

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

Ms. MAXINE WATERS of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GARRETT. Mr. Speaker, I thank the gentlewoman for her work and her bipartisan effort on this legislation. I very, very much, as I said, thank the gentleman from Maine for all of his contributions to the Financial Services Committee.

Mr. Speaker, today I urge unanimous support in the House like we had in committee.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. GARRETT) that the House suspend the rules and pass the bill, H.R. 4538, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### AUTHORIZATION OF THE USE OF ACTIVE CAPACITY OF THE FONTENELLE RESERVOIR

Mrs. LUMMIS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2273) to amend the Colorado River Storage Project Act to authorize the use of the active capacity of the Fontenelle Reservoir, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2273

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

#### SECTION 1. AUTHORITY TO MAKE ENTIRE ACTIVE CAPACITY OF FONTENELLE RESERVOIR AVAILABLE FOR USE.

(a) *IN GENERAL.*—The Secretary of the Interior, in cooperation with the State of Wyoming, may amend the Definite Plan Report for the Seedskaadee Project authorized under the first section of the Act of April 11, 1956 (commonly known as the “Colorado River Storage Project Act” (43 U.S.C. 620)) to provide for the study, design, planning, and construction activities that will enable the use of all active storage capacity (as may be defined or limited by legal, hydrologic, structural, engineering, economic, and environmental considerations) of Fontenelle Dam and Reservoir, including the placement of sufficient riprap on the upstream face of Fontenelle Dam to allow the active storage capacity of Fontenelle Reservoir to be used for those purposes for which the Seedskaadee Project was authorized.

#### (b) COOPERATIVE AGREEMENTS.—

(1) *IN GENERAL.*—The Secretary of the Interior may enter into any contract, grant, cooperative agreement, or other agreement that is necessary to carry out subsection (a).

#### (2) STATE OF WYOMING.—

(A) *IN GENERAL.*—The Secretary of the Interior shall enter into a cooperative agreement with the State of Wyoming to work in cooperation and collaboratively with the State of Wyoming for planning, design, related preconstruction activities, and construction of any modification of the Fontenelle Dam under subsection (a).

(B) *REQUIREMENTS.*—The cooperative agreement under subparagraph (A) shall, at a min-

imum, specify the responsibilities of the Secretary of the Interior and the State of Wyoming with respect to—

(i) completing the planning and final design of the modification of the Fontenelle Dam under subsection (a);

(ii) any environmental and cultural resource compliance activities required for the modification of the Fontenelle Dam under subsection (a) including compliance with—

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

(II) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(III) subdivision 2 of division A of subtitle III of title 54, United States Code; and

(iii) the construction of the modification of the Fontenelle Dam under subsection (a).

(c) *FUNDING BY STATE OF WYOMING.*—Pursuant to the Act of March 4, 1921 (41 Stat. 1404, chapter 161; 43 U.S.C. 395), and as a condition of providing any additional storage under subsection (a), the State of Wyoming shall provide to the Secretary of the Interior funds for any work carried out under subsection (a).

#### (d) OTHER CONTRACTING AUTHORITY.—

(1) *IN GENERAL.*—The Secretary of the Interior may enter into contracts with the State of Wyoming, on such terms and conditions as the Secretary of the Interior and the State of Wyoming may agree, for division of any additional active capacity made available under subsection (a).

(2) *TERMS AND CONDITIONS.*—Unless otherwise agreed to by the Secretary of the Interior and the State of Wyoming, a contract entered into under paragraph (1) shall be subject to the terms and conditions of Bureau of Reclamation Contract No. 14-06-400-2474 and Bureau of Reclamation Contract No. 14-06-400-6193.

#### SEC. 2. SAVINGS PROVISIONS.

*Unless expressly provided in this Act, nothing in this Act modifies, conflicts with, preempts, or otherwise affects—*

(1) the Act of December 31, 1928 (43 U.S.C. 617 et seq.) (commonly known as the “Boulder Canyon Project Act”);

(2) the Colorado River Compact of 1922, as approved by the Presidential Proclamation of June 25, 1929 (46 Stat. 3000);

(3) the Act of July 19, 1940 (43 U.S.C. 618 et seq.) (commonly known as the “Boulder Canyon Project Adjustment Act”);

(4) the Treaty between the United States of America and Mexico relating to the utilization of waters of the Colorado and Tijuana Rivers and of the Rio Grande, and supplementary protocol signed November 14, 1944, signed at Washington February 3, 1944 (59 Stat. 1219);

(5) the Upper Colorado River Basin Compact as consented to by the Act of April 6, 1949 (63 Stat. 31);

(6) the Act of April 11, 1956 (commonly known as the “Colorado River Storage Project Act”) (43 U.S.C. 620 et seq.);

(7) the Colorado River Basin Project Act (Public Law 90-537; 82 Stat. 885); or

(8) any State of Wyoming or other State water law.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wyoming (Mrs. LUMMIS) and the gentleman from California (Mr. COSTA) each will control 20 minutes.

The Chair recognizes the gentlewoman from Wyoming.

#### GENERAL LEAVE

Mrs. LUMMIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 2273 was introduced by me, and it allows the State of Wyoming and the Federal Government to study, design, plan, and perform construction that will expand the active storage capacity at the Fontenelle Reservoir and Dam in Wyoming. This is a reservoir that is on the Green River.

The State of Wyoming will pay for the entire expansion. It will take us up about 87,000 acre-feet. Currently, the dam is at about 260. It will take us up to about 345,000 acre-feet. It will do it by riprapping the face of the dam. Riprap is when you take broken up concrete or stone and prevent erosion on the face of the dam. The additional storage capacity will be used by my State of Wyoming.

As you know, Mr. Speaker, expanding surface water storage projects in the West has to continue to be on the table. This bill allows for that expansion and does not require any additional expenditure from the Federal Government.

I am in support of the bill, of course, as the sponsor.

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

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

Mr. Speaker, H.R. 2273 is a real straightforward piece of legislation. It would increase the amount of water that can be stored in the Fontenelle Reservoir, which is a reservoir located in Lincoln County, Wyoming, the great State of Wyoming.

I want to commend the author, the gentlewoman from Wyoming (Mrs. LUMMIS), for her efforts on this important legislation for Wyoming. This bill has been written in a balanced manner that respects existing laws, compacts, and treaties. It does not attempt to expand Wyoming's entitlement to the Colorado River supplies. Any time we are talking about the Colorado River, Upper Basin or Lower Basin, it gets to be a bit of a sticky wicket. This does not involve any of those issues at the expense of any of the Colorado River Basin States.

H.R. 2273 is an important piece of legislation for the Congresswoman. It passed the Natural Resources Committee unanimously. Therefore, I lend my support to H.R. 2273, and I urge its adoption.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Wyoming (Mrs. LUMMIS) that the House suspend the rules and pass the bill, H.R. 2273, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to authorize the Secretary of the Interior to amend the Definite Plan Report for the Seedskadee Project to enable the use of the active capacity of the Fontenelle Reservoir."

A motion to reconsider was laid on the table.

### SAVE OUR SALMON ACT

Mrs. LUMMIS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4582) to exclude striped bass from the anadromous fish doubling requirement in section 3406(b)(1) of the Central Valley Project Improvement Act, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4582

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

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Save Our Salmon Act" or the "SOS Act".*

#### SEC. 2. LEGISLATIVE FINDINGS.

*Congress finds the following:*

(1) California is home to many populations of native salmon and steelhead.

(2) Many of the native salmon and steelhead populations in California are listed under the Endangered Species Act of 1973.

(3) The Central Valley Project Improvement Act (CVPIA) required a doubling of natural production of Central Valley populations of anadromous fish within 10 years.

(4) Striped bass are anadromous fish indigenous to the East Coast of the United States and are not native to the State of California.

(5) Striped bass were included in the CVPIA's fish doubling goal even though they are not a native species.

(6) Striped bass prey on native salmon and steelhead.

(7) Predation poses a serious threat to federally protected juvenile salmon and other native fish in California.

(8) According to the National Marine Fisheries Service, reducing abundance of striped bass and other non-native predators must be achieved to prevent extinction of Central Valley salmon and steelhead or to prevent the species from declining irreversibly.

(9) Therefore, the CVPIA's fish-doubling goal for two competing species is contradictory and counterproductive for salmon and steelhead recovery.

#### SEC. 3. TREATMENT OF STRIPED BASS.

(a) ANADROMOUS FISH.—Section 3403(a) of the Central Valley Project Improvement Act (title XXXIV of Public Law 102-575) is amended by striking "striped bass," after "stocks of salmon (including steelhead)."

(b) FISH AND WILDLIFE RESTORATION ACTIVITIES.—Section 3406(b) of the Central Valley Project Improvement Act (title XXXIV of Public Law 102-575) is amended by—

(1) striking paragraphs (14) and (18);

(2) redesignating paragraphs (15) through (17) as paragraphs (14) through (16), respectively; and

(3) redesignating paragraphs (19) through (23) as paragraphs (17) through (21), respectively.

(c) RESTORATION FUND ESTABLISHED.—Section 3407(a) of the Central Valley Project Improvement Act (title XXXIV of Public Law 102-575) is amended by striking "(10)-(18), and (20)-(22)" and inserting "(10)-(16), and (18)-(20)".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from

Wyoming (Mrs. LUMMIS) and the gentleman from California (Mr. COSTA) each will control 20 minutes.

The Chair recognizes the gentlewoman from Wyoming.

#### GENERAL LEAVE

Mrs. LUMMIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mrs. LUMMIS. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DENHAM), the author of this bill.

Mr. DENHAM. Mr. Speaker, H.R. 4582, the Save Our Salmon Act, which I introduced earlier this year, removes a contradiction in Federal law. This Federal law mandates that not only do we double the amount of threatened and endangered species, the salmon and steelhead, that we spend so much time, effort, and money trying to save, but the contradiction is it also wants us to double the striped bass that eat 98 percent of the fish we are trying to save.

This is a simple bill that is bipartisan that will save taxpayer dollars and that will save our water in California while addressing what we feel is a simple mistake.

Under the Central Valley Project Improvement Act, the CVPIA, this doubling goal was set in place in 1992. Again, the steelhead and the salmon are being eaten by the striped bass, which is a nonnative predator fish. This mandated population doubling of the predator fish has proven contradictory to protecting native species under the Endangered Species Act.

This bill not only removes this provision, but at the request of the administration, my bill also removes other sections in the CVPIA which provide for the implementation of the strategies to double the striped bass.

NOAA, NMFS, and the California Department of Fish and Wildlife have all indicated that predation of juvenile salmon is one of the primary stressors to these endangered species. In California, predation is rampant.

Predation of endangered fish in California continues to be one of the major factors in the complex equation of California water and the drought that our State faces. By eliminating this contradictory provision in the CVPIA, native species will again thrive without wasting the massive amounts of freshwater and taxpayer dollars currently required to do so.

Again, this is a commonsense, easy solution for Republicans and Democrats to agree on. If we want to save the threatened endangered species, let's stop spending so much money on the very fish that eat 98 percent of the fish that we are trying to save.

I want to thank my colleagues from both sides of the aisle for cosponsoring

this legislation, and I urge my colleagues to support H.R. 4582.

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

Mr. Speaker, I want to commend the author, as the original cosponsor of this important legislation, for trying to provide a balancing act in maintaining the waters for all beneficial uses in California.

This legislation by Congressman DENHAM that has good bipartisan support, H.R. 4582, is known also as the Save Our Salmon Act. It would amend the Central Valley Project Improvement to exempt striped bass from the law's fish-doubling goals.

One should understand that striped bass is a nonnative fish to California that was introduced in the late 1800s. Unfortunately, for the native salmon, the delta smelt, and other native fisheries, the striped bass is a very aggressive predator fish. The fact is that they eat not only juvenile salmon, but they eat delta smelt, which is part of the food chain for the salmon. As a result of this introduction, the striped bass are thriving, but, unfortunately, the native salmon of California are not.

This measure, H.R. 4582, is the first step in a range of overall policy decisions that we have got to take under consideration. Common sense tells us that we must look at all—of the stressors that are impacting the native fisheries of California. This attempts to do that to aid salmon recovery by providing, also, an additional, more reliable water supply for Californians.

Those in the San Joaquin Valley that Congressman DENHAM, others, and I represent have been devastated by the impact of the drought over the last 4, now going on 5, years. Farms, farm communities, and farmworkers have lost their jobs as a result of a zero—zero—water allocation. We don't even have a program to deal with what the Fish and Wildlife agencies have indicated is one of the greatest impacts of native species, which are predator fish. We don't have a predator control program as we have on the Columbia River. It is about time we do something about it.

While there are many stressors that impact the California salmon populations, thereby impacting the water supply reliability for much of California, this measure attempts to begin to do something about the predator problem.

I want to commend again Congressman DENHAM for his ongoing efforts, along with all of us, on a bipartisan effort to look at an overall balanced solution.

I support H.R. 4582, and I urge its adoption.

I yield back the balance of my time.

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

I want to commend these California Members. I have been to their districts. I have seen and been at hearings in Fresno where these issues have come to my level of understanding of now a