, and we can do something good for the State of California.

I yield back the balance of my time.

Mr. HUFFMAN. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. CALVERT).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. COSTA

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 114-204.

Mr. COSTA. Mr. Chairman, I rise for an amendment that is before the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 92, after line 19, insert the following:
SEC. 611. REPORT ON RESULTS OF WATER USAGE.

The Secretary of the Interior, in consultation with the Secretary of Commerce and the Secretary of Natural Resources of the State of California, shall publish an annual report

detailing instream flow releases from the Central Valley Project and California State Water Project, their explicit purpose and authority, and all measured environmental benefit as a result of the releases.

The Acting CHAIR. Pursuant to House Resolution 362, the gentleman from California (Mr. COSTA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. COSTA. Mr. Chair, and the ranking member, since the early 1990s, the Federal and State lawmakers and regulators have made a number of policy choices to implement the Endangered Species Act and Clean Water Act and the Central Valley Project Improvement Act. All of these have had good intentions.

From the Trinity River, to the Shasta Reservoir, to the San Francisco Bay Delta, and up to the San Joaquin River, about 3.5 million acre-feet of Central Valley Project and California State Water Project have been as a result of those acts rededicated for environmental management purposes.

The Central Valley Project Improvement Act alone, since its enactment, has resulted in over 17 million acre-feet of water being reprioritized for different needs and for different purposes.

It is important to note that this doesn't mean that the water, in reprioritization, doesn't continue to serve multiple purposes within the system because it does; but it does mean that the use has been prioritized so that, in fact, it must meet environmental objectives over that of human needs, which are a distant second to the environmental uses of this water as a result of the passage of those previous acts.

These changes, I believe, have harmed a large number of Californians, including those from small, rural, and often disadvantaged communities that I represent, as well as to the larger areas that are dependent upon this water supply, whether we talk about Santa Clara in Silicon Valley or Los Angeles, in the metropolitan water district.

Approximately 25 million people and 7 of the Nation's top 10 agricultural counties have seen their water supply diminish and their water cost escalate over the last 20 years; that is a fact, and as my colleagues say, facts are hard to dispute. The increased cost has been there, and the reduction of the water supply is, in fact, a result of this.

Many of the farmers I serve have seen their water supplies diminish to 40 percent—40 percent—of their long-term average and have received no surface water—no surface water—for the last 2 years.

Communities that I have represented have had their drinking wells go dry, leaving entire towns without a water supply for drinking or bathing. These are incredibly harmful impacts to a very simple question.

We ought to know the benefits. Has society benefited from the policy

changes to dedicate the water for these important environmental purposes, like preventing the extinction of species, which none of us want to do?

The answer, I am sad to say, is it seems to have had not the impact that was intended because the species continue to decline.

Unfortunately, though, notwithstanding efforts within the Federal agencies, the State agencies, and the National Academy of Sciences, we don't really know. We don't really know because we don't have an accurate reporting or accounting of how end-stream flows are used and what benefit is expected to be achieved by them and whether the benefit was achieved by those flows.

□ 1115

I would certainly feel a little better knowing that we are increasing the species, the salmonoid in California, notwithstanding the loss of water. In fact, the salmonoid have continued to decline.

The dedication of millions of acre-feet of water and the expenditure of billions of dollars has resulted in a water supply situation that has never been worse for all of California. Likewise, the condition of the species to which we have dedicated so much has never been so much at risk.

The latest delta smelt population index is zero, and the status of protected salmon is in serious doubt. While the extinction of these species isn't probable, given the hatchery-based fish populations, the potential loss of wild populations is of grave concern to all of us.

One thing that the drought has achieved to make operational priorities of the project abundantly clear is that the first priority of the projects, besides this cosharing, is flood control. God, I would pray that it would flood in California. I would love to have what they are having in Texas.

The second priority is followed by salmon temperature management, which is very problematic right now as a result of this drought. This is followed by protecting the bay-delta water quality—people ought to have good water quality; I want my friends in the bay area to drink good, fresh water—and, finally, any possible deliveries to the communities for the refuge wildlife, which I spoke to a moment ago, that includes grasslands and other refuges, as well as our farms, our farms that produce the food.

I am introducing this amendment to create at least some accountability and transparency in the environmental management efforts underway so that we can better understand and so we can measure what is working and what isn't working. That is why this amendment is important.

I ask that it be adopted for all the reasons that I have stated.

I yield back the balance of my time. The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. COSTA).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. LAMALFA

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in House Report 114-204.

Mr. LAMALFA. Mr. Chair, I have another amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

SEC. 611. KLAMATH PROJECT CONSULTATION APPLICANTS.

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

The Acting CHAIR. Pursuant to House Resolution 362, the gentleman from California (Mr. LAMALFA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. LAMALFA. Mr. Chairman, this is the much anticipated amendment having to do with the Klamath project that I am offering with my neighbor, Mr. WALDEN, from the north side of the border.

The amendment again confers applicant status on those contractors that are involved in the Klamath project, ensuring that they are included in the Endangered Species Act consultations that could affect operations of the water project they rely upon.

Applicant status also ensures that information and alternative actions provided by the contractors must be considered when the Bureau considers ESA-related operational changes.

While the Bureau has, in its words, treated the contractors "in a manner similar to applicants" since the 1990s and local tribes have invited contractors to provide information, the Bureau has not granted them the protections and input that the full applicant status would provide.

H.R. 2898 already provides applicant status for the federally operated Central Valley Project in California, and this simply ensures that all Federal water contractors in the region receive equal legal protections.

I yield to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN. Mr. Chairman, I thank the gentleman from California (Mr. LAMALFA) for yielding and for working with me on this amendment as well, which will assist our Klamath project farmers in the Klamath Basin.

As you pointed out, there is a long history of water issues in this basin and there is much work to be done.

Frankly, a basin-wide, long-term solution is what is most needed. While we are working toward that solution, these issues remain.

In the interim, it is critical that we pass this amendment to simply formalize the rule of the Klamath project irrigators by giving them applicant status for ESA consultations.

The Klamath project contractors have existing contracts with the Bureau of Reclamation, and they are directly affected by Reclamation's consultation with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service.

In recent years, as you mentioned, the Klamath project contractors have provided input to the section 7 consultations through the invitation of the Klamath tribes. I would like to thank the Klamath tribes and especially Klamath Tribal Chairman Don Gentry for working with the project contractors through this process.

So passing this amendment would only formalize the practice that has already been occurring and ensure the project contractors could continue this process in the future.

To legislatively designate the project contractors as having the role of applicants would not change the substantive obligations of the Bureau of Reclamation under the ESA or the obligations of the wildlife agencies to prepare biological opinions.

So I would ask my colleagues to join us in formalizing a process that has been sort of informal along the way, but inconsistent at times, and give the consistency there that is important to continue the discussions that are underway in the basin.

Mr. HUFFMAN. Mr. Chair, I rise to claim time in opposition.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. HUFFMAN. Mr. Chair, I am the other neighbor on this Klamath-Trinity water system. I didn't have the benefit of working with my colleagues on this legislation.

My hope, as we go forward, is that we could be a little more neighborly and try to talk with each other and work together on this system that affects our mutual constituents.

Mr. Chair, as if the underlying bill, which includes numerous assaults on the Endangered Species Act, is not bad enough, unfortunately, this is an amendment that would make it even worse.

It plays favorites among stakeholders, elevating agriculture above all else at the expense of the environment and other cultural and economic interests.

As if the Klamath water contractors don't have things good enough with taxpayer-subsidized water and zero-interest loans, this amendment seeks to give them special status and significantly more leverage during the Endangered Species Act consultation process.

As long as the project is in place, the Bureau of Reclamation has a duty to manage it for the benefit of all stakeholders. That is important.

The interests of the water contractors are certainly no more legitimate than those of the Klamath tribes for whom endangered fish are part of their cultural heritage, nor are they more important than the interests of commercial and recreational fishermen, who generate hundreds of millions of dollars for the economy and continue to wait patiently for the restoration of fish stocks vital to their livelihoods.

In addition to being a bad deal for tribes and fishermen, this amendment is yet another attempt by House Republicans to drive the extinction of American fish and wildlife one species at a time.

Let's be honest. Giving agricultural interests privileged status in "helping" to determine the fate of endangered coho salmon and endangered Lost River and shortnose suckers is nothing short of a death sentence for those species.

It is past time for my colleagues across the aisle to stop blaming the Endangered Species Act for all of their ills. Fish did not cause the drought, and killing them will not make it go away.

The better solution is to make water use more sustainable for Californians and the environment that they cherish.

I yield back the balance of my time.

Mr. LAMALFA. Mr. Chair, it is a little harder to be neighborly when the facts get twisted around and the intent of the bill is misconstrued.

Indeed, this has been a collaborative process with the Bureau, the tribes inviting information from those stakeholders that are the water contractors.

This would simply confer a status upon them that would make them fully at the table as an applicant. It doesn't do anything to change the allocation or any other factor of those water contractors or give them any favorite status.

I yield to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN. Mr. Chair, I would just say, as somebody who has been involved in these issues going back to 1999, I have worked with the tribes. I have worked with irrigators to prove fish passage and to help improve fish health.

So I really take offense to the kind of language you are using here on the floor because we have done a lot of good to put fish screens in, to help improve the survivability of the suckers, to put more water aside. We have done a lot of good things.

So I welcome you to this House, and I welcome you to work with us on these issues, but I have to tell you it is a little offensive in your comments.

Mr. HUFFMAN. Will the gentleman yield for a question?

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

Mr. HUFFMAN. We could start working together on the Klamath restora-

tion settlement and, moving forward, that legislation.

I hope that we can begin to talk together. We have legitimate interests on both sides of the State border and at both ends of this important watershed.

Mr. WALDEN. If the gentleman will yield, I am just saying there is a better way to have this discussion than hurling the kind of language you are hurling around, because a lot of us have worked, both sides, bipartisan, and a lot of work. I open the door to have those conversations with you as well.

The Acting CHAIR. The Chair reminds the gentleman from Oregon that the gentleman from California (Mr. LAMALFA) controls the time.

Mr. LAMALFA. Mr. Chair, the ESA requires us to use the best available science and information and have all the stakeholders able to be at the table, such as having full applicant status, for the Klamath water users.

Having them as an applicant just gets more information and more input from everybody that might be affected by possible ESA decisions.

We would love to work in a collaborative, neighborly process around here. When the rhetoric flies so much that accuses us, accuses that water users up there a long time, that have had a promise made to them by the Federal Government of being something other than what they are, it does make it difficult. And it is the kind of thing that the American people, as they view the operations on TV, really get tired of.

So I would be one that would love to cooperate and get a result. But on this amendment here, we need this help for those contractors to have a fair seat at the table.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. LAMALFA).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. HUFFMAN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 8 OFFERED BY MR. GRIJALVA

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 114-204.

Mr. GRIJALVA. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

The Acting CHAIR. Pursuant to House Resolution 362, the gentleman from Arizona (Mr. GRIJALVA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. GRIJALVA. Mr. Chair, before I speak to my amendment, I want to acknowledge the gentlewoman from California (Mrs. NAPOLITANO) for her input on this amendment and for her long advocacy for water reuse, recycling, and conservation, and for emphasizing that we need a near-term water-creation strategy, along with a long-term sustainable strategy. H.R. 2898 is not that long-term sustainable strategy.

Californians and others across the west need drought relief now. The proponents of this legislation know that it will not provide that immediate relief. They also know their bill will never become law.

So why are we here today, wasting everybody's time? It is simply because House Republicans are not going to miss an opportunity to attack the Endangered Species Act and the National Environmental Policy Act.

The allegation that environmental laws have restricted dam construction is patently false. In fact, it was President Reagan who first sought to help curb the deficit by turning off the tap of easy Federal money that had funded multi-billion-dollar boondoggles and pork barrel dam projects.

Building new dams takes forever because it doesn't make economic sense without heavy government subsidies. Instead of flushing taxpayers' dollars, we should be investing in projects that recycle wastewater, create reuse, and provide immediate water supplies.

Eight-seven percent of California's wastewater, hundreds of billions of gallons of water that could supply the needs of agriculture and people, is lost to the Pacific Ocean each year because we do not have enough water recycling projects in place. This is literally an ocean of missed opportunity.

□ 1130

Mr. Chairman, my amendment creates new water for the people of California. If Republicans were serious about solving this drought problem, they would have written a bill that creates new water. Sadly, they have not. Instead, they have written a bill that uses a very real crisis to attack the ESA and NEPA.

This bill insults people who are suffering through this historic drought, and it is just the latest example of House Republicans blocking public participation in government and driving the extinction of American fish and wildlife one species at a time.

I agree with my colleagues; this is a manmade drought. It is manmade because we are not conserving and recycling water that we have and because we are wasting time on this bill instead of planning to increase water supplies in the short term and in long-term sustainable strategies.

Mr. Chairman, I urge my colleagues to vote "yes" on my amendment, and I reserve the balance of my time.

Mrs. LUMMIS. Mr. Chairman, I claim time in opposition to the amendment.

The Acting CHAIR. The gentlewoman from Wyoming is recognized for 5 minutes.

Mrs. LUMMIS. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. MCCLINTOCK).

Mr. MCCLINTOCK. Mr. Chairman, I said earlier this is a time of choosing between two very different visions. The Democrats offer us a vision of scarcity and astronomical water prices. We have been trying it their way—it doesn't end well. Our bill serves a different vision of abundant water and hydroelectricity at affordable prices—and the prosperity and the quality of life that means for every American.

Water is plentiful, but it is unevenly distributed over time. We build reservoirs to store water in wet years so that we have it in dry ones. We stopped building major reservoirs over 1 million acre-feet 40 years ago because of policies imposed on us by the very same voices that we now hear raised against this bill. The Sacramento River is bigger than the Colorado, yet we store 70 million acre-feet on the Colorado and only 10 million acre-feet on the Sacramento.

We will not solve our water shortage until we build more dams. That is what our bill does.

This amendment would scrap this vision of abundance for more of the same—not more water, only more conservation, more recycling, and more doing with less. Conservation is important in a drought, but conservation is the management of a shortage. Managing a shortage does not solve a shortage. Only abundance can do that.

Mr. Chairman, when we confuse conservation with supply, as these voices from the left always do, in a real drought, we discover that we have already played that card and we no longer have it available to stretch supplies in an emergency.

Mr. Chairman, new dams not only mean more abundant water for the West; they provide clean, cheap, and reliable hydroelectricity. They provide flood control to protect regions that would otherwise be inundated and uninhabitable. They assure year-round flows of water to riparian habitats that would otherwise be desiccated in drought and devastated by flood. All of these benefits would be sacrificed on the altar of the environmental left by this amendment.

Supply or shortage, that is the question. This bill opens up a new era of supply. This amendment takes us further down the road of coping with shortage not as a temporary stopgap, but as a way of life.

Well, we have had a taste of that way of life. We have watched our lawns turn brown. We have watched our water bills skyrocket. We have watched businesses shut down. We have watched thousands of farmworkers thrown out of work. We have seen food lines in the fertile agricultural region of the West. We have had enough.

Mr. Chairman, we seek a new future where water and hydroelectricity are abundant and inexpensive, where jobs

are plentiful, where grocery shelves are full, where water police are not knocking on the door because we have taken too long in the shower, and where our lawns and gardens are green again.

Mr. GRIJALVA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Los Angeles Times had an article entitled, "Editorial: GOP Water Bill in Congress Should Be Rejected." It compared the two pieces of legislation, JARED HUFFMAN's H.R. 2983 and the bill that is on the floor today, H.R. 2898. The conclusion was that we needed a common-sense, comprehensive approach.

The article says, "the Huffman bill is starkly different and frankly much smarter, focusing on updating Federal water policies and practices that today are firmly rooted in outdated, mid-20th century knowledge and technology."

It is a comprehensive approach that my side of the aisle seeks, and this legislation before us today does nothing.

Mr. Chairman, I want to speak to another important aspect of the legislation, which is the issue of relief. Providing a near-term relief, I think, is essential—that is not to stall a long-term solution, but to provide the relief that everybody has talked about that California and the Central Valley needs.

The Central Valley has been described as the "Salad Bowl" of America. The delicious crops that are grown there are consumed by Americans at a low cost. There is an occasional reference to the people that day in and day out labor to pick those crops and put them on the tables of the American people—the farmworkers.

Referencing their dire economic and living conditions that they find themselves in right now, the conclusion is that we need to proceed to pass H.R. 2898 to help these farmworkers and their families. I agree; farmworkers and their families must be a priority for relief. H.R. 2898 doesn't provide any relief to farmworkers and their families.

Mr. Chairman, farmworkers need an investment. They need an investment in education; they need an investment in housing; they need an investment in livable incomes, and they need to work on the concentrated poverty that we find. Those areas of farmworker communities had one of the highest poverty rates in California before the drought; they are at a high poverty rate now with the drought; and if we want to change the course of history, we need to deal with that issue. We need to continue to restrict pesticide use that harms humans, and we need to have working conditions and opportunity available to farmworkers.

Farmworkers don't need crocodile tears. They need relief; they need attention, and they need investment. They need a relief that is near term and not one dominated by technology and outmoded strategies that will not bring that relief to them. We should be about creating opportunity, creating

immediate relief, and helping those families not only in the near term, but in the long term.

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

Mrs. LUMMIS. Mr. Chairman, I yield the remainder of my time to the gentleman from California (Mr. COSTA).

Mr. COSTA. Mr. Chairman, I thank the gentlewoman from Wyoming for yielding the time.

Mr. Chairman, I am opposed to this amendment not because it provides additional water for reclamation and reuse, which I support. I am opposed to this amendment because it prevents any of these funds from being used for storage—groundwater and surface storage water.

As I said earlier, Californians, by over a two-thirds vote, supported a significant bond measure last year for that water storage, both surface and groundwater. This amendment would prevent that from occurring.

Mr. Chairman, let me also talk a little bit about the narrative that has been coming from some of my colleagues that I just firmly reject about this legislation and the underlying bill.

This does not—this does not—amend the Endangered Species Act. It does not provide any kind of a rollback of the endangered species law. That is just false.

It does not impact the water quality of the delta or the bay. And do you know why? Because we have a State law in California under Decision 1641 that requires the State Water Board to monitor the level of salinity in the delta and to protect the water quality for people in the Bay area who derive their water from that source.

So how could this legislation impact Decision 1641? It simply cannot.

As it relates to the operational flexibility, which has been alluded to as the great problem in this legislation, much of that flexibility that we have been urging over 4 years has begun to take place in the last year or 2. This legislation would take that flexibility that they finally have begun to do and put that in practice and codify it in law. That is what this legislation does.

I must say, Mr. Chairman, that under the constraints of this legislation, with this greater flexibility, the Secretary of the Interior still has the ability to provide the justification, in fact, if she feels that this flexibility cannot be implemented.

Mr. Chairman, those protections are there. That is what this legislation does. I urge your support.

Mrs. LUMMIS. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. GRIJALVA).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mrs. LUMMIS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further pro-

ceedings on the amendment offered by the gentleman from Arizona will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 114-204 on which further proceedings were postponed, in the following order:

Amendment No. 3 by Mr. GARAMENDI of California.

Amendment No. 7 by Mr. LAMALFA of California.

Amendment No. 8 by Mr. GRIJALVA of Arizona.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 3 OFFERED BY MR. GARAMENDI

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. GARAMENDI) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 182, noes 236, not voting 15, as follows:

[Roll No. 443]

AYES—182

| | | |
|----------------|----------------|----------------|
| Adams | DeGette | Kelly (IL) |
| Aguilar | Delaney | Kennedy |
| Ashford | DeLauro | Kildee |
| Bass | DelBene | Kilmer |
| Beatty | DeSaulnier | Kind |
| Becerra | Deutch | Kirkpatrick |
| Bera | Dingell | Kuster |
| Beyer | Doggett | Langevin |
| Bishop (GA) | Duckworth | Larsen (WA) |
| Blumenauer | Edwards | Lawrence |
| Bonomici | Ellison | Lee |
| Boyle, Brendan | Eshoo | Levin |
| F. | Esty | Lewis |
| Brady (PA) | Farr | Lieu, Ted |
| Brown (FL) | Fattah | Lipinski |
| Brownley (CA) | Fitzpatrick | Loeb |
| Bustos | Foster | Lofgren |
| Butterfield | Frankel (FL) | Lowenthal |
| Capps | Fudge | Lowey |
| Capuano | Gabbard | Lujan Grisham |
| Cárdenas | Gallego | (NM) |
| Carney | Garamendi | Luján, Ben Ray |
| Carson (IN) | Graham | (NM) |
| Cartwright | Grayson | Lynch |
| Castor (FL) | Green, Al | Maloney, |
| Castro (TX) | Green, Gene | Carolyn |
| Chu, Judy | Grijalva | Maloney, Sean |
| Cicilline | Gutiérrez | Matsui |
| Clark (MA) | Hahn | McCollum |
| Clarke (NY) | Hanna | McDermott |
| Clay | Hastings | McGovern |
| Cleaver | Heck (WA) | McNerney |
| Clyburn | Higgins | Meeks |
| Cohen | Himes | Meng |
| Connolly | Hinojosa | Moore |
| Cooper | Honda | Moulton |
| Costa | Hoyer | Murphy (FL) |
| Courtney | Huffman | Nadler |
| Crowley | Israel | Napolitano |
| Cuellar | Jackson Lee | Neal |
| Cummings | Jeffries | Norcross |
| Davis (CA) | Johnson, E. B. | O'Rourke |
| Davis, Danny | Kaptur | Pallone |
| DeFazio | Keating | Pascarella |

Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)

Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sinema
Sires
Slaughter
Speier
Swalwell (CA)
Takai
Takano

Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters, Maxine
Watson Coleman
Welch
Yarmuth

NOES—236

Abraham
Aderholt
Allen
Amash
Amodei
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Cramer
Crawford
Crenshaw
Culberson
Curbelo (FL)
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fincher
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Fox
Franks (AZ)
Frelinghuysen
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)

Griffith
Grothman
Guinta
Guthrie
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Herrera Beutler
Hice, Jody B.
Hill
Holding
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris
Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Olson
Palazzo

Palmer
Paulsen
Pearce
Perry
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Ryan (WI)
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder

Yoho Young (IA) Zeldin
 Young (AK) Young (IN) Zinke

NOT VOTING—15

Brat Engel Newhouse
 Byrne Garrett Nolan
 Conyers Hudson Smith (WA)
 Costello (PA) Johnson (GA) Wilson (FL)
 Doyle, Michael Larson (CT)
 F. Long

□ 1206

Messrs. MCKINLEY, SHIMKUS, and HENSARLING changed their vote from “aye” to “no.”

Mr. RANGEL, Ms. KELLY of Illinois, Mr. GENE GREEN of Texas, Ms. LOFGREN, and Mr. PASCARELL changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. WILSON of Florida. Mr. Chair, on rollcall No. 443, had I been present, I would have voted “yes.”

Stated against:

Mr. NEWHOUSE. Mr. Chair, on rollcall No. 443, I was unavoidably detained. Had I been present, I would have voted “no.”

Mr. BRAT. Mr. Chair, on rollcall No. 443, I was unavoidably detained. Had I been present, I would have voted “no.”

AMENDMENT NO. 7 OFFERED BY MR. LAMALFA

The Acting CHAIR (Mr. HOLDING). The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. LAMALFA) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 246, noes 172, not voting 15, as follows:

[Roll No. 444]

AYES—246

Abraham Calvert Duncan (SC)
 Aderholt Carter (GA) Duncan (TN)
 Allen Carter (TX) Ellmers (NC)
 Amash Chabot Emmer (MN)
 Amodei Chaffetz Farenthold
 Babin Clawson (FL) Fincher
 Barletta Coffman Fitzpatrick
 Barr Cole Fleischmann
 Barton Collins (GA) Fleming
 Benishek Collins (NY) Flores
 Bera Comstock Forbes
 Billirakis Conaway Fortenberry
 Bishop (MI) Cook Foss
 Bishop (UT) Costa Franks (AZ)
 Black Cramer Frelinghuysen
 Blackburn Crawford Garamendi
 Blum Crenshaw Gibbs
 Bost Cuellar Gibson
 Boustany Culberson Gohmert
 Brady (TX) Curbelo (FL) Goodlatte
 Brat Davis, Rodney Gosar
 Bridenstine Denham Gowdy
 Brooks (AL) Dent Granger
 Brooks (IN) DeSantis Graves (GA)
 Buchanan DesJarlais Graves (LA)
 Buck Diaz-Balart Griffith
 Bucshon Dold Grothman
 Burgess Donovan Guinta
 Byrne Duffy Guthrie

Hanna McSally Ryan (WI)
 Hardy Meadows Salmon
 Harper Meehan Sanford
 Harris Messer Scalise
 Hartzler Mica Schweikert
 Heck (NV) Miller (FL) Scott, Austin
 Hensarling Miller (MI) Sessions
 Hice, Jody B. Mooleenaar Sensenbrenner
 Hill Mooney (WV) Sessions
 Holding Mullin Shuster
 Huelskamp Mulvaney Simpson
 Huizenga (MI) Murphy (PA) Sinema
 Hultgren Neugebauer Smith (MO)
 Hunter Newhouse Smith (NE)
 Hurd (TX) Noem Smith (NJ)
 Hurt (VA) Nugent Smith (TX)
 Issa Nunes Stefanik
 Jenkins (KS) Olson Stewart
 Jenkins (WV) Palazzo Stivers
 Johnson (OH) Palmer Stutzman
 Johnson, Sam Paulsen Thompson (PA)
 Jolly Pearce Thornberry
 Jones Perry Tiberi
 Jordan Peterson Tipton
 Katko Pittenger Trott
 Kelly (MS) Pitts Turner
 Kelly (PA) Poe (TX)
 King (IA) Poliquin Upton
 King (NY) Pompeo Valadao
 Kinzinger (IL) Posey Wagner
 Kline Price, Tom Walberg
 Knight Ratcliffe Walden
 Labrador Reed Walker
 LaMalfa Reichert Walorski
 Lamborn Renacci Walters, Mimi
 Lance Ribble Weber (TX)
 Latta Rice (SC) Webster (FL)
 LoBiondo Rigell Wenstrup
 Loudermilk Roby Westerman
 Love Roe (TN) Westmoreland
 Lucas Rogers (AL) Whitfield
 Luetkemeyer Rogers (KY) Williams
 Lummis Rohrbacher Wittman
 MacArthur Rokita Womack
 Marchant Rooney (FL) Woodall
 Marino Ros-Lehtinen Yoder
 Massie Roskam Yoho
 McCarthy Ross Young (AK)
 McCaul Rothfus Young (IA)
 McClintock Rouzer Young (IN)
 McHenry Royce Zeldin
 McKinley Ruiz
 McMorris Ruppberger
 Rodgers Russell Zinke

NOES—172

Adams Kirkpatrick
 Aguilar Kuster
 Ashford Deutch Langevin
 Bass Dingell Larsen (WA)
 Beatty Doggett Lawrence
 Becerra Duckworth Lee
 Beyer Edwards Levin
 Bishop (GA) Ellison Lewis
 Blumenauer Esty Lieu, Ted
 Bonamici Farr Lipinski
 Boyle, Brendan Fattah Loeb sack
 F. Foster Lofgren
 Brady (PA) Frankel (FL) Lowenthal
 Brown (FL) Fudge Lowey
 Brownley (CA) Gabbard Lujan Grisham
 Bustos Gallego (NM)
 Butterfield Graham Luján, Ben Ray
 Capps Grayson (NM)
 Capuano Green, Al Lynch
 Cárdenas Green, Gene Maloney,
 Carney Grijalva Carolyn
 Carson (IN) Gutiérrez Maloney, Sean
 Hahn Hahn Matsui
 Cartwright Castor (FL) McCollum
 Hastings Castor (TX) McDermott
 Heck (WA) Heck (WA) McGovern
 Higgins Higgins McNeerny
 Himes Hinojosa Meeks
 Hinojosa Honda Meng
 Hoyer Hoyer Moore
 Huffman Huffman Moulton
 Israel Israel Murphy (FL)
 Jackson Lee Jackson Lee Nadler
 Jeffries Jeffries Napolitano
 Connolly Johnson (GA) Neal
 Cooper Johnson, E. B. Norcross
 Courtney Johnson, E. B. O'Rourke
 Crowley Kaptur Pallone
 Davis (CA) Keating Kelly (IL)
 Davis, Danny Kennedy
 DeFazio Kildee Perlmutter
 DeGette Kilmer Peters
 Delaney Kind Pingree

Pocan Scott (VA) Tsongas
 Polis Scott, David Van Hollen
 Price (NC) Serrano Vargas
 Quigley Sewell (AL) Veasey
 Rangel Sherman Vela
 Rice (NY) Sires Velázquez
 Richmond Slaughter Visclosky
 Roybal-Allard Smith (WA) Walz
 Rush Speler Wasserman
 Ryan (OH) Swalwell (CA) Schultz
 Sánchez, Linda Takai
 T. Takano Waters, Maxine
 Sanchez, Loretta Thompson (CA) Watson Coleman
 Sarbanes Sarbanes Thompson (MS) Welch
 Schakowsky Titus Wilson (FL)
 Schiff Tonko Yarmuth
 Schrader Torres

NOT VOTING—15

Conyers Eshoo Larson (CT)
 Costello (PA) Garrett Long
 Cummings Graves (MO) Nolan
 Doyle, Michael Herrera Beutler Pelosi
 F. Hudson
 Engel Joyce

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1210

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 8 OFFERED BY MR. GRIJALVA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. GRIJALVA) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 179, noes 242, not voting 12, as follows:

[Roll No. 445]

AYES—179

Adams Connolly Green, Al
 Aguilar Cooper Green, Gene
 Bass Courtney Grijalva
 Beatty Crowley Gutiérrez
 Becerra Cuellar Hahn
 Bera Cummings Hastings
 Beyer Davis (CA) Heck (WA)
 Bishop (GA) Davis, Danny Higgins
 Blumenauer DeFazio Himes
 Bonamici DeGette Hinojosa
 Boyle, Brendan Delaney Honda
 F. DeLauro Hoyer
 Brady (PA) DeBene Huffman
 Brown (FL) DeSaulnier Israel
 Brownley (CA) Deutch Jackson Lee
 Bustos Dingell Jeffries
 Butterfield Doggett Johnson (GA)
 Capps Duckworth Johnson, E. B.
 Capuano Edwards Kaptur
 Cárdenas Ellison Keating
 Carney Eshoo Kelly (IL)
 Carson (IN) Esty Kennedy
 Cartwright Farr Kildee
 Castor (FL) Fattah Kilmer
 Castro (TX) Fitzpatrick Kind
 Chu, Judy Foster Kirkpatrick
 Cicilline Frankel (FL) Kuster
 Clark (NY) Fudge Langevin
 Clarke (MA) Gabbard Larsen (WA)
 Clay Gallego Lawrence
 Cleaver Garamendi Lee
 Clyburn Graham Levin
 Cohen Grayson Lewis

| | | |
|---------------------|-------------------|----------------|
| Lieu, Ted | Pallone | Sinema |
| Lipinski | Pascrell | Sires |
| Loeb | Payne | Slaughter |
| Lofgren | Perlmutter | Smith (WA) |
| Lowenthal | Peters | Speier |
| Lowey | Pingree | Swalwell (CA) |
| Lujan Grisham (NM) | Pocan | Takai |
| Lujan, Ben Ray (NM) | Polis | Takano |
| Lynch | Price (NC) | Thompson (CA) |
| Maloney, | Quigley | Thompson (MS) |
| Carolyn | Rangel | Titus |
| Maloney, Sean | Rice (NY) | Tonko |
| Matsui | Richmond | Torres |
| McCormack | Roybal-Allard | Tsongas |
| McDermott | Ruiz | Van Hollen |
| McGovern | Rush | Vargas |
| McNerney | Ryan (OH) | Veasey |
| Meeks | Sánchez, Linda T. | Vela |
| Meng | Sanchez, Loretta | Velázquez |
| Moore | Sarbanes | Visclosky |
| Moulton | Schakowsky | Walz |
| Murphy (FL) | Schiff | Wasserman |
| Nadler | Schrader | Schultz |
| Napolitano | Scott (VA) | Waters, Maxine |
| Neal | Scott, David | Watson Coleman |
| Norcross | Serrano | Welch |
| O'Rourke | Sewell (AL) | Wilson (FL) |
| | Sherman | Yarmuth |

NOES—242

| | | |
|---------------|-----------------|---------------|
| Abraham | Foxx | McHenry |
| Aderholt | Franks (AZ) | McKinley |
| Allen | Frelinghuysen | McMorris |
| Amash | Gibbs | Rodgers |
| Amodei | Gibson | McSally |
| Ashford | Gohmert | Meadows |
| Babin | Goodlatte | Meehan |
| Barletta | Gosar | Messer |
| Barr | Gowdy | Mica |
| Barton | Granger | Miller (FL) |
| Benishek | Graves (GA) | Miller (MI) |
| Bilirakis | Graves (LA) | Moolenaar |
| Bishop (MI) | Graves (MO) | Mooney (WV) |
| Bishop (UT) | Griffith | Mullin |
| Black | Grothman | Mulvaney |
| Blackburn | Guinta | Murphy (PA) |
| Blum | Guthrie | Neugebauer |
| Bost | Hanna | Newhouse |
| Boustany | Hardy | Noem |
| Brady (TX) | Harper | Nugent |
| Brat | Harris | Nunes |
| Bridenstine | Hartzler | Olson |
| Brooks (AL) | Heck (NV) | Palazzo |
| Brooks (IN) | Hensarling | Palmer |
| Buchanan | Herrera Beutler | Paulsen |
| Buck | Hice, Jody B. | Pearce |
| Bucshon | Hill | Perry |
| Burgess | Holding | Peterson |
| Byrne | Huelskamp | Pittenger |
| Calvert | Huizenga (MI) | Pitts |
| Carter (GA) | Hultgren | Poe (TX) |
| Carter (TX) | Hunter | Poliquin |
| Chabot | Hurd (TX) | Pompeo |
| Chaffetz | Hurt (VA) | Posey |
| Clawson (FL) | Issa | Price, Tom |
| Coffman | Jenkins (KS) | Ratcliffe |
| Cole | Jenkins (WV) | Reed |
| Collins (GA) | Johnson (OH) | Reichert |
| Collins (NY) | Johnson, Sam | Renacci |
| Comstock | Jolly | Ribble |
| Conaway | Jones | Rice (SC) |
| Cook | Jordan | Rigell |
| Costa | Joyce | Roby |
| Cramer | Katko | Roe (TN) |
| Crawford | Kelly (MS) | Rogers (AL) |
| Crenshaw | Kelly (PA) | Rogers (KY) |
| Culberson | King (IA) | Rohrabacher |
| Curbelo (FL) | King (NY) | Rokita |
| Davis, Rodney | Kinzinger (IL) | Rooney (FL) |
| Denham | Kline | Ros-Lehtinen |
| Dent | Knight | Roskam |
| DeSantis | Labrador | Ross |
| DesJarlais | LaMalfa | Rothfus |
| Diaz-Balart | Lamborn | Rouzer |
| Dold | Lance | Royce |
| Donovan | Latta | Ruppersberger |
| Duffy | LoBiondo | Russell |
| Duncan (SC) | Loudermilk | Ryan (WI) |
| Duncan (TN) | Love | Salmon |
| Ellmers (NC) | Lucas | Sanford |
| Emmer (MN) | Luetkemeyer | Scalise |
| Farenthold | Lummis | Schweikert |
| Fincher | MacArthur | Scott, Austin |
| Fleischmann | Marino | Sensenbrenner |
| Fleming | Massie | Sessions |
| Flores | McCarthy | Shimkus |
| Forbes | McCaul | Shuster |
| Fortenberry | McClintock | Simpson |

| | | |
|---------------|---------------|--------------|
| Smith (MO) | Turner | Westmoreland |
| Smith (NE) | Upton | Whitfield |
| Smith (NJ) | Valadao | Williams |
| Smith (TX) | Wagner | Wilson (SC) |
| Stefanik | Walberg | Wittman |
| Stewart | Walden | Womack |
| Stivers | Walker | Yoder |
| Stutzman | Walorski | Yoho |
| Thompson (PA) | Walters, Mimi | Young (AK) |
| Thornberry | Weber (TX) | Young (IA) |
| Tiberi | Webster (FL) | Young (IN) |
| Tipton | Wenstrup | Zeldin |
| Trott | Westerman | Zinke |

NOT VOTING—12

| | | |
|----------------|-------------|---------|
| Conyers | Garrett | Nolan |
| Costello (PA) | Hudson | Pelosi |
| Doyle, Michael | Larson (CT) | Woodall |
| F. | Long | |
| Engel | Marchant | |

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1214

Mr. BUCK changed his vote from "aye" to "no."

Ms. ESHOO changed her vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR. The question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HULTGREN) having assumed the chair, Mr. HOLDING, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2898) to provide drought relief in the State of California, and for other purposes, and, pursuant to House Resolution 362, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. BERA. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BERA. I am opposed in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Bera moves to recommit the bill H.R. 2898 to the Natural Resources Committee,

with instructions to report the same back to the House forthwith, with the following amendment:

After section 610, insert the following:

SEC. 611. PROTECTING THE SUPPLY OF WATER FOR DRINKING AND TO FIGHT WILDFIRES.

Under the provisions of this Act, the Secretary shall ensure that there is an adequate supply of water—

(1) for residential drinking water that is safe and not tainted with arsenic, salt, nitrates from fertilizers, industrial chemicals, or harmful algae, which become concentrated in diminished water supplies; and

(2) to fight wildfires, utilizing water from reservoirs or other surface waters, and to honor Tribal water rights.

Mr. BISHOP of Utah (during the reading). Mr. Speaker, I ask unanimous consent that we consider it as having been read and we dispense with the reading.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. BERA. Mr. Speaker, this is the final amendment to the bill, which will not kill the bill or send it back to committee. If adopted, this bill will immediately proceed to final passage as amended.

Mr. Speaker, this amendment is simple. It ensures that we have safe drinking water for our constituents and enough water to fight wildfires.

It has been hot and dry in California. We are now in the fourth straight year of drought conditions; and, in fact, 95 percent of our State has reached severe drought status. This is a problem.

We are talking about families; we are talking about farmers, small-business owners who are feeling the pain of this prolonged drought every day. It is a crisis, and in a crisis, everyone has to come together, to work together to find solutions that work for all of us.

However, the bill offered today, yet again, undermines the efforts that were taken in California to work together, and instead, it allows Washington, D.C., politicians to pick winners and losers and pit communities against each other. This bill creates no water. It does not solve this crisis, and that is a problem.

Look at this picture. This is my home district, Folsom Lake. This is what it looked like last summer, and this summer, it is worse. In fact, Folsom Lake right now is at 42 percent of capacity. By August, it is expected to reach the lowest point in recorded history. Over half a million people depend on Folsom Lake for their drinking water.

We owe it to the families of Folsom, Fair Oaks, Roseville, and all across the State to work together to better manage the water that we have. As currently written, this bill would jeopardize their access to safe water. As water supplies decrease, residential drinking water risks contamination from higher concentrations of nitrates,

arsenic, industrial chemicals, and harmful algae.

We owe it to the people in our State to make sure, when they turn on their taps, they have safe drinking water. Let's work together to find comprehensive solutions, long-term solutions to ensure their access to storage. We have got to work together as Democrats and Republicans, not pit northern California against southern California. I urge my colleagues on both sides of the aisle to give this motion their full support.

I yield to the gentleman from southern California (Mr. PETERS), my colleague.

Mr. PETERS. Mr. Speaker, across the West and particularly in California, we are in the fourth year of a prolonged drought that is placing us at increased risk for wildfires.

The underlying bill would harm not just one community or industrial sector, but would undercut years of existing water policy and put communities like mine in San Diego in more danger. The images of depleted reservoirs, lakes, and streams drying up abound, with millions of dead trees littering our forests. As The New York Times reported just yesterday: "For those who know fire, fuel is now all they see."

We are in the midst of what we expect to be a long and harsh wildfire season. Just since January 1, California fire officials have responded to more than 3,300 wildfires, which is a thousand more than the average from the last 5 years.

The lake fire that started just a month ago has consumed an area of national forest roughly the size of San Francisco, and the dozens of wildfires that erupted in San Diego last May burned thousands of acres and destroyed 65 homes. Projections show that the cost of fighting wildfires this year could reach up to \$2.1 billion, far above the roughly \$450 million spent annually in the 1990s.

It is not just money at stake. Two of the most deadly wildfires in California history, the Witch and Cedar fires occurred in San Diego and killed 17 people. This is also a matter of life and death.

This bill does not make it rain; no one can do that. It simply undermines the State of California's water policies to move water away from one set of communities and into different ones.

The motion to recommit requires that, as we make changes to Western water allocations, we ensure there is enough water in reservoirs, lakes, and community supplies to make sure that wildfires can be fought when they occur, which they certainly will. It also ensures that we honor the existing tribal water rights and protect the health of those communities.

I urge my colleagues to support this motion to recommit and to oppose the underlying legislation.

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

Mr. BISHOP of Utah. Mr. Speaker, I claim the time in opposition to the motion.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. BISHOP of Utah. Mr. Speaker, this is a procedural motion. Obviously, if it were a serious one, we could have considered it anytime in committee or on the floor in the amendment process, but it is a procedural motion that is also somewhat flawed.

In this particular one, it mentions that nothing will happen until the Secretary shall ensure that something happens. Unfortunately, in this provision of the bill, they don't define Secretary, so I am not really sure which Secretary would have to define something. It could be the secretary of my office if you really wanted it that way. It provides that we are going to have water for drinking and for wildfires.

Now, some of you may remember that, last week, we actually had a forest bill in here which provided for wildfires. We gave them money; we gave them authority; we gave them the tools. It passed with a bipartisan vote, but some of our friends who are not voting for this one weren't voting for that one either. We solved the wildfire issue already, scratched that one off.

If you really want drinking water, that is what the base bill does. The entire purpose of this bill is to emphasize the fact that, in this drought, we are trying to help people. The goal is to get water to people so they can work.

In an area that has a 50 percent unemployment rate, they can provide food for people. It is important to all of us. It is not as important for me as it used to be, but it is still important for all of us.

We actually provide jobs for people in these areas where they desperately need that work. We are doing it. This is about people. This is moving water so people can actually be helped, and that is what the underlying bill has to do, and the procedural issues that we are trying to hold up this process, they don't actually help people. They may help the process, but they don't actually help people.

We need a policy more than the opponents of this bill have, which is: Let's pray for rain and hope something happens.

We need to do what our pioneer ancestors told us to do and take the water we have and save it and store it, and that is what the underlying bill does, not just for California, but for the rest of the West, for all of us, where we have these same types of situations.

You can vote for the underlying bill, realizing you are helping people. Good grief, 2008, we found water on Mars; we can actually find water for people here in the West.

Vote "no" on the motion to recommit; support the underlying bill. Let's get this bill going through the system so we can actually do something good for the people of this country.

I yield back the balance of my time. The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. BERA. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, this 5-minute vote will be followed by a 5-minute vote on passage of the bill, if ordered.

The vote was taken by electronic device, and there were—ayes 183, noes 239, not voting 11, as follows:

[Roll No. 446]

AYES—183

| | | |
|----------------|----------------|------------------|
| Adams | Gabbard | Neal |
| Aguilar | Gallego | Norcross |
| Ashford | Garamendi | O'Rourke |
| Bass | Graham | Pallone |
| Beatty | Grayson | Pascarell |
| Becerra | Green, Al | Payne |
| Bera | Green, Gene | Pelosi |
| Beyer | Grijalva | Perlmutter |
| Bishop (GA) | Gutiérrez | Peters |
| Blumenauer | Hahn | Peterson |
| Bonamici | Hastings | Pingree |
| Boyle, Brendan | Heck (WA) | Pocan |
| F. | Higgins | Polis |
| Brady (PA) | Himes | Price (NC) |
| Brown (FL) | Hinojosa | Quigley |
| Brownley (CA) | Honda | Rangel |
| Bustos | Hoyer | Rice (NY) |
| Butterfield | Huffman | Richmond |
| Capps | Israel | Roybal-Allard |
| Capuano | Jackson Lee | Ruiz |
| Cárdenas | Jeffries | Ruppersberger |
| Carney | Johnson (GA) | Rush |
| Carson (IN) | Johnson, E. B. | Ryan (OH) |
| Cartwright | Kaptur | Sánchez, Linda |
| Castor (FL) | Keating | T. |
| Castro (TX) | Kelly (IL) | Sanchez, Loretta |
| Chu, Judy | Kennedy | Sarbanes |
| Ciçilline | Kildee | Schakowsky |
| Clark (MA) | Kilmer | Schiff |
| Clarke (NY) | Kind | Schrader |
| Clay | Kirkpatrick | Scott (VA) |
| Cleaver | Kuster | Scott, David |
| Clyburn | Langevin | Serrano |
| Cohen | Larsen (WA) | Sewell (AL) |
| Connolly | Lawrence | Sherman |
| Conyers | Lee | Sinema |
| Cooper | Levin | Sires |
| Costa | Lewis | Slaughter |
| Courtney | Lieu, Ted | Smith (WA) |
| Crowley | Lipinski | Speier |
| Cuellar | Loeb sack | Swalwell (CA) |
| Cummings | Lofgren | Takai |
| Davis (CA) | Lowenthal | Takano |
| Davis, Danny | Lowe y | Thompson (CA) |
| DeFazio | Lujan Grisham | Thompson (MS) |
| DeGette | (NM) | Titus |
| Delaney | Luján, Ben Ray | Tonko |
| DeLauro | (NM) | Torres |
| DelBene | Lynch | Tsongas |
| DeSaulnier | Maloney, | Van Hollen |
| Deutch | Carolyn | Vargas |
| Dingell | Maloney, Sean | Veasey |
| Doggett | Matsui | Vela |
| Duckworth | McCollum | Velázquez |
| Edwards | McDermott | Visclosky |
| Ellison | McGovern | Walz |
| Eshoo | McNerney | Wasserman |
| Esty | Meeks | Schultz |
| Farr | Meng | Waters, Maxine |
| Fattah | Moore | Watson Coleman |
| Foster | Moulton | Welch |
| Frankel (FL) | Nadler | Wilson (FL) |
| Fudge | Napolitano | Yarmuth |

NOES—239

| | | |
|----------|-------------|-------------|
| Abraham | Barr | Blackburn |
| Aderholt | Barton | Blum |
| Allen | Benishek | Bost |
| Amash | Bilirakis | Boustany |
| Amodei | Bishop (MI) | Brady (TX) |
| Babin | Bishop (UT) | Bridenstine |
| Barletta | Black | Brooks (AL) |

Brooks (IN) Huelskamp Price, Tom
 Buchanan Huizenga (MI) Ratcliffe
 Buck Hultgren Reed
 Bucshon Hunter Reichert
 Burgess Hurd (TX) Renacci
 Byrne Hurt (VA) Ribble
 Calvert Issa Rice (SC)
 Carter (GA) Jenkins (KS) Rigell
 Carter (TX) Jenkins (WV) Roby
 Chabot Johnson (OH) Roe (TN)
 Chaffetz Johnson, Sam Rogers (AL)
 Clawson (FL) Jolly Rogers (KY)
 Coffman Jones Rohrabacher
 Cole Jordan Rokita
 Collins (GA) Joyce Rooney (FL)
 Collins (NY) Katko Ros-Lehtinen
 Comstock Kelly (MS) Roskam
 Conaway Kelly (PA) Ross
 Cook King (IA) Rothfus
 Cramer King (NY) Rouzer
 Crawford Kinzinger (IL) Royce
 Crenshaw Kline Russell
 Culberson Knight Ryan (WI)
 Curbelo (FL) Labrador Salmon
 Davis, Rodney LaMalfa Sanford
 Denham Lamborn Scalise
 Dent Lance Schweikert
 DeSantis Latta Scott, Austin
 DesJarlais LoBiondo Sensenbrenner
 Diaz-Balart Loudermilk Sessions
 Dold Love Shimkus
 Donovan Lucas Shuster
 Duffy Luetkemeyer Simpson
 Duncan (SC) Lummis Smith (MO)
 Duncan (TN) MacArthur Smith (NE)
 Ellmers (NC) Marchant Smith (NJ)
 Emmer (MN) Marino Smith (TX)
 Farenthold Massie Stefanik
 Fincher McCarthy Stewart
 Fitzpatrick McCaul Stivers
 Fleischmann McClintock Stutzman
 Fleming McHenry Thompson (PA)
 Flores McKinley Thornberry
 Forbes McMorris Tiberi
 Fortenberry Rodgers Tipton
 Foyx McSally Trott
 Franks (AZ) Meadows Turner
 Frelinghuysen Meehan Upton
 Gibbs Messer Valadao
 Gibson Mica Wagner
 Gohmert Miller (FL) Walberg
 Goodlatte Miller (MI) Walden
 Gosar Moolenaar Walker
 Gowdy Mooney (WV) Walorski
 Granger Mullin Walters, Mimi
 Graves (GA) Mulvaney Weber (TX)
 Graves (LA) Murphy (PA) Webster (FL)
 Graves (MO) Neugebauer Wenstrup
 Griffith Newhouse Westerman
 Grothman Noem Cole
 Guinta Nugent Whitfield
 Guthrie Nunes Williams
 Hanna Olson Wilson (SC)
 Hardy Palmer Wittman
 Harper Paulsen Womack
 Harris Pearce Woodall
 Hartzler Perry Yoder
 Heck (NV) Pittenger Yoho
 Hensarling Pitts Young (AK)
 Herrera Beutler Poe (TX) Young (IA)
 Hice, Jody B. Poliquin Young (IN)
 Hill Pompeo Zeldin
 Holding Posey Zinke

NOT VOTING—11

Brat Engel Long
 Costello (PA) Garrett Murphy (FL)
 Doyle, Michael Hudson Nolan
 F. Larson (CT) Palazzo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1233

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. BRAT. Mr. Speaker, on rollcall No. 446, my vote did not register. Had I been present, I would have voted “no.”

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. TONKO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 245, noes 176, not voting 12, as follows:

[Roll No. 447]

AYES—245

Abraham Gowdy Neugebauer
 Aderholt Granger Newhouse
 Allen Graves (GA) Noem
 Amash Graves (LA) Nugent
 Amodei Graves (MO) Nunes
 Ashford Griffith Olson
 Babin Grothman Palazzo
 Baretta Guinta Palmer
 Barr Guthrie Paulsen
 Barton Hanna Pearce
 Benishek Hardy Perry
 Bilirakis Harper Peterson
 Bishop (MI) Harris Pittenger
 Bishop (UT) Hartzler Pitts
 Black Heck (NV) Poe (TX)
 Blackburn Hensarling Poliquin
 Blum Herrera Beutler Pompeo
 Bost Hice, Jody B. Posey
 Boustany Hill Price, Tom
 Brady (TX) Holding Ratcliffe
 Brat Huelskamp Reed
 Bridenstine Huizenga (MI) Reichert
 Brooks (AL) Hultgren Renacci
 Brooks (IN) Hunter Ribble
 Buchanan Hurd (TX) Rice (SC)
 Buck Hurt (VA) Rigell
 Bucshon Issa Roby
 Burgess Jenkins (KS) Roe (TN)
 Byrne Jenkins (WV) Rogers (AL)
 Calvert Johnson (OH) Rogers (KY)
 Carter (GA) Johnson, Sam Rohrabacher
 Carter (TX) Jolly Rokita
 Chabot Jones Rooney (FL)
 Chaffetz Jordan Ros-Lehtinen
 Clawson (FL) Joyce Roskam
 Coffman Katko Ross
 Cole Kelly (MS) Rothfus
 Collins (GA) Kelly (PA) Rouzer
 Collins (NY) King (IA) Royce
 Comstock King (NY) Ruppertsberger
 Conaway Kinzinger (IL) Russell
 Cook Kline Ryan (WI)
 Costa Knight Salmon
 Cramer Labrador Sanford
 Crawford LaMalfa Scalise
 Crenshaw Lamborn Schweikert
 Culberson Lance Scott, Austin
 Curbelo (FL) Latta Scott, David
 Davis, Rodney LoBiondo Sessions
 Denham Loudermilk Shimkus
 Dent Love Shuster
 DeSantis Lucas Simpson
 DesJarlais Luetkemeyer Smith (MO)
 Diaz-Balart Lummis Smith (NE)
 Dold MacArthur Smith (NJ)
 Donovan Marchant Smith (TX)
 Duffy Marino Stefanik
 Duncan (SC) Massie Stewart
 Duncan (TN) McCarthy Stivers
 Ellmers (NC) McCaul Stutzman
 Emmer (MN) McClintock Thompson (PA)
 Farenthold McHenry Thornberry
 Fincher McKinley Tiberi
 Fitzpatrick McMorris Tipton
 Fleischmann Rodgers Trott
 Fleming McSally Turner
 Flores Meadows Upton
 Forbes Meehan Valadao
 Fortenberry Messer Wagner
 Foyx Mica Walberg
 Franks (AZ) Miller (FL) Walden
 Frelinghuysen Miller (MI) Walker
 Gibbs Moolenaar Walorski
 Gibson Mooney (WV) Walters, Mimi
 Gohmert Mullin Weber (TX)
 Goodlatte Mulvaney Webster (FL)
 Gosar Murphy (PA) Wenstrup

Westerman
 Westmoreland
 Whitfield
 Williams
 Wilson (SC)

Wittman
 Womack
 Woodall
 Yoder
 Yoho

Young (AK)
 Young (IA)
 Young (IN)
 Zeldin
 Zinke

NOES—176

Adams Norcross
 Aguilar Grayson O'Rourke
 Bass Green, Al Pallone
 Beatty Green, Gene Pascarell
 Becerra Grijalva Payne
 Bera Gutierrez Pelosi
 Beyer Hahn Perlmutter
 Bishop (GA) Hastings Peters
 Blumenauer Heck (WA) Pingree
 Bonamici Higgins Pocan
 Boyle, Brendan Himes Polis
 F. Hinojosa Price (NC)
 Brady (PA) Honda Quigley
 Brown (FL) Hoyer Rangel
 Brownlee (CA) Huffman Rice (NY)
 Bustos Israel Richmond
 Butterfield Jackson Lee Roybal-Allard
 Capps Jeffries Ruiz
 Capuano Johnson (GA) Rush
 Cardenas Johnson, E. B. Ryan (OH)
 Carney Kaptur Sanchez, Linda
 Cartwright Keating T.
 Castor (FL) Kelly (IL) Sanchez, Loretta
 Castro (TX) Kennedy Sarbanes
 Chu, Judy Kildee Schakowsky
 Cicilline Kilmer Schiff
 Clark (MA) Clark (MA) Kind
 Clarke (NY) Kirkpatrick Schrader
 Clay Kuster Scott (VA)
 Cleaver Langevin Sensenbrenner
 Clyburn Larsen (WA) Serrano
 Cohen Lawrence Sewell (AL)
 Connolly Lee Sherman
 Cooper Levin Sinema
 Courtney Lewis Sires
 Crowley Lieu, Ted Slaughter
 Cuellar Lipinski Smith (WA)
 Cummings Loebsock Speier
 Davis (CA) Davis (CA) Swalwell (CA)
 Davis, Danny Lowenthal Takai
 DeFazio Lowey Takano
 DeGette Lujan Grisham Thompson (CA)
 Delaney (NM) Thompson (MS)
 DeLauro Lujan, Ben Ray Titus
 DelBene (NM) Torres
 DeSaulnier Lynch Tsongas
 Deutch Maloney, Van Hollen
 Dingell Carolyn Vargas
 Doggett Maloney, Sean Vargas
 Duckworth Matsui Veasey
 Edwards McCollum Vela
 Ellison McDermott Velázquez
 Eshoo McGovern Visclosky
 Esty McNeerney Walz
 Farr Meeks Wasserman
 Fattah Meng Schultz
 Foster Moore Waters, Maxine
 Frankel (FL) Moulton Watson Coleman
 Fudge Nadler Welch
 Gabbard Napolitano Wilson (FL)
 Garamendi Neal Yarmuth

NOT VOTING—12

Carson (IN) Engel Long
 Conyers Gallego Murphy (FL)
 Costello (PA) Garrett Nolan
 Doyle, Michael Hudson
 F. Larson (CT)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1239

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MURPHY of Florida. Mr. Speaker, on rollcall Nos. 446 and 447. 446 Recommit—“yes,” 447. Passage of H.R. 2898—“no.”

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN EN-GROSSMENT OF H.R. 2898, WESTERN WATER AND AMERICAN FOOD SECURITY ACT OF 2015

Mr. BISHOP of Utah. Mr. Speaker, I ask unanimous consent that, in the engrossment of H.R. 2898, the Clerk be authorized to correct section numbers, punctuation, and cross-references, and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill, including striking the instruction "line 20" and inserting "after line 19" in amendment No. 7.

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

There was no objection.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I yield to the majority leader, Mr. MCCARTHY, for the purpose of inquiring about the schedule of the week to come and thereafter.

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

Mr. MCCARTHY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, on Monday, no votes are expected in the House. On Tuesday, the House will meet at noon for morning-hour and 2 p.m. for legislative business. Votes will be postponed until 6:30.

On Wednesday and Thursday, the House will meet at 10 a.m. for morning hour and noon for legislative business. On Friday, the House will meet at 9 a.m. for legislative business. Last votes of the week are expected no later than 3 p.m.

Mr. Speaker, the House will consider a number of suspensions next week, a complete list of which will be announced by close of business tomorrow.

In addition, the House will consider H.R. 1734, the Improving Coal Combustion Residuals Regulation Act, sponsored by Representative DAVID MCKINLEY. This bill is essential to protect and create jobs.

If we do not act, the EPA will replace the existing successful State-based regulatory program with harmful new regulations that will cost hundreds of thousands of jobs and result in billions of dollars in burdensome costs for job creators.

□ 1245

The House will also consider H.R. 1599, the Safe and Accurate Food Labeling Act, sponsored by Representative MIKE POMPEO. This bipartisan bill will ensure uniform national labeling of foods from genetically engineered plants. By addressing the patchwork of conflicting labeling laws, we will fix the growing problem of inconsistent and confusing information for consumers.

Finally, Mr. Speaker, the House is expected to consider the conference report for the National Defense Authorization Act for Fiscal Year 2016.

Mr. HOYER. I thank the gentleman for his information with respect to the legislation for next week.

As the gentleman knows, we have now passed six appropriation bills. Last week, consideration of the Interior bill was postponed. The gentleman and Mr. ROGERS have both made representations that they hope to do all 12 appropriations bills.

You did not announce any appropriations bills on the schedule for next week. Can the gentleman tell me whether or not he expects to bring additional appropriations bills to the floor prior to the August break?

I yield to my friend.

Mr. MCCARTHY. I thank the gentleman for yielding.

Yes, it is our intention to get back to the appropriations process as soon as possible. As the gentleman does know, there are some very serious and sensitive issues involved. We are in the midst of a constructive and bipartisan conversation on how we can resolve these issues. I will be sure to keep the Members updated as the appropriations bills are scheduled for continued consideration.

Mr. HOYER. I thank the gentleman for his comment, particularly in terms of the willingness to work in a bipartisan fashion.

As the majority leader knows, there is, on his side of the aisle and on our side of the aisle, a great concern that the 302 allocations to the Appropriations Committee are insufficient to meet their responsibilities. Mr. ROGERS, as you know, your chairman of the Appropriations Committee, a Member of your side of the aisle from Kentucky, has characterized the sequestration numbers as unrealistic and ill-advised.

The Senate has not passed any appropriations bills, as the gentleman knows. It is my hope, and I would like to ask the majority leader whether he contemplates any bipartisan discussions with reference to how we might come to an agreement so that appropriations bills could, in fact, be enacted, sent to the President, and signed by the President.

The President, as you know, sent down a budget which was paid for, which had Defense numbers at the numbers that your side of the aisle used by utilizing Overseas Contingency Operation funds to bridge the gap between the sequester number and the President's number.

My question to you is: Is there any contemplation, either before we break or shortly after we come back—because October 1 will be on us very, very quickly—to have bipartisan discussions, a la Ryan-Murray, to get to a number that we can agree on and that we can pass appropriations bills, have conferences, and send them to the President and be signed, hopefully, be-

fore October 1, but if not before October 1, certainly before December 18?

I yield to my friend.

Mr. MCCARTHY. I thank the gentleman for yielding and his continuous questions throughout the months on this.

It is still our intention on this side of the aisle to get our business done, uphold the current law which is in place. I know you and I have had many debates back and forth that we know that sequestration started in the White House, and we continue to play by what the law states today and move our bills in a bipartisan manner, with a very open process on the floor where any Member can bring an amendment up, and we will continue to use that process as we move forward.

Mr. HOYER. I thank the gentleman.

The majority leader, Mr. Speaker, regularly brings up that sequester started in the White House. He knows I very severely disagree with that. And he voted for a Cut, Cap, and Balance Act which had in that bill—which no Democrat, I think, voted for—sequester. And it was passed 5 days before our Republican friends, Mr. Speaker, alleged that Mr. Lew suggested that to Mr. REID as a way we could get by the House's refusal, up to that point in time, to extend the debt limit, which meant we couldn't pay our bills. But I don't think that is very useful in discussing how we get by this loggerhead that we have met on the appropriations process.

I served on the Appropriations Committee for 23 years before I became a leader, and we did pass bills—not always on time, but we had an ability, Republicans and Democrats working on the Appropriations Committee, working in the Congress, to get our bills done.

Mr. Speaker, I don't know whether you recall. I presume you will recall that when we got to a similar impasse, Mr. RYAN, the then-chairman of the Budget Committee, Ms. MURRAY, the then-chairwoman of the Budget Committee in the Senate, got together and came up with some figures that we could agree on on a bipartisan basis. Until that time, we had the same kind of scenario that we are now confronted with.

Mr. Speaker, it is my view that, unless we have such a meeting of the minds, we are going to put this country in another crisis of our own making.

We, Democrats, are prepared to enter into some sort of an agreement, consistent with HAL ROGERS' belief, that we can get to a realistic and advised compromise, not this unrealistic and ill-advised—Mr. ROGERS' words, Republican chair of the Appropriations Committee, not mine.

And if we don't do so, when we get to September 30, or we get to December 18, let's not wring our hands and say, How did this happen? We will know exactly how it happened, and it will have happened because we refused to sit down, as the majority leader just said