Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Boyd
Cao
Carney
Cleaver
Deal (GA)
Emerson
Hall (TX)
Herger
Johnson (GA)
McCollum
Melancon
Mollohan
Olver
Radanovich
Scalise
Smith (WA)
Wasserman Schultz
Waters

□ 1501

Ms. LORETTA SANCHEZ of California and Mr. DONNELLY of Indiana changed their vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAMES OF MEMBERS AS COSPONSORS OF H.R. 1989

Mrs. CAPITO. Mr. Speaker, I ask unanimous consent to remove as cosponsors from H.R. 1989 the following Representatives: Mr. BARTLETT, Mr. BILBRAY, Mr. LATTA and Mr. SOUDER.

The SPEAKER pro tempore (Mr. DRIEHAUS). Is there objection to the request of the gentlewoman from West Virginia?

There was no objection.

REMOVAL OF NAMES OF MEMBERS AS COSPONSORS OF H.R. 3413

Mrs. CAPITO. Mr. Speaker, I ask unanimous consent to remove as cosponsors from H.R. 3413 the following Representatives: Mr. AL GREEN of Texas and Ms. JENKINS.

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

There was no objection.

APPOINTMENT OF MEMBERS TO BOARD OF VISITORS TO THE UNITED STATES MILITARY ACADEMY

The SPEAKER pro tempore. Pursuant to 10 U.S.C. 4355(a), and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Members of the House to the Board of Visitors to the United States Military Academy:

Mr. LEWIS, California
Mr. SHIMKUS, Illinois

APPOINTMENT OF MEMBERS TO NATIONAL COUNCIL ON THE ARTS

The SPEAKER pro tempore. Pursuant to 20 U.S.C. 955(b), and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Members of the House to the National Council on the Arts:

Ms. MCCOLLUM, Minnesota
Mr. CARNAHAN, Missouri

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3183) ''An Act making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes.''.

BAY AREA REGIONAL WATER RECYCLING PROGRAM EXPANSION ACT OF 2009

Mr. GEORGE MILLER of California. Mr. Speaker, pursuant to House Resolution 830, I call up the bill (H.R. 2442) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to expand the Bay Area Regional Water Recycling Program, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 830, the amendment printed in House Report 111–301 is adopted and the bill, as amended, is considered read.

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

H.R. 2442

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 ''Bay Area Regional Water Recycling Program Expansion Act of 2009''.

SEC. 2. PROJECT AUTHORIZATIONS.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.) (as amended by section 512(a) of the Consolidated Natural Resources Act of 2008) is amended by adding at the end the following:

''SEC. 16. CCCSD-CONCORD RECYCLED WATER PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the Central Contra Costa Sanitary District, California, is authorized to participate in the design, planning, and construction of recycled water distribution systems.

''(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,800,000.

''SEC. 16. CENTRAL DUBLIN RECYCLED WATER DISTRIBUTION AND RETROFIT PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the Dublin San Ramon Services District, California, is authorized to participate in the design, planning, and construction of recycled water system facilities.

''(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,150,000.

''SEC. 16. PETALUMA RECYCLED WATER PROJECT, PHASES 2A, 2B, AND 3.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Petaluma, California, is authorized to participate in the design, planning, and construction of recycled water system facilities.

''(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $6,000,000.

''SEC. 16. CENTRAL REDWOOD CITY RECYCLED WATER PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Redwood City, California, is authorized to participate in the design, planning, and construction of recycled water system facilities.

''(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $8,000,000.

''SEC. 16. PALO ALTO RECYCLED WATER PIPELINE PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Palo Alto, California, is authorized to participate in the design, planning, and construction of recycled water system facilities.

''(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $8,250,000.

''SEC. 16. IRONHOUSE SANITARY DISTRICT (ISD) ANTIOCH RECYCLED WATER PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the Ironhouse Sanitary District (ISD), California, is authorized to participate in the design, planning, and construction of recycled water distribution systems.

''(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $7,000,000.''.

(b) PROJECT IMPLEMENTATION.—In carrying out sections 1642 through 1648 of the Reclamation Wastewater and Groundwater

Study and Facilities Act, and the sections added to such Act by subsection (a), the Secretary shall enter into individual agreements with the San Francisco Bay Area Regional Water Recycling implementing agencies to fund the projects through the Bay Area Clean Water Agencies (BACWA) or its successor, and shall include in such agreements a provision for the reimbursement of construction costs, including those construction costs incurred prior to the enactment of this Act, subject to appropriations made available for the Federal share of the project under sections 1642 through 1648 of the Reclamation Wastewater and Groundwater Study and Facilities Act and the sections added to such Act by subsection (a).

(c) CLERICAL AMENDMENTS.—The table of contents of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. prec. 371) (as amended by section 512(a) of the Consolidated Natural Resources Act of 2008) is amended by adding at the end the following:

''Sec. 1649. CCCSD-Concord recycled water project.
''Sec. 1650. Central Dublin recycled water distribution and retrofit project.
''Sec. 1651. Petaluma recycled water project, phases 2a, 2b, and 3.
''Sec. 1652. Central Redwood City recycled water project.
''Sec. 1653. Palo Alto recycled water pipeline project.
''Sec. 1654. Ironhouse Sanitary District (ISD) Antioch recycled water project.''.

SEC. 3. MODIFICATION TO AUTHORIZED PROJECTS.

(a) ANTIOCH RECYCLED WATER PROJECT.—Section 1644(d) of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h–27) (as amended by section 512(a) of the Consolidated Natural Resources Act of 2008) is amended by striking ''$2,250,000'' and inserting ''$3,125,000''.

(b) SOUTH BAY ADVANCED RECYCLED WATER TREATMENT FACILITY.—Section 1648(d) of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h–31) (as amended by section 512(a) of the Consolidated Natural Resources Act of 2008) is amended by striking ''$8,250,000'' and inserting ''$13,250,000''.

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

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. GEORGE MILLER of California. 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 H.R. 2442.

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

There was no objection.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the chairman of the Natural Resources Committee, the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Speaker, I wish to, in the very beginning, commend the gentleman from California, the chairman of our Committee on Education and Labor, Mr. GEORGE MILLER, for the tremendous leadership, dedication, persistence and patience with which he has handled the pending legislation. I wish to also commend our distinguished chairlady of our Subcommittee on Water on our Natural Resources Committee, the gentlelady from California, Mrs. GRACE NAPOLITANO.

I do rise in my capacity as chairman of the Committee on Natural Resources to support the pending legislation which was favorably reported out of our committee without controversy.

By now, I would think that most of us are aware that there are major issues associated with drought and agriculture in California. While the rainy season has hit parts of the State, it will do little to refill reservoirs that haven't seen normal level of rainfall for years. The impacts of the drought are obvious, whether we're talking about brown lawns, fallowed fields or increased water rates for struggling families.

To address this dire situation, the pending measure is based on the practical idea of conservation through reuse. By recycling water, this bill would create 39,000 acre-feet of water or enough water to supply over 24,000 homes. We're bringing this legislation up under a rule today because a very vocal minority opposed this bill for reasons unrelated to the merits of the legislation.

I'm fortunate to come from a State with abundant water resources. I understand how water is critical for both people and our economy. What I do not understand is why some Members on the other side want to use this bill as a strawman so they can demagogue Democrats on the drought issue.

One Republican Member from California in particular filed a number of amendments that are very good at generating headlines and controversy. Unfortunately, the amendments were not germane to the subject matter of the bill before us, nor are they very thoughtful or realistic solutions to the crisis before us.

Opposition to this legislation is like cutting off one's nose to spite one's face. Water supply issues in California are not a zero sum game. Creating more water through reuse in urbanized areas reduces pressure on water demands elsewhere in the State. If opponents to this legislation want to work towards solving California's water woes, then I suggest getting real about finding solutions and stop the partisan political attacks.

The bill before us today creates new water resources through reuse. We have brought up bill after bill doing the same thing before this body without any controversy, including bills for my Republican colleagues in southern California, Utah and Oregon.

The only reason we are here today debating this legislation is because one Member thinks a solution to a severe drought is to gut environmental laws and overturn court decisions. Perhaps that Member should propose a rain dance as well.

So it is time to support H.R. 2442 and move forward with practical solutions for a real drought in California. I urge support of the legislation.

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

Mr. Speaker, I rise reluctantly to oppose this bill. I say reluctantly, because I and colleagues on my side of the aisle do support water recycling. We think it's a valuable tool for providing water to our farmers and communities across America, just as water storage is, Mr. Speaker, a tool for providing water for our communities.

Mr. Speaker, the Democrat sponsor of this legislation, and the manager of this bill, the gentleman from California, has said previously, and is correct, that Republican water recycling bills have passed this House. That's correct. The question is, then, why is this bill different?

And the answer, Mr. Speaker, is very simple. When there is an economic disaster occurring in the San Joaquin Valley of California, when man-made and government-enforced drought has dried up farm after farm in that valley, with 40,000 workers unemployed, standing in food lines and being ignored by the leadership in this House, when solutions to bring water and relief to this area have been blocked and stymied again by the leadership in this House, then a point comes, Mr. Speaker, when Members of this House have to say enough is enough.

The water recycling bill before us benefits the San Francisco Bay Area. The Speaker of the House represents the city of San Francisco, and one of her top deputies, who happens to be the sponsor of this bill, is also from the Bay Area.

This bill provides millions of Federal taxpayer dollars for the Bay Area while tens of thousands of their fellow citizens suffer economic devastation just a few hours south and inland in the San Joaquin Valley.

All that was sought by the two Republican Members from the San Joaquin Valley, with the express support, I might add, of one of their Members from California in the same area on the Rules Committee, was to a have a chance, just a chance, to make their case on the House floor and to vote for a solution to this disaster in the San Joaquin Valley.

Mr. Speaker, they didn't ask that the amendments that they wanted made in order be passed. They just asked for the ability to be heard so they could persuade others to perhaps vote with them. That is all any of us could ask. Mr. Speaker, that chance has been denied. It has been blocked. Their amendments were deemed nongermane. It has been labeled as irrelevant to the bill before us.

Mr. Speaker, might does not make right when it comes to who controls the House because what the leadership is unwilling to do is potentially provide relief to those that have been hurt by

this man-made drought in the San Joaquin Valley and the policies of this Federal Government.

It has been stated, also, that the drought disaster is a California issue. The implication of that is that this is not of concern to other Americans. Mr. Speaker, that simply is wrong. What is happening in the San Joaquin Valley of California does affect all Americans. If this water recycling bill to benefit the Bay Area is worthy of consideration by the representatives of all 50 States in this House, then so is the drought disaster issue.

Mr. Speaker, if this can happen in California, then what of the farmers in the central Washington district that I represent? Hundreds of thousands of acres of farmland are irrigated in my district with water delivered by Federal pumps and from Federal reservoirs. I do not ever want to see the day that a government-enforced drought devastates these communities that I represent.

This isn't the first instance when Federal policies have threatened to cut off water to tens of thousands of people. Earlier in this decade, the city of Albuquerque, New Mexico, was threatened with the loss of its water supply due to the presence of the silvery minnow. Congress acted rightfully to provide relief to New Mexico when the House and the Senate, in a bipartisan way, voted for a remedy to Albuquerque's problem. Today, unfortunately, there is no relief to come to the San Joaquin Valley as relief did come to those in Albuquerque.

And the relief that is being sought, I might add, Mr. Speaker, is not a bailout. The amendments that were offered simply were a plea, and it was not a plea for stimulus funding or for any money. It was simply for an opportunity to allow the Federal Government to provide for water flow. It didn't cost anything. But yet it was not given an opportunity.

So, Mr. Speaker, if the House is going to provide authorization to spend tens of millions of taxpayer dollars to provide recycled water to the Francisco Bay Area, then this House should be voting on legislation that brings relief to Californians suffering from this devastating man-made drought.

□ 1515

Mr. Speaker, it's on these grounds, even though I support the concept of water recycling, it's on these grounds that I have to stand here and urge a ''no'' vote on this bill.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 3 minutes for the purposes of entering into a colloquy with the gentlewoman from California (Mrs. NAPOLITANO), the chairwoman of the Subcommittee on Water and Power.

Madam Chair, I appreciate your support for my legislation for helping to expand California's water supply. Is it true when the House considered the water recycling bill for Mr. GALLEGLY of California just last month no amendments were sought by the minority and none were included, in his water recycling bill, and that was approved by a voice vote?

Mrs. NAPOLITANO. The gentleman is correct. The water recycling bill for California for Mr. GALLEGLY was approved by a voice vote by the House last month, and no amendments were asked for and none were included.

Mr. GEORGE MILLER of California. Madam Chair, is it also true that so far this year the House has approved five water recycling or water reuse bills for Members of the minority party and that no amendments at that time were sought for any of those five bills, that those five water bills were each approved under suspension of the rules, either by a voice vote or by a substantial majority vote?

Mrs. NAPOLITANO. Again, the gentleman is correct. So far this year the House has approved five water bills, all for recycling or water reuse for Members of the minority party, and no amendments were offered by the minority or the majority to any of those five bills which, by the way, were Mr. ISSA, Mrs. BONO MACK, Mr. CALVERT, Mr. CHAFFETZ, and Mr. DREIER; and they were approved by a voice vote or by substantial majorities.

Mr. GEORGE MILLER of California. I thank the gentlewoman.

Madam Chair, if I can pursue further, finally, is it true that when my bill, H.R. 2442, was considered by the Water and Power Subcommittee in the full Natural Resources Committee earlier this year, no amendments were offered by the minority or the majority and the bill was reported out by unanimous consent?

Mrs. NAPOLITANO. True, the gentleman is again correct. H.R. 2442 was approved by unanimous consent, and no amendments were offered by the minority or the majority.

Mr. GEORGE MILLER of California. I thank the gentlewoman for engaging me in this colloquy, and I also want to thank her for her groundbreaking work in bringing water recycling and reuse to the forefront of the consideration by the Bureau of Reclamation as an important source of new water in California and throughout the west and southwestern United States.

I reserve the balance of my time.

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

Mr. CALVERT. Mr. Speaker, under normal circumstances, the legislation before us would be approved without much attention or controversy. The bill simply authorizes water recycling projects, which I strongly support.

However, we are not living under normal circumstances. We are living in the midst of a crisis. The ongoing water crisis in California has created an economic downturn up and down the State. Statewide, the unemployment rate has risen to more than 12 percent. In the Central Valley, regional unemployment has reached 20 percent, with some communities' unemployment now over 40 percent.

California's water crisis is the result of water conditions, on top of the federally imposed pumping restrictions that have been placed on our State's critical water infrastructure. While the water pumping restrictions are undeniably hurting California's water economy, there is no clear evidence that endangered species are actually benefiting from the measures intended to protect them.

The fact remains that the flaws and shortcomings of the Endangered Species Act have tied the hands of judges and water resource planners, creating a man-made drought that is killing jobs in California. So what is the majority of the House doing to address the clear and obvious deficiencies in the Endangered Species Act? The answer is absolutely nothing.

The reality is that the leadership of the House is too afraid to allow an open and free debate on these policies because they know if reasonable people are given a chance, they would overwhelmingly reject failed policies aimed to protect fish and support efforts to give water to people who are struggling just to survive.

There are a number of bills sponsored by Members in the minority that would restore some common sense to our water and environmental policies. Perhaps if the Democratic leadership would allow these bills to come to the floor, legislation like this would be approved without much attention or much controversy.

Mr. GEORGE MILLER of California. I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I listened to my friend from California say that if we would just allow some of these proposals to come to the floor, they would just be approved without any controversy.

I beg to differ. Suspending the Endangered Species Acts, overturning biops, dealing with issues that have been in the works for years to try and balance the equities would be noticed. It's one of the reasons why the Republicans, when they controlled everything for 6 years, didn't move anything remotely like that.

The American public, Native Americans, hunters and fishermen, the fisheries industry, they rely on some semblance of reality when we are dealing with water policy. I commend the gentleman for bringing forward something that is a constructive solution that can pass and isn't going to be tied up in court for years. That's not going to put people out of work. That's, in fact, going to create jobs. It's going to create water. It's going to reduce the pressure.

Instead, we are hearing our friends from the other side of the aisle ignore

the very real problems that we are facing today. This is not a man-made government-enforced drought. The water isn't there. To overturn minimal protections for the environment, for the fisheries in the Pacific Northwest, for people at the end of these rivers is not a solution that's going to restore water that isn't there.

It's not going to help California that's tied in knots. Its legislature can't even deal with meaningful management of its own groundwater. We have a crisis in this country that is man-made and government created, and that is that we haven't been serious about the management of water resources.

This is going to get worse because of climate change, global warming, and extreme weather events. We are going to be facing things like this in the Pacific Northwest with the disappearing snow pack, more strain on reservoirs, more conflict between cities and towns in rural areas, between wildlife and Native Americans.

We have got to get serious. We have to get serious with legislation like this and being realistic about working together to create a framework for dealing with water policy. Let's roll up our sleeves and do that together. In the meantime, let's not demagog important legislation that will make a difference for water in California now, putting people to work and maybe, just maybe, starting an honest conversation about how we are going to deal with a nationwide water crisis.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from California, the ranking Republican on the Water and Power Subcommittee of the Natural Resources Committee, Mr. MCCLINTOCK.

Mr. MCCLINTOCK. I thank the gentleman for yielding.

Mr. Speaker, those who blame the drought for our problems ignore the fact that this is a very mild drought by historical standards. In fact, during much more severe droughts than the one we are currently experiencing, far more water flowed to the Central Valley than it does right now.

I wonder if the proponents would seriously deny that 200 billion gallons of water have been diverted from the Central Valley by these regulations. It's morally unconscionable that water recycling bills to benefit the pampered and privileged communities of San Francisco can sail through the House while 40,000 families have lost their jobs in the San Joaquin Valley because this government has diverted 200 billion gallons of water in order to indulge one of the environmental left's pet causes, the delta smelt.

But I would like to address some of the basic economics of these recycling bills. A generation ago the principal objective of our water policy was to create abundance. That was an era when vast reservoirs produced a cornucopia of clean and plentiful water on a scale so vast that many communities didn't bother to meter it. That clean, cheap, and abundant water also made America the breadbasket of the world and the Central Valley of California the breadbasket of that State.

But the majority party has abandoned that policy. It has replaced it with a very different philosophy that the government's principal focus should not be to produce abundant water, but rather to ration and recycle water shortages that government has caused by abandoning abundance as its primary objective.

The result is increasingly expensive water that now affects our prosperity as a Nation. By its own admission, this administration is no longer analyzing the costs and benefits of projects in the bill now before us. In committee, the administration admitted that it faces a $600 million backlog of 53 water recycling projects like these and still hasn't bothered to prioritize them, let alone to figure out how to pay for them.

This bill provides a 25 percent Federal match for six local water recycling projects in the San Francisco Bay Area. It increases the maximum Federal cost share for two others.

The total cost to American taxpayers for this bill is $38 million. According to sponsors, it will produce 2.6 billion gallons of water. That comes to about 8,000 acre feet.

Now, let's do the math here, $38 million for 8,000 acre feet. That comes to $4,500 per acre foot. That's just the Federal share. The total cost of these projects is four times that amount, or more than $18,000 per acre foot.

Now, let's compare that to the capital cost of the nearby Oroville Dam. That was roughly $600 million in 1968, due to the inflation adjustment. It's $3.5 billion in today's money. That dam produces 3.5 million acre feet of water.

In other words, the modern-day inflation-adjusted cost of the Oroville Dam, including its massive power plant, comes to about $1,000 per acre foot. The projects in this bill cost more than $18,000 per acre foot overall, including $4,500 per acre foot directly from the national Treasury, which, in case you haven't noticed, is empty.

I raised these issues in committee. I did not actively oppose the bill, because the House has yet to set fiscal standards for recycling measures like this one. It needs to.

But I also must agree with Ranking Member HASTINGS and Congressman NUNES and others that it's a travesty that we should vote for 2.5 billion more gallons of water for San Francisco while taking away 200 billion gallons of water from the Central Valley of California.

At the same time that the Central Valley taxpayers are struggling with up to 40 percent unemployment rates, at the same time that all taxpayers are paying higher grocery bills as a result of these heartless water diversions, those same taxpayers are being asked to pay a super-premium subsidy to Bay Area water users, whose Representatives have endorsed this folly.

To add insult to injury, Mr. NUNES is not even allowed to offer amendments to restore water deliveries that would mean jobs for 40,000 unemployed California families without costing our Treasury a dime.

For all of those reasons I urge my colleagues to oppose this bill. Not only can we do much better; we could not possibly do any worse.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from California (Mr. THOMPSON).

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

Mr. Speaker and Members, this bill is about freeing up 2.5 million gallons of water per day through recycling, water that would be able to be used throughout the affected areas in California. This reduces water demand for our State, again, 2.5 million gallons a day.

I want to speak to something that was said earlier, and that was that the salmon fishermen in California, the salmon fishing families, were not hurt, and that the claims that they were were bogus.

Mr. Speaker and Members, the salmon fishermen and their families in my district on the north coast of California have been out of work for 3 of the past 4 years, mostly because of illegal biological opinions issued by the past administration.

At the same time, the farmers south of the delta have been receiving disaster funds for their water shortages, $95 million over the course of the last 2 years. The biological opinions, the illegal biological opinions that I mentioned, helped kill some 80,000 spawning salmon on the Klamath River and decimated the salmon fishery along the Sacramento River. Those fisheries in the Sacramento River saw their salmon populations go from 800,000 to 66,000 in 3 short years.

Mr. Speaker and Members, fishing families have been put out of work in my district and up through and into Oregon. They have lost their homes, they have lost their savings, and they have lost their livelihoods. It's not bogus, and it's shameful to suggest that it is.

The heart of the issue that's here today, the opponents of this bill feel very comfortable choosing one business as more superior to another. The opponents' debate isn't about solutions but rather——

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

Mr. GEORGE MILLER of California. I yield 30 additional seconds to the gentleman.

Mr. THOMPSON. Suggesting that some hardworking farmers are more important and more worthy than hardworking fishermen. That is wrong.

□ 1530

This bill will ultimately conserve 2.5 million gallons of water per day for

drought-stricken California. This is a good idea and it helps bring flexibility to our system.

I want to thank Mr. MILLER for his bill and his effort to address this issue and provide maximum flexibility. I urge my colleagues to vote against the motion to recommit and for the underlying bill.

Mr. HASTINGS of Washington. Mr. Speaker, may I inquire how much time is left on both sides?

The SPEAKER pro tempore. You have 17½ minutes remaining and the majority has 19½ minutes remaining.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from the southern San Joaquin Valley, Mr. MCCARTHY.

Mr. MCCARTHY of California. I thank my dear friend.

Mr. Speaker, as I sit and listen to this debate, I have many colleagues on the other side that happen to be in the majority. They not only show it in committee by the number of one on one side and fewer on the other, but they show it when the bills come to the floor.

The idea that the power of the idea would win at the end of the day doesn't happen here. They go to the Rules Committee and they deny an amendment to even come forward. They do a colloquy on the other side to talk about bills that have been brought up. I would like to see a colloquy that talked about the bills that have been denied.

I come from the Central Valley, where unemployment is double digit. Some cities have 40 percent unemployment. But I don't hear the colloquy from my friends on the other side of the aisle to talk about H.R. 3105, the Turn the Pumps on Act.

You have 200 billion gallons a year being denied to the Central Valley. The party in power shows where their desire is to go, to deny the valley the ability to grow, to deny the valley the ability to go create jobs.

I want to remind my friends on the other side of the aisle when we had the Rules debate of a quote from Franklin Delano Roosevelt. He once said, the Nation that destroys its soil, destroys itself.

The pumps are off, the pipes are dry, the land is no longer able to produce, so the soil is being destroyed. But it does not have to stay that way. Man-made droughts can change. And what the debate today is about and what the passion you feel from this side is, it is not a partisan passion. This is a passion of Independents, a passion of Democrats and a passion of Republicans, that you allow the bills to come to the floor.

I listened to a colleague on the other side of the aisle say, well, these bills will fail. Well, bring them here. You have the power. You have the majority. Do not deny them. Do not deny the amendments. Let the people who have the power of the idea win at the end of the day.

When you talk about a bill that will produce 2.6 billion gallons a year, but you deny bills that provide 200 billion gallons this year for the Central Valley, no longer do you talk of the valley feeding the world; you talk of the valley being dry.

You look at the rallies that are being created and you look at the faces in the rallies. They are a microcosm of America, from every walk of life. They come there with one sign, ''Turn the pumps on,'' and that is our message today. That is our message with this bill, that we have the power to make the decision to get the water pumping again.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. Mr. Speaker, California is in the third year of a drought. The salmon fishers are in the third year of no season. Farmers are hurting, fishermen are hurting. But this bill actually helps that problem.

I come from Silicon Valley, where half of our water comes from the Delta. I have heard the name San Francisco mentioned. They don't get any of their water from the Delta. In fact, they don't have any projects in this bill. But Silicon Valley gets half its water from the Delta, and the projects that will flow to Silicon Valley to reuse the water we have from our groundwater sources are going to free up water for the Delta. It will free up water for the farmers and for the fishermen, and I count that a good thing.

We can get bombastic here, all of us. It hurts us when our constituents are hurt. But it is important to note that this is a solution. This is a solution.

Silicon Valley doesn't have any farmers and it doesn't really have any commercial fishermen. We make chips. We also have double-digit unemployment.

So we all need to pull together here. Silicon Valley is willing to do its part to recycle so the water can flow to those in need.

I would like to just point out that although we all value San Francisco, San Jose has 1 million people, and since San Francisco really isn't part of this bill at all, perhaps we should refer to this as the San Jose Bay Area in the future. The San Jose Bay Area is willing to help out by supporting this bill.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, reference was made as to why we are debating this bill on the floor, which obviously the concept of this bill brings forward water recycling and has broad support in this House. I certainly support that concept. But the inference was made that the only reason we are debating this is because of one Member—they didn't say where he is from, but I assume he is from California—who has been very, very outspoken about the economic disaster that is going on in the San Joaquin Valley of California.

Mr. Speaker, I just want to say that that individual is defending what he thinks is right for his constituents, and he is doing all the right things within the rules of this House to bring this issue forward so that we can have a debate.

The inference was also made by those remarks that this was partisan in nature. Well, I would just remind my colleagues, Mr. Speaker, that on the rule, bringing this bill to the floor of the House had bipartisan opposition. As you know, when there are rule votes, they are generally along party lines. Yet, Mr. Speaker, 23 Democrats voted against this rule.

Now, I don't know the motivation of all of them, but I would certainly hope, and I would guess that they probably voted ''no'' because they felt this issue was worthy of debate. And, I might add, of those 23, four of them are from the Natural Resources Committee, in which this bill passed out of by unanimous consent, but there was some discussion in the subcommittee on the issue, and the cost, as Mr. MCCLINTOCK pointed out so well.

Mr. Speaker, I just want to make this point: if somebody is accused of defending their constituents and that is done in a negative way, that is not what this House is all about. Every Member should be doing everything they can to defend their constituents.

So the debate on this really, I believe, is evolving into a bipartisan debate to have a debate on the underlying issue.

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

Mr. HASTINGS of Washington. I yield myself another 30 seconds.

But we have been denied that. I would just hope that there will be some opportunity later on for us to revisit that and have these potential solutions that were brought forward by my colleagues that live in these areas in a bipartisan way to be debated.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. SPEIER).

Ms. SPEIER. Mr. Speaker, I, too, rise in support of H.R. 2442 and salute my good friend and colleague, Mr. MILLER, on his good work.

This bill will provide, as has been said already, 2.6 billion gallons of water per year to drought-stricken California, adding enough water supply to meet the demands for nearly 25,000 households, and it will also generate, either direct or indirectly, 3,500 jobs.

Mr. Speaker, attacking a water recycling measure that is designed to help all of California is truly counterproductive. The North Coast County Water District, based in Pacifica in my congressional district, has said, ''As California continues to experience drought conditions, increased demand for water, and strain on the Delta ecosystem, alternative water supplies like those authorized in H.R. 2442 provide a long-term sustainable solution essential to California's economy.''

The bottom line is that Republicans and Democrats alike agree that water

recycling helps reduce stress on California's fragile freshwater system, and they have approved water recycling projects for California and across the Western region on a bipartisan basis in Congress. I hope we can do that again.

Mr. HASTINGS of Washington. Mr. Speaker, I am very pleased to yield 5 minutes to the gentleman from the San Joaquin Valley, California (Mr. NUNES).

Mr. NUNES. Mr. Speaker, I thank my friend from Washington.

Since this House is being denied the opportunity to debate legislation that would have a meaningful impact on the California water crisis, I think it is appropriate to take a closer look at the bill before us today. This bill funds a water recycling project for the Bay Area. That is it.

The sponsor of this bill pounds his chest and says he is providing 2.6 billion gallons of water for his constituents. Congratulations. What the sponsor will not disclose is that he has worked consistently to deny delivery of 200 billion gallons of water to an area that has 40 percent unemployment in some cases, that has folks standing in food lines, and land dry with tumbleweeds.

Now, it is ironic that this bill provides water only to one little area of San Francisco, the Greater San Francisco Bay Area, which already receives pristine water from a beautiful glacial valley that is not far from where I live in the Yosemite National Park called Hetch Hetchy. You heard me correct. The Bay Area gets water from one of the Nation's flagship national parks.

The City of San Francisco, knowing that it needed to provide water to its citizens, destroyed a portion of Yosemite National Park to construct its own water supply reservoir. I actually have a picture of what it looked like.

This is what it looked like before. If you have ever been to Yosemite, you can see that it looks very similar to Yosemite Valley. But now it is dammed up. It is dammed up to provide water to the people of San Francisco.

Now, that is really not the worst of it, because we hear so much about how the other side of the aisle cares so much about the fish and the poor fishermen that are losing their jobs because the water is not being delivered to the Delta to save all these fish that need to be saved.

Well, let's go back and look at a little map of Hetch Hetchy. This is Hetch Hetchy, Yosemite National Park. Here is the dam. And the water is piped. There is not a river. It is piped directly into the San Francisco Bay Area. This is the same water, Mr. Speaker, that would go down to save the fish that they care about so much. So do they honestly care about fish, or do they really just care about providing water to their people and serving their radical environmental friends that have worked for decades to cut water off to people that are just trying to provide food for America?

The leaders in the Bay Area and the surrounding region have used their muscle in the past to actually get by other environmental laws. They destroyed not only the beautiful national park when they needed water, they subsequently exempted their water project from the Wild and Scenic Rivers Act. That is why they built the pipe, so they wouldn't even have to have a river.

When the Bay Area needed to add to its runway, they exempted environmental laws to build a new airport in the beautiful San Francisco Bay, one of the greatest areas of California.

But despite their own record, when folks a mere two hours away are bled dry of water, they have opposed a temporary waiver to allow not 2 billion gallons of water like this does, but 200 billion gallons of water.

I support these water recycling projects, but I oppose this bill because the author of this bill is the leader of the effort to cut off 200 billion gallons of water that would serve the greater San Joaquin Valley, Los Angeles and San Diego. So absent the inclusion of language that will address this government-imposed drought, this bill should be rejected.

Mr. GEORGE MILLER of California. I yield 3 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Thank you very much, Mr. Chairman, for yielding.

I have no projects in this bill.

□ 1545

I have no benefit in this bill. I represent some of the greatest agriculture in the United States of America. And guess what? We don't get a drop of that water from anywhere but the sky that it falls out of and all of the wastewater that we recycle, the largest recycling project in the United States and the world irrigating agriculture.

You know what? You people that live in glass houses shouldn't throw stones. You took a desert in the San Joaquin Valley, and using taxpayers' money, you built all these public systems, damming up those rivers—and I'm glad Mr. NUNES is going to support us in tearing down the Hetch Hetchy dam—and dammed up those rivers to get all the water into the canals to take them into a desert. And what happened? It didn't rain. All of a sudden you're caught in a drought. So who do you blame? You blame everything. You blame the Democrats. You blame the water. You blame the sky. It didn't fall out of the sky. But you blame every law that's out there.

People who live in glass houses shouldn't throw stones because what are you doing about recycling all the wastewater that you're creating? You've always had that. Our communities have bellied up to the bar. They put their money up. This bill says you've got to put up three-quarters of the money before you even come and ask for help from Washington. Frankly, it ought to be the other way around. Recycling is so important we ought to be doing it in every community in the United States, and the government ought to be at two-thirds help and the community at one-third help.

This bill is a good bill. And don't think that because one part of one State didn't get enough rain last year that we ought to bury the whole thing trying to get recycled water. Guess what you do when you get that recycled water? You free up potable water that can go to other things.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. FARR. No. You have time.

When you have that potable water, you ought not to be using it for agriculture. You ought to be using that for drinking purposes. All the golf courses on the Monterey Peninsula are irrigated by recycled water, Pebble Beach, Cypress, all these big famous golf courses.

So I think that those people that are criticizing this bill and criticizing the fact that we didn't get enough rain in the San Joaquin Valley ought to be asking for us to help them get recycling projects in their communities like we have in the Salinas Valley. We can solve this problem, but we've got to solve it in a multiplicity of ways, and one of the ways to do that is recycling. This bill makes a giant step forward for a lot of communities in northern California.

I would urge an ''aye'' vote.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.

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

Mr. NUNES. Mr. Speaker, I want to remind my Democrat colleague on the other side of the aisle that there were two Presidents that were instrumental in building the water projects that turned a desert into the most productive agricultural land in the world. One was named Franklin Roosevelt and the other was named John F. Kennedy. Last time I checked, they were both Democrats. That was back when the Democrats cared about providing jobs to people instead of serving their radical environmental friends in the Bay Area. My, how we've gone a long ways in this Democratic Party. It's sad to see this.

Mr. GEORGE MILLER of California. I have no further speakers, so I'll reserve until time to close.

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

Mr. Speaker, I stood up and asked my dear friend from California (Mr. FARR) to yield, and he said he didn't have time to yield, because I wanted to point out something that he had said and to clarify at least what I think is his interpretation of what he was saying.

He was saying that these water recycling bills are a 25/75 match, and that's

what the bill says. There's no requirement, however, in this bill for those recipients of these Federal dollars to repay these Federal dollars.

On the other hand, I come from central Washington, the Columbia Basin Project, Bureau of Reclamation area, irrigated by Grand Coulee Dam, and while they were built by the Federal Government, it's true, those monies have to be paid back by those irrigation districts. We don't get a 25 percent cut or a 50 percent cut. So I just wanted to point that out. We're not talking about apples and oranges, no pun intended on that.

So, Mr. Speaker, as I had mentioned earlier, the reason that I reluctantly oppose this bill is because of what it does not do. And of course what it does not do is to provide for an opportunity to address a very, very serious economic problem in the San Joaquin Valley of California.

As I mentioned on the rule, there were 23 Democrats that supported Republicans on this. This would indicate to me, I would hope, that there is growing support for having this addressed in a manner in the House, on the floor of the U.S. House of Representatives. I certainly hope that that is the case. And if opposition from me and others is a way to get to that point, I will be very, very proud of that.

But with that, Mr. Speaker, I have to stand up and reluctantly oppose this bill for the many reasons I said in my previous remarks.

I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

First of all, I want to begin by thanking Chairwoman NAPOLITANO and Chairman RAHALL, the Chair of the full committee, and Chairwoman NAPOLITANO of the Subcommittee on Water and Power, for their support of this legislation for supporting the expansion of water supplies in drought stricken regions of our country.

At the end of the day, after all of the debate, this is legislation to provide for water reuse and recycling. Water reuse and recycling is desperately needed in our State of California. This is a policy that is supported throughout the entire State, including the valley, throughout southern California and northern California. Every part of the State understands the extent to which we can continue to create new supplies of water through use and reuse, recycling, that the entire State benefits.

Someone said, well, I was here in the drought and it wasn't this bad. We've added almost 16 to 20 million new people to the State of California since the last serious drought. We didn't do much about water policy during that time, but we've now put together a coalition from people who have battled over the years, Metropolitan Water District, Contra Costa Water District, L.A. County, San Diego County, the Central Valley.

Why are they coming together? Because they recognize how valuable reuse and recycling will be in the State of California going forward to meet the needs of its growing economy, of its diverse economy, of the importance of agriculture, of the importance of bringing new businesses to California, of developing and make sure we have clean water available for high technology industries throughout the State. That's why this bill, this policy speaks.

It speaks to so many areas of the State. It speaks, this policy speaks to Orange County and San Diego County and L.A. County and Riverside County and Contra Costa County and Santa Clara County and Monterey County and Alameda County and San Joaquin County. Why? Because it's important that we take the pressure off a system that's oversubscribed not just in drought years but every year. But we can get by in a normal year. We can't get by in the third year of the drought.

Now, my colleagues have suggested that somehow this is the bill in which we should settle California water issues. I find it rather interesting in February of last year when we passed the South Orange County Recycled Water plan for Mr. CALVERT there was no discussion of this. There was no suggestion of amendments. There was no suggestion that this was high noon on California water.

When we passed the Lake Hodges Surface Water Improvement Act in April for Mr. BILBRAY, no discussion of amendments, no need to settle these issues here. They never asked for time. They never asked for amendments. They didn't ask for a vote. They did it unanimously and by voice vote.

The Magna Water District for Mr. CHAFFETZ in Utah, no suggestion that we should take the Utah bill and battle it out over California water. No suggestion that somehow we were going to do something other than that.

In September, just a month ago, with Mr. GALLEGLY, for the Calleguas Municipal Water District, no suggestion of this. No requests for amendments. No debate in the committee on this.

And then, again, last month, Mr. WALDEN from Oregon, no suggestion we're going to take the Oregon bill and settle the California issue. Why? Because we know what's going on in California. We have a very difficult complex problem. The legislature, our State legislature, has been struggling with it for 2 years. They're in special session right now. They're locked in, and they don't know whether they will have the votes or not to do that. But people are getting together to try to solve it.

When this new administration came in, because I don't remember you asking for this in the first year of the drought or the second year of the drought or going into the third year of the drought, but Mr. Obama's been in town, what, 10 months, and somehow it's his problem. But when his administration did come to town, and when he did have a Secretary of the Interior and he did have a Secretary of Commerce, they immediately focused their attentions on this problem. And what did they do? They met with a cross section of our delegation to see how they could bring the Department of Commerce, the Department of the Interior together, the Bureau of Reclamation, the Fish and Wildlife Service. They sent millions of dollars to the valley to try to give relief to the farmers. They've supported our efforts.

I've supported the efforts to change the law that I wrote 10 years ago, 20 years, so we can have water transfers from east to west in the valley. That's people working together. That's not people just standing back and sniping at bills as they come through and pretending like they want to make policy or they want to change policy that's just political sniping. But it's interesting that they chose not to snipe on any Republican bills. They just decided they would snipe on this bill.

But at the end of the day, at the end of the day, this legislation is about whether or not we can move California into the future, whether or not we can continue to have economic growth, whether or not we can use the technology that's now available to us to provide for recycling, to provide for reuse of water. This bill alone supplies enough water for 24,000 households. That's not counting the legislation that we've provided for southern California, for Orange County, for San Diego, for San Bernardino and the projects that are waiting.

This bill was criticized because there's a $600 million backlog because the last administration would never release any money. We would have loved to have had the attention. We would have loved to have had the attention of the Bush administration's Secretary of the Interior to help solve this problem. What did she do? What did he do? They let some Under Secretary wander around changing the science, so we lost almost 18 months and we had to go back to redo all of the science because they changed it and they got caught at it. Criminal charges were pending at one point.

So what are we talking about here? The suggestion that somehow this all comes together around this bill is to forget history, to forget the inattention to this problem we've dealt with over the last 8 years, and to suggest that somehow that this can all be settled here. What this bill can do is make a major contribution to relieving the urban pressure on the system by creating this reuse and recycling of water.

□ 1600

And that's what the projects that my colleagues on the other side of the aisle, that's what they were contributing. This was one piece; we hope it grows. We think it will become more valuable.

It is bipartisan and has been from the very beginning. When I asked for stimulus money to go to recycling, I asked the administration, I said, do it on the

basis of their priorities, do it as they're standing in line. Some cities have been waiting a long time for this; they may be further along. Just let them come as they come up in line.

This isn't partisan; this is about whether or not people want to solve problems. You want to make political points, all well and good; but the circumstances won't change, the circumstances won't change across our State.

H.R. 2442 is supported by a number of agencies, municipalities and organizations, including: Association of California Water Agencies, Metropolitan Water District of Southern California, Central Contra Costa Sanitary District, Dublin San Ramon Services District, City of Mountain View, Redwood City, City of Palo Alto, WateReuse Association, Bay Area Recycled Water Coalition, Delta Diablo Sanitation District, Iron House Sanitary District, City of Petaluma, Santa Clara Valley Water District, North Coast County Water District, and City of San Jose.

OCTOBER 5, 2009.

Representative GEORGE MILLER,
Rayburn House Office Building,
Washington, DC.

DEAR REPRESENTATIVE MILLER: The Association of California Water Agencies (ACWA) is pleased to write in favor of H.R. 2442, legislation to expand the Bay Area Regional Water Recycling Program. As you know, ACWA's 447 public agency members are collectively responsible for 90 percent of the water delivered in California for residential and agricultural uses.

Since H.R. 2442 contains local projects with regional as well as national benefits, the legislation meets the criteria established in our blueprint ''No Time to Waste: A Blueprint for California Water''. In particular, the projects in H.R. 2442 will allow for a direct response to help mitigate current and devastating drought impacts in California. In this regard, ACWA encourages the House of Representatives to move expeditiously and pass important water recycling project legislation.

As California's water supply challenges multiply, ACWA appreciates your efforts to provide federal resources for local projects to assure water supply reliability. Thank you for sponsoring this legislation.

Sincerely,

TIMOTHY QUINN,
Executive Director,
Association of California Water Agencies.

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA,
Los Angeles, CA, October 6, 2009.

Hon. GEORGE MILLER,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE MILLER: The Metropolitan Water District of Southern California is very pleased to support an increase in resources for the Bureau of Reclamation's local water supply development program under Title XVI, as authorized by Congress.

Metropolitan believes that local water supply projects and expansion of the Title XVI grant funding program are essential. This is especially the case as California continues to aggressively pursue comprehensive policy and infrastructure solutions to address the challenges of chronic drought and restricted water supply conditions throughout the state. The development of new and expanded local water supply projects is key to addressing these critically important water supply issues including projects such as the design, planning and construction of recycled water distribution systems, such as those included in H.R. 2442, which include regional and national benefits.

Your continued leadership and efforts on California's critically important water supply issues are greatly appreciated.

Sincerely,

JEFFREY KIGHTLINGER,
General Manager.

OCTOBER 5, 2009.

Congressman GEORGE MILLER,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN MILLER: On behalf of the WateReuse Association, a national association representing more than 180 public water agencies and 375 organizational members dedicated to the advancement of using limited water supplies efficiently and safely, I am writing to express our deep concern over the recent House floor debate on water recycling legislation. Specifically, we are alarmed that the authorization of Title XVI water recycling projects whose purpose is to enhance the availability of a safe and reliable water supply to local communities, have become ensnared in the ongoing disputes surrounding restoration of the California Bay-Delta. We urge the House of Representatives to move expeditiously and debate and pass pending water recycling project legislation, including H.R. 2442. These projects will allow for a direct response to the impacts of the ongoing drought currently being experienced in California and other western states.

We appreciate that the drought has wreaked havoc on the lives of many residents throughout the arid West. Clearly, the events surrounding the operation of the federal and state water projects in California serve to spotlight the challenges created by the drought. We were encouraged by the recent commitment of Secretary of the Interior Salazar to increase efforts to put in place responses that will alleviate the impacts on the Bay Delta. However, we believe that a powerful tool exists to address water scarcity, namely water recycling projects that can create water supply in an environmentally protective and sustainable manner. With a small federal contribution, these projects have demonstrated that they can deliver water and reduce demand on limited water supplies. It is to no one's advantage to hold hostage the authorization of these kinds of projects because of disputes over the operation of federal water projects. Indeed, we believe it only serves to exacerbate the very problem all of us are seeking to resolve—to reduce the impacts of the drought and provide safe, reliable, and sustainable water supplies to our communities, industries, and agricultural interests.

Again, we are strongly supportive of timely consideration and passage of Title XVI water recycling project authorizations by the House of Representatives.

Sincerely,

G. WADE MILLER,
Executive Director,
WateReuse Association.

OCTOBER 5, 2009.

Subject: Support for H.R. 2442, Bay Area Regional Water Recycling Program Expansion Act of 2009.

Hon. GEORGE MILLER,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN MILLER: On behalf of the Bay Area Recycled Water Coalition, a partnership of eleven public agencies committed to developing recycled water as a resource for over six million residents of the counties we serve in the San Francisco Bay area, I'm writing to thank you for introducing H.R. 2442, the Bay Area Regional Water Recycling Program Expansion Act of 2009.

As California continues to experience drought conditions, increased demand for water, and strain on the Delta ecosystem, alternative water supplies like those authorized in H.R. 2442 provide a long-term sustainable solution essential to California's economy. The six additional water recycling projects authorized in H.R. 2442 would provide in excess of 7 million gallons of drought-tolerant water per day. This will result in reduced demand from Bay Area communities on scarce fresh water from the Delta. These projects will also support over 3,500 direct, indirect and induced jobs.

The Bay Area Recycled Water Coalition members remain committed to our proven partnership with the Federal Government to provide a long-term sustainable solution to California's water challenges. We strongly support H.R. 2442, and look forward to continuing to work with you as we develop new water supplies for California.

Sincerely,

GARY W. DARLING,
General Manager,
Delta Diablo Sanitation District.

SOUTH BAY WATER RECYCLING,
San José, CA, October 5, 2009.

Congressman GEORGE MILLER,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN MILLER: On behalf of the City of San José, I am writing to thank you for introducing H.R. 2442, your bill authorizing the use of federal funds to support additional water recycling projects in the San Francisco Bay area, and to lend our support to your efforts to have it reconsidered at the earliest appropriate opportunity.

The City of San José operates the largest urban nonpotable water recycling facility in northern California. Each year South Bay Water Recycling supplies nearly 600 Silicon Valley schools, parks, businesses and industries with over 10,000 acre-feet of high-quality recycled water, conserving drinking water that can be used for other purposes. Over the past 15 years we have invested over $200 million in local funds in this system, and received more than $30 million in Title XVI grants from the Bureau of Reclamation. Furthermore, as a founding member of the Bay Area Recycled Water Coalition (a partnership of eleven public agencies) San José is committed to assisting other communities in the Bay area to develop this important resource, and we encourage you to continue to fund and expand this important stimulus to local investment.

Recycled water is sustainable water, and the only new water available to help California and other western states deal with the combined pressures of drought and population that threaten to exhaust our existing supplies. We understand that much additional work needs to be done by Congress, by Interior Secretary Salazar and others to develop a comprehensive approach to supplying water to the western United States, including an integrated program to protect and restore the Bay-Delta system. However, in our opinion any sustainable solution will necessarily include intensive use of recycled water as the most reliable source of water currently available, including the nearly seven million gallons of water per day produced by the projects authorized in H.R. 2442.

Thank you again for your steadfast support for these important programs.

Sincerely,

JOHN STUFFLEBEAN,
Director, Environmental Services,
City of San José.

Mr. RADANOVICH. Mr. Speaker, I am opposed to the closed rule and passage of H.R. 2442, the Bay Area Regional Water Recycling Expansion Act of 2009. My opposition to H.R. 2442 is not due to the projects authorized in the legislation—they are meritorious projects, worthy of consideration by this body. However, the San Francisco Bay area is not the only area in California that needs additional water. Only 2 hours away from San Francisco, California's Central Valley is literally dying of dehydration and yet this Congress has ignored every plea for help from the people of the valley and those of us who are fortunate enough to represent that region.

The San Joaquin Valley is the fruit-basket of the Nation, producing over half of the fruits and vegetables consumed in America. Ninety-nine percent of all almonds and walnuts are produced in the Central Valley, while over 90 percent of tomatoes, pistachios, plums and strawberries are produced in the State of California. However, without water for the farmers the whole Nation suffers. Without California's agriculture production, there is a significant national security risk—we would be forced to import foreign produce that does not meet the same quality and food safety standards that California produce does.

Because of radical environmentalists and the actions of Federal agencies based on unreliable and questionable science, the San Joaquin Valley is now suffering from a man-made drought. Hundreds of thousands of acre feet of water that was formerly delivered to the farmers in the Central Valley are being sent to the ocean in an attempt to protect a 3-inch minnow, the Delta Smelt. Ironically, while the restrictions on pumping are doing nothing to stop the declining numbers of Delta Smelt, they are significantly contributing to the declining number of farmers and jobs in the San Joaquin Valley. Farmers must come before fish.

I offered two amendments to this bill which would have assured that the urgent needs of the San Joaquin Valley are met, through the Two Gates project in the delta and temporarily waiving the Endangered Species Act to increase delta water deliveries for storage in the San Joaquin Valley. Neither of my amendments would have authorized the spending of taxpayer dollars. Once again the Democratic leadership in the House of Representatives denied these amendments, denying relief to the ravaged San Joaquin Valley.

Time and time again during this Congress my valley colleagues and I have offered bills and amendments to address the government created drought in the San Joaquin Valley and time and time again we have been denied the courtesy of a simple legislative hearing, let alone a markup or vote. After so many attempts to save California agriculture, I am left with no alternative but to believe that the Democrat leadership of this Congress, under direction from environmentalists, is bent on destroying the largest economic engine in California.

There is always a lot of talk about special interests controlling policy decisions in Congress, and I would be remiss not to say that the elite environmental community is one of the largest and currently most influential special interests around. They have worked very hard and spent a lot of money to ensure that a 3-inch fish has more rights than the farmers and farm workers in my district. To me, and any American with an ounce of common sense, that action is absolutely unconscionable, but apparently not to the majority of Congress.

The water crisis in California must be addressed in a holistic manner and while I am more than happy to sit down with my colleagues on the other side of the aisle to work on long term solutions to California's aged water infrastructure system, the people of the valley need help now. Therefore, I am opposing this bill because it contains $38 million worth of projects that benefit the San Francisco Bay area while denying projects that would not cost any taxpayer dollars and would benefit the distressed San Joaquin Valley.

Mr. Speaker, for these reasons I oppose both the rule and the passage of H.R. 2442 and urge my colleagues to join me.

Mr. CARDOZA. Mr. Speaker, I rise today in strong opposition to this rule.

We have heard a lot of debate this year about California's water crisis.

We are suffering from our third year of drought, and the situation has been compounded with a "regulatory drought" that has restricted our ability to deliver water even when it is available. Over 40,000 people are out of work, over 500,000 acres of some of the world's most productive farmland have been fallowed, farmworkers are now standing in food lines, people are losing their homes, and more importantly people are losing their hope, all because of a lack of water.

The Federal Government is in part responsible for the regulatory drought, and it is time for the Federal Government to take action to address this crisis.

I support this underlying bill, Mr. Speaker. But quite frankly, I am completely fed up with the lack of a response to our water crisis in the San Joaquin Valley.

My definition of "crisis" is a disaster that requires an immediate response. The fact is, there still is no immediate response—in fact there is hardly even any response. And it's high time that the Federal Government admits that not enough is being done to address the valley's water needs.

In fact, I have with me a list of 26 projects that the Federal Government can work with us on to relieve the pressure that the lack of water has created on the valley.

My friends and colleagues from the San Joaquin Valley, Mr. RADANOVICH and Mr. NUNES, offered amendments in Rules Committee last night but they were not made in order.

My folks need relief. They are suffering and can't wait any longer. And farmers in the valley have planting decisions to make in the near future. They simply can't go through another farm season not knowing if they will have any water.

Mr. RADANOVICH and Mr. NUNES deserve to have their amendments on the floor today. Their amendments would have ended this regulatory drought once and for all and provided much-needed relief to our farmers.

Because San Joaquin Valley farmers are prevented from getting the water they so desperately need, I urge all of my colleagues to oppose this rule.

ACTIONS AND PROJECTS TO ADDRESS CALIFORNIA'S WATER SUPPLY CRISIS

Reconsultation of FWS and NOAA Biological Opinions.

Undertake a National Academy of Sciences 6-month review of all the factors in the decline of the Delta.

2-Gate Fish Protection Demonstration Project—coordination and funding.

Delta Mendota Canal and California Aqueduct Intertie—coordination and funding.

Completion of a long-term, multi-year water transfer program.

Develop a program to coordinate schedules on North to South transfers.

Support permanent reform of intra county East-West transfers within the CVP.

Patterson Irrigation District Pumping Plant and Fish Screen.

Patterson Irrigation District Pipeline Project.

Diversify Level 2/Level IV Refuge Program.

Announce 2011 rescheduled water decision in the Spring, 2010.

Additional federal support for the Westside Water Use Efficiency and Conservation program.

Support the removal of restrictions under the Emergency Drought Relief Act which restrict funds to temporary projects.

Mendota Dam Replacement.

San Luis Drain Rehabilitation.

Allow the use of Whiskeytown Reservoir to be used to meet the water supply needs of the most impacted areas.

Work in collaboration with the state on the development of a long term Joint Point of Diversion program.

Friant-Kern and Madera Canals Capacity Correction.

Friant-Kern Canal Reverse Flow.

Pipeline Replacements in the San Luis Unit.

Westlands Water District Reclamation Project for drainage impacted areas and reclamation of poor groundwater.

West Stanislaus Irrigation District fish screen and pipeline.

Stockton East Water District intake structure and fish screen.

Merced Irrigation District New Exchequer Dam Spillway Modification Project.

Semitropic-Rosamond Water Bank Authority Antelope Valley Water Bank Initial Recharge and Recovery Facility Improvement Project.

Semitropic Water Storage District Pond-Poso Spreading and Recovery Facility.

Ms. RICHARDSON. Mr. Speaker, I rise today in strong support of H.R. 2442, the Bay Area Regional Water Recycling Program Expansion Act of 2009, which will provide Californians 2.6 billion gallons of water per year, enough to meet the needs of 24,225 households, and should create at least 3,600 jobs. It is a concrete example of the sustainable solutions we should be looking for to address drought and promote economic development.

I would like to thank Chairman RAHALL for his skill and leadership in shepherding this bill to the floor. I would also like to thank my colleague, Chairman MILLER, for skillfully crafting such an imaginative and workable solution to one of the critical challenges facing California and other western States.

Mr. Speaker, the Bay Area Regional Water Recycling Program Expansion Act authorizes federal assistance for six recycling projects that are estimated to create more than 8,000 acre-feet of water annually by 2010, and more than 14,000 acre-feet annually by 2025. Additionally, the legislation is crafted so that fresh water withdrawals from the Sacramento-San Joaquin Delta are limited and treated wastewater discharges into the San Francisco Bay or the Sacramento-San Joaquin Delta are reduced. The cost to the federal government to realize all these benefits is only 25 percent of the total cost of a project.

Finally, this legislation is endorsed by many local government and water management organizations, including the Association of California Water Agencies, WaterReuse Association, Metropolitan Water District of Southern California, Central Contra Costa Sanitary District, Dublin San Ramon Services District, City of Mountain View, Redwood City, and the City of Palo Alto.

In conclusion, Mr. Speaker, I support this bill because it will create badly needed jobs while replenishing clean water supplies. This legislation is another example of how the new majority is making good on the promise to chart a new direction for our Nation. I want to thank Chairman MILLER again for his leadership in crafting this extraordinary legislation that has my full support.

Mr. Speaker, I urge my colleagues to join me in supporting H.R. 2442. I yield the remainder of my time.

Mr. GEORGE MILLER of California. I urge all of my colleagues to support this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired. Pursuant to House Resolution 830, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. NUNES. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. NUNES. In its current form, yes.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. NUNES moves to recommit the bill H.R. 2442 to the Committee on Natural Resources with instructions to report the same back to the House forthwith with the following amendment:

At the end of the bill, add the following:

SEC. 4. CENTRAL VALLEY PROJECT.

(a) NO RESTRICTION, REDUCTION, OR REALLOCATION OF WATER.—Notwithstanding any other provision of law, the Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation, may not use discretion to restrict, reduce or reallocate any water stored in Central Valley Project Reservoirs or delivered pursuant to Central Valley Project contracts, including execution of said contracts facilitated by the W.C. ''Bill'' Jones Pumping Plant, to meet the requirements of the Endangered Species Act of 1973, unless such water is acquired or otherwise made available from a willing seller or lessor and the use is in compliance with the laws of the State of California, including but not limited to, permitting requirements.

(b) BIOLOGICAL OPINIONS.—For the 2 years immediately after the date of the enactment of this Act, complying with the reasonable and prudent alternatives or reasonable and prudent measures and the incidental take limits defined in the biological opinions that immediately preceded the biological opinions issued by on December 15, 2008, by the United States Fish and Wildlife Service on the effects of the Proposed Coordinated Operations of the Federal Central Valley Project and the California State Water Project on the threatened delta smelt (*Hypomesus transpacificus*) and the biological opinion issued on June 4, 2009, by the United States National Marine Fisheries Service Biological Opinion on the Long-Term Central Valley Project and State Water Project Operations Criteria and Plan shall constitute compliance with all requirements of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(c) APPLICABILITY.—This section applies only to those Federal agency and non-Federal actions related to the coordinated operations of the Central Valley Project and the California State Water Project.

POINT OF ORDER

Mr. GEORGE MILLER of California. Mr. Speaker, I raise a point of order that the motion to recommit contains a nongermane instruction in violation of clause 7 of rule XVI.

The SPEAKER pro tempore. The gentleman from California raises a point of order. Does any other Member wish to be heard on the point of order?

Mr. NUNES. Yes.

The SPEAKER pro tempore. The gentleman from California is recognized.

Mr. NUNES. Mr. Speaker, the motion to recommit I have is pretty simple. In fact, what we have before us is legislation that is identical to legislation that this Congress passed in 2003 with overwhelming bipartisan support, so I would hope that you would make it germane.

The SPEAKER pro tempore. Are there any other Members that wish to speak?

Mr. GEORGE MILLER of California. Mr. Speaker, I insist upon my point of order. That action by the previous Congress does not make it germane to this legislation.

The SPEAKER pro tempore. The Chair is prepared to rule.

The gentleman from California (Mr. GEORGE MILLER) makes a point of order that the amendment offered by the gentleman from California (Mr. NUNES) is not germane.

The bill, H.R. 2442, amends the Reclamation Wastewater and Groundwater Study and Facilities Act to expand the Bay Area Regional Water Recycling Program. The bill authorizes six new water recycling partnerships and modifies two existing partnerships.

The amendment offered by the gentleman from California seeks to address water availability related to the Central Valley Project.

Clause 7 of rule XVI, the germaneness rule, provides that no proposition on a ''subject different from that under consideration shall be admitted under color of amendment.''

One of the central tenets of the germaneness rule is that an amendment should relate to the subject matter of the underlying measure.

The bill is confined to water recycling projects within a specific geographic area. The amendment addresses water availability related to the Central Valley Project. By addressing this topic, the amendment falls outside the ambit of the underlying measure and is not germane.

The point of order is sustained.

Mr. NUNES. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE

Mr. GEORGE MILLER of California. Mr. Speaker, I move to table the appeal of the ruling of the Chair.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. NUNES. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to table will be followed by a 5-minute vote on passage of the bill, if arising without further proceedings in recommittal.

The vote was taken by electronic device, and there were—yeas 237, nays 176, not voting 19, as follows:

[Roll No. 788]

YEAS—237

Abercrombie
Ackerman
Adler (NJ)
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boucher
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)

Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—176

Aderholt
Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Cardoza
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Costa
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Fallin
Flake
Forbes
Fortenberry
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—19

Boswell
Boyd
Cao
Carney
Conyers
Deal (GA)
DeFazio
Emerson
Fleming
Foxx
Hall (TX)
Linder
Lofgren, Zoe
McCollum
Melancon
Mollohan
Radanovich
Scalise
Smith (WA)

□ 1628

Messrs. JORDAN of Ohio, FLAKE, OLSON, COLE, ROGERS of Alabama, COFFMAN of Colorado, McCAUL, BOREN, GRIFFITH, CHILDERS, BROUN of Georgia, and GINGREY of Georgia changed their vote from ''yea'' to ''nay.''

Mrs. NAPOLITANO, Messrs. BERRY, SCHAUER and GRIJALVA, Ms. SPEIER, and Mr. KUCINICH changed their vote from ''nay'' to ''yea.''

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. FLEMING. Mr. Speaker, on rollcall No. 788, had I been present, I would have voted "nay."

Ms. FOXX. Mr. Speaker, on rollcall No. 788, had I been present, I would have voted "nay."

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.

Mr. NUNES. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 241, nays 173, not voting 18, as follows:

[Roll No. 789]

YEAS—241

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boucher
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carson (IN)
Castor (FL)
Chaffetz
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Slaughter
Smith (NJ)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Wittman
Woolsey
Wu
Yarmuth

NAYS—173

Aderholt
Akin
Alexander
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Cardoza
Carter
Cassidy
Castle
Childers
Coble
Coffman (CO)
Cole
Conaway
Costa
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Skelton
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tanner
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Boswell
Boyd
Cao
Carney
Conyers
Deal (GA)
DeFazio
Emerson
Hall (TX)
Harper
Linder
Lofgren, Zoe
McCollum
Melancon
Mollohan
Radanovich
Scalise
Smith (WA)

□ 1635

Mrs. BONO MACK changed her vote from ''yea'' to ''nay.''

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. CONYERS. Mr. Speaker, on October 15, 2009, I was unable to cast votes, due to personal reasons. I was not present for rollcall votes 788 and 789. Had I been present, I would have cast a "nay" vote on the motion to recommit H.R. 2442 and I would have voted "yea" on final passage of H.R. 2442, the Bay Area Regional Water Recycling Program Expansion Act of 2009.

PERSONAL EXPLANATION

Mr. BOYD. Mr. Speaker, due to personal reasons, I was unable to attend to votes this week. Had I been present, my votes would have been as follows: "Yea" on H. Res. 800; "yea" on H.R. 2892; "yea" on H.R. 2423; and "yea" on H.R. 2442.

LEGISLATIVE PROGRAM

(Mr. MCCARTHY of California asked and was given permission to address the House for 1 minute.)

Mr. MCCARTHY of California. Mr. Speaker, I yield to the gentleman from Maryland, the majority leader, for the purpose of announcing next week's schedule.

Mr. HOYER. I thank the gentleman for yielding.

On Monday, the House will not be in session. On Tuesday, the House will meet at 12:30 p.m. for morning-hour debate and 2 p.m. for legislative business with votes postponed until 6:30 p.m. On Wednesday and Thursday, the House will meet at 10 a.m. for legislative business, and on Friday, the House will meet at 9 a.m. for legislative business.

We will consider several bills under suspension of the rules. The complete list of suspension bills, as is the custom, will be announced by the close of business tomorrow.

In addition, we will consider H.R. 3585, the Solar Technology and Roadmap Act of 2010, sponsored by GABRIELLE GIFFORDS, and H.R. 3619, the Coast Guard Authorization Act of 2010. In addition, we may consider Senate amendments to the House unemployment extension legislation, assuming that is passed by the Senate.

Mr. MCCARTHY of California. Reclaiming my time, I thank the majority leader for that information. And knowing from time to time we do this, in watching the colloquy that you do with our whip, Mr. CANTOR, I know last week you told him not to expect the health care bill on the floor until the last week in October at the earliest.

Do you still think this is the case, the last week of October?

Mr. HOYER. I certainly think it's the case not to expect it before the last week in October.

As I've indicated in the past, we intend to give 72 hours' notice of having the bill posted for the public and for Members prior to bringing it to the floor. We are still working to bring that bill to a point where CBO can give us a final score. We believe CBO is going to take probably a week to maybe a little longer than a week. So it certainly would not be before the last week in October, and it may well be the first week in November.

Mr. MCCARTHY of California. I thank the gentleman.

I just want to make sure I heard correctly. You will wait until the bill is scored and you will allow 72 hours for the public to also be able to view and read the bill; is that correct?

Mr. HOYER. We will wait 72 hours until after the bill is posted. Now, I don't think I said that that necessarily will be after the scoring. But essentially, we don't think we're going to post the bill until the scoring. If, however, for some reason there was somewhat of a delay in scoring but we had the majority of it and posted the bill, the 72 hours will run from the posting of the bill.

In addition, Mr. MCCARTHY, what I indicated last week, and we still will hold to, if there is a manager's amendment, as there may well be, we will also assure that there is 72 hours from the posting of the manager's amendment. Now, if the manager's amendment and the bill are posted at the same time, obviously that would be the same 72 hours. If, on the other hand, the manager's amendment is posted a day or so later, then the 72 hours would run from the posting of the manager's amendment.

It is our intent to make sure that everybody has 72 hours to review whatever legislation and/or amendments will be considered on the floor.

Mr. MCCARTHY of California. I thank the gentleman for that.

The only thing I would follow up to that and ask, knowing some of the behavior on some of the other bills and some of the concerns that people had of when they were posted—some posted at 3 o'clock in the morning when the Rules Committee filed when it came to Energy and Commerce and the cap-and-trade bill—when you count the 72 hours, would this be like business hours? Like, if it's late into the night, can we wait until the morning so people will have the ability to start the clock?

I yield to the gentleman.

Mr. HOYER. We're not going to do 72 business hours. We're going to do 72 hours. We're going to have the full 3 days if people want to read the bill. If they want to read it at night, they can do that. If they want to read it on Saturday or Sunday, they can do that.

But it was a good try.

Mr. MCCARTHY of California. I'll just ask the gentleman, knowing the size that this bill will be, one, to make sure that we have a scoring; two, the amount that the American public has been engaged in this process from the town hall meetings that many people have had and the knowledge of what they have in going forward and knowing the changes that have been talked about; but three, not from a Republican side or Democrat side, but truly, when I sat and listened to the town hall meetings, one of the frustrations they had with this House—I know people think process is wrong—is the transparency. And I applaud you for telling us the 72 hours. I would just ask the majority to be cognizant of what happens if you start the clock at 5 o'clock in the morning, you start the clock at 3 o'clock in the morning, the public has a real concern about that, and we would as well.

Mr. HOYER. Will the gentleman yield?

Mr. MCCARTHY of California. Gladly.

Mr. HOYER. I appreciate what the gentleman has said; however, the gentleman, I am sure understands, the overwhelming majority of this bill will have been on the Web site since July.

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The overwhelming majority of this bill, it's going to be a new bill and will have a new number, but this has been probably the most transparent, reviewed bill in the 29 years that I have been in the House of Representatives, I will tell my friend. As you know, we've been working between the House and the Senate. I've had discussions with Mr. CANTOR and others on your side. We haven't reached any agreement, as the gentleman knows. I'm sorry about that. But I want to say in all honesty, I can't remember a bill in my 29 years in the House of Representatives that has had more review, more discussion, more people involved in town meetings around this country, more discussion in the media, and has been longer on the Internet for review from beginning to end than this particular piece of legislation.

So I think when we talk about transparency, this bill has probably been the most transparently considered bill that I have been involved in in my tenure here.

I thank the gentleman for yielding.

Mr. MCCARTHY of California. I thank the gentleman.

I do agree with the gentleman that the public has been very aware of this bill. The gentleman is saying that the majority of this bill is going to be the same as H.R. 3200, but you may change the number, and knowing that the public has——

Mr. HOYER. Will the gentleman yield?

Mr. MCCARTHY of California. I yield.

Mr. HOYER. I want to be accurate, and I want to characterize it as I did characterize it. Clearly, many of the proposals that came out of the Ways and Means Committee, the Energy and Commerce Committee and the Education and Labor Committee will be very much alike, or similar to, what will be in the bill that is put together