
PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 1837) TO
ADDRESS CERTAIN WATER-RELATED CONCERNS ON THE
SAN JOAQUIN RIVER, AND FOR OTHER PURPOSES

February 28, 2012.—Referred to the House Calendar and ordered to be
printed.

MR. BISHOP of Utah, from the Committee on Rules, submitted the following

R E P O R T

[To accompany H. Res.]

The Committee on Rules, having had under consideration House
Resolution____, by a nonrecord vote, report the same to the House with the
recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 1837, the San
Joaquin Valley Water Reliability Act, under a structured rule. The
resolution provides one hour of general debate equally divided and controlled
by the chair and ranking minority member of the Committee on Natural
Resources. The resolution waives all points of order against consideration of
the bill. The resolution makes in order as original text for purpose of
amendment an amendment in the nature of a substitute consisting of Rules
Committee Print 112-15 and provides that it shall be considered as read.
The resolution waives all points of order against the amendment in the
nature of a substitute. The resolution makes in order only those
amendments printed in this report. Each such amendment may be offered
only in the order printed in this report, may be offered only by a Member
designated in this report, shall be considered as read, shall be debatable for
the time specified in this 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 in the House or in the
Committee of the Whole. The resolution waives all points of order against
the amendments printed in this report. Finally, the resolution provides one
motion to recommit with or without instructions.

EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of the bill includes a waiver of Section 311 of the Congressional Budget Act, which prohibits consideration of legislation that would cause revenues to be less than the level of total revenues set forth in the concurrent resolution on the Budget.

Although the resolution waives all points of order against the amendment in the nature of a substitute made in order as original text, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendments printed in this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee Record Vote No. 196

Motion by Mr. McGovern to report an open rule. Defeated: 4-6

Majority Members	Vote	Minority Members	Vote
Mr. Sessions.....	Nay	Ms. Slaughter.....	Yea
Mr. Woodall.....	Nay	Mr. McGovern.....	Yea
Mr. Nugent.....	Nay	Mr. Hastings of Florida.....	Yea
Mr. Scott of South Carolina...	Nay	Mr. Polis.....	Yea
Mr. Webster.....	Nay		
Mr. Dreier, Chairman.....	Nay		

SUMMARY OF THE AMENDMENTS MADE IN ORDER

1. McClintock (CA): **Manager's Amendment.** Would make several technical and clarifying changes to the bill. (10 minutes)
2. Thompson, Mike (CA), Eshoo (CA): Would prevent several provisions of this Act from going into effect if any agriculture, agriculture-related, fishery, or fishery-related job is lost North of the Sacramento-San Joaquin River Delta. (10 minutes)
3. McNerney (CA): Would prevent several provisions of the Act from taking effect until it is determined that it will not harm the quality or safety of drinking water supplies for residents of California's Delta region (Contra Costa, Sacramento, San Joaquin, Solano, and Yolo Counties). (10 minutes)
4. McNerney (CA): Would prevent several provisions of the Act from taking effect until it is determined that it will not harm water quality or water availability for agricultural producers in California's Delta region (Contra Costa, Sacramento, San Joaquin, Solano, and Yolo Counties). (10 minutes)
5. Garamendi (CA): Would remove provisions of the bill that seek to privatize a public resource and restores the Secretary of the Interior's discretion over water contract renewals. (10 minutes)
6. Napolitano (CA): Would create a revenue stream through the elimination of a subsidy that allowed irrigators to repay project debt with no interest. (10 minutes)
7. Garamendi (CA): Would remove provisions of the bill that seek to decrease current supply of water to the Delta region. (10 minutes)
8. Markey, Edward (MA), Thompson, Mike (CA), Matsui (CA): Would replace provisions in H.R. 1837 that override state law with a provision upholding state law and requiring use of the best available science. (10 minutes)
9. Garamendi (CA): Would ensure that new water deliveries to Kettleman City can be met with existing water allocations. (10 minutes)

TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
MCCLINTOCK OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE
FOR 10 MINUTES

**AMENDMENT TO THE RULES COMMITTEE PRINT
TO H.R. 1837
OFFERED BY MR. MCCLINTOCK OF CALIFORNIA**

Page 3, line 24, strike “**CONTRACTS**” and insert
“**CONTRACT**”.

Page 4, starting on line 7, strike “, and renew such
contracts for successive periods of 40 years each”.

Page 4, after line 9, insert the following new sub-
section:

1 (b) ADMINISTRATION OF CONTRACTS.—Except as ex-
2 pressly provided by this Act, any existing long-term repay-
3 ment or water service contract for the delivery of water
4 from the Central Valley Project shall be administered pur-
5 suant to the Act of July 2, 1956 (70 Stat. 483).

Page 4, line 10, strike “(b)” and insert “(c)”.

Page 11, line 21, strike “.00”.

Page 12, line 3, strike “, no” and insert “no”.

Page 16, line 18, strike “submit to” and insert
“submit to the”.

Page 16, line 23, strike “options—” and insert “options:”.

Page 19, line 3, after “may partner” insert “or enter into an agreement”.

Page 19, line 11, after “No” and before “Federal funds” insert “additional”.

Page 19, lines 11, strike “this purpose and” and insert “the activities authorized in sections 103(d)(1)(A)(i), 103(d)(1)(A)(ii) and 103(d)(1)(A)(iii) of Public Law 108-361.”.

Page 19, lines 11 and 12, before “each water storage project” insert “However,”.

Page 19, line 12, after “water storage project” insert “under sections 103(d)(1)(A)(i), 103(d)(1)(A)(ii) and 103(d)(1)(A)(iii) of Public Law 108-361”.

Page 20, line 10, strike “valid”.

Page 20, line 17, strike “valid”.

Page 25, line 16, insert a period after “inclusive”.

Page 26, line 4, insert a colon after “Settlement”.

Page 37, line 22, insert “the first place it appears” before “and”.

Page 38, line 1, strike “, provided;” and insert “provided”.

Page 39, line 19, strike “after” and insert “before”.

Page 39, line 21, strike “after” and insert “before”.

Page 49, line 12, insert “Central Valley Project” before “water”.

Page 52, line 12, after “Sacramento River” insert “or San Joaquin River”.

Page 52, line 21, strike “**MISCELLANOUS**” and insert “**MISCELLANEOUS**”.



2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE THOMPSON OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT OFFERED BY MR. THOMPSON OF
CALIFORNIA TO THE RULES COMMITTEE
PRINT OF H.R. 1837**

After section 2, insert the following:

1 SEC. 3. EFFECTIVE DATE CONDITIONS.

2 Notwithstanding sections 104, 105, 110, and 111 and
3 title III, nothing in this Act or the amendments made by
4 this Act shall take effect until the Secretary of the Inte-
5 rior, in consultation with the Secretary of Agriculture, the
6 Secretary of Commerce, and the Secretary of Labor, cer-
7 tifies that the provisions of this Act and the amendments
8 made by this Act will not result in the loss of agriculture,
9 agriculture-related, fishery, or fishery-related jobs or rev-
10 enue in California counties north of the Sacramento-San
11 Joaquin River Delta.



3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
MCNERNEY OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE
FOR 10 MINUTES

**AMENDMENT OFFERED BY MR. MCNERNEY OF
CALIFORNIA TO THE RULES COMMITTEE
PRINT OF H.R. 1837**

After section 2, insert the following:

1 SEC. 3. EFFECTIVE DATE CONDITIONS.

2 Notwithstanding sections 104, 105, 110, and 111,
3 and title III, this Act and the amendments made by this
4 Act shall not take effect until the Secretary of the Interior,
5 in consultation with other Federal agencies with relevant
6 expertise, determines that this Act and the amendments
7 made by this Act shall not have a harmful effect on the
8 quality or safety of drinking water supplies for residents
9 of the five Delta Counties (Contra Costa County, Sac-
10 ramento County, San Joaquin County, Solano County,
11 and Yolo County, California).



4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
MCNERNEY OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE
FOR 10 MINUTES

Revised #4

**AMENDMENT OFFERED BY MR. MCNERNEY OF
CALIFORNIA TO THE RULES COMMITTEE
PRINT OF H.R. 1837**

After section 2, insert the following:

1 SEC. 3. EFFECTIVE DATE CONDITIONS.

2 Notwithstanding sections 104, 105, 110, and 111,
3 and title III, this Act and the amendments made by this
4 Act shall not take effect until the Secretary of the Interior,
5 in consultation with the Secretary of Agriculture, deter-
6 mines that carrying out this Act and the amendments
7 made by this Act shall not have a harmful effect on water
8 quality or water availability for agricultural producers in
9 the five Delta Counties (Contra Costa County, Sac-
10 ramento County, San Joaquin County, Solano County,
11 and Yolo County, California).



5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
GARAMENDI OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE
FOR 10 MINUTES

**AMENDMENT OFFERED BY MR. GARAMENDI OF
CALIFORNIA TO THE RULES COMMITTEE
PRINT OF H.R. 1837**

Strike section 103.



6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE NAPOLITANO OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT OFFERED BY MRS. NAPOLITANO OF
CALIFORNIA TO THE RULES COMMITTEE
PRINT OF H.R. 1837**

Page 4, line 15, after the period insert the following:
“Charges for all delivered water shall include interest, as determined by the Secretary of the Treasury, on the basis of average market yields on outstanding marketable obligations of the United States with the remaining periods of maturity comparable to the applicable reimbursement period of the project, adjusted to the nearest $\frac{1}{8}$ of 1 percent on the underpaid balance of the allocable project cost.”.



7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GARAMENDI OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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**AMENDMENT OFFERED BY MR. GARAMENDI OF
CALIFORNIA TO THE RULES COMMITTEE
PRINT OF H.R. 1837**

Strike section 105.



8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
MARKEY OF MASSACHUSETTS OR HIS DESIGNEE, DEBATABLE
FOR 10 MINUTES

**AMENDMENT OFFERED BY MR. MARKEY, MR.
THOMPSON OF CALIFORNIA, AND MS. MATSUI
TO THE RULES COMMITTEE PRINT OF H.R.
1837**

Amend subsection (a) of section 108 to read as follows:

1 (a) OPERATION.—Notwithstanding any other provi-
2 sion of this Act, the Central Valley Project and the State
3 Water Project shall be operated in a manner that meets
4 all obligations under State and Federal law, with oper-
5 ational constraints that are based on the best available
6 science.



9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GARAMENDI OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT OFFERED BY MR. GARAMENDI OF
CALIFORNIA TO THE RULES COMMITTEE
PRINT OF H.R. 1837**

Page 22, line 13, after "water" insert ", conserved
from the San Luis Unit,".



House Calendar No. _____

112TH CONGRESS
2D SESSION

H. RES. _____

Report No. 112-_____

Providing for consideration of the bill (H.R. 1837) to address certain water-related concerns on the San Joaquin River, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 28, 2012

Mr. BISHOP of Utah, from the Committee on Rules, reported the following resolution; which was referred to the House Calendar and ordered to be printed

RESOLUTION

Providing for consideration of the bill (H.R. 1837) to address certain water-related concerns on the San Joaquin River, and for other purposes.

1 *Resolved*, That at any time after the adoption of this
2 resolution the Speaker may, pursuant to clause 2(b) of
3 rule XVIII, declare the House resolved into the Committee
4 of the Whole House on the state of the Union for consider-
5 ation of the bill (H.R. 1837) to address certain water-re-
6 lated concerns on the San Joaquin River, and for other
7 purposes. The first reading of the bill shall be dispensed

1 with. All points of order against consideration of the bill
2 are waived. General debate shall be confined to the bill
3 and shall not exceed one hour equally divided and con-
4 trolled by the chair and ranking minority member of the
5 Committee on Natural Resources. After general debate the
6 bill shall be considered for amendment under the five-
7 minute rule. In lieu of the amendment in the nature of
8 a substitute recommended by the Committee on Natural
9 Resources now printed in the bill, it shall be in order to
10 consider as an original bill for the purpose of amendment
11 under the five-minute rule an amendment in the nature
12 of a substitute consisting of the text of Rules Committee
13 Print 112-15. That amendment in the nature of a sub-
14 stitute shall be considered as read. All points of order
15 against that amendment in the nature of a substitute are
16 waived. No amendment to that amendment in the nature
17 of a substitute shall be in order except those printed in
18 the report of the Committee on Rules accompanying this
19 resolution. Each such amendment may be offered only in
20 the order printed in the report, may be offered only by
21 a Member designated in the report, shall be considered
22 as read, shall be debatable for the time specified in the
23 report equally divided and controlled by the proponent and
24 an opponent, shall not be subject to amendment, and shall
25 not be subject to a demand for division of the question

1 in the House or in the Committee of the Whole. All points
2 of order against such amendments are waived. At the con-
3 clusion of consideration of the bill for amendment the
4 Committee shall rise and report the bill to the House with
5 such amendments as may have been adopted. Any Member
6 may demand a separate vote in the House on any amend-
7 ment adopted in the Committee of the Whole to the bill
8 or to the amendment in the nature of a substitute made
9 in order as original text. The previous question shall be
10 considered as ordered on the bill and amendments thereto
11 to final passage without intervening motion except one
12 motion to recommit with or without instructions.