

PROVIDING FOR CONSIDERATION OF 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

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OCTOBER 14, 2009.—Referred to the House Calendar and ordered to be printed

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Ms. MATSUI, from the Committee on Rules,  
submitted the following

R E P O R T

[To accompany H. Res. 830]

The Committee on Rules, having had under consideration House Resolution 830, by a record vote of 6 to 5, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 2442, the “Bay Area Regional Water Recycling Program Expansion Act of 2009,” under a closed rule. The rule provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources. The resolution waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. The resolution provides that the amendment printed in this report shall be considered as adopted and the bill, as amended, shall be considered read. The resolution waives all points of order against provisions of the bill, as amended. This waiver does not affect the point of order available under clause 9 of rule XXI (regarding earmark disclosure). The resolution provides one motion to recommit with or without instructions.

EXPLANATION OF WAIVERS

Although the rule waives all points of order against consideration of the bill (except for those arising under clauses 9 and 10 of rule XXI) and all points of order against provisions of the bill, as amended, the Committee is not aware of any points of order. The waivers of all points of order are prophylactic.

## COMMITTEE VOTES

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

*Rules Committee record vote No. 254*

Date: October 14, 2009.

Measure: H.R. 2442.

Motion by: Mr. Dreier.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Nunes (CA), #2, which would provide a two-year waiver to the Endangered Species Act to prevent the implementation of the December 15, 2008 Biological Opinion by the United States Fish and Wildlife Service and the June 4, 2009 Biological Opinion by the National Marine Fisheries Service on the Long-Term Operations of the Central Valley Project and State Water Project in California. The Biological Opinions relate to the Delta-smelt and the salmon, steelhead, green sturgeon and killer whales, respectively.

Results: Defeated 5–6.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Cardoza—Yea; Pingree—Nay; Polis—Nay; Dreier—Yea; Diaz-Balart, L.—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

*Rules Committee record vote No. 255*

Date: October 14, 2009.

Measure: H.R. 2442.

Motion by: Mr. Lincoln Diaz-Balart of Florida.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Nunes (CA), #1, which would waive the Endangered Species Act to prevent the implementation of the December 15, 2008 Biological Opinion by the United States Fish and Wildlife Service and the June 4, 2009 Biological Opinion by the National Marine Fisheries Service on the Long-Term Operations of the Central Valley Project and State Water Project in California. The Biological Opinions relate to the Delta-smelt and the salmon, steelhead, green sturgeon and killer whales, respectively.

Results: Defeated 5–6.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Cardoza—Yea; Pingree—Nay; Polis—Nay; Dreier—Yea; Diaz-Balart, L.—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

*Rules Committee record vote No. 256*

Date: October 14, 2009.

Measure: H.R. 2442.

Motion by: Mr. Sessions.

Summary of motion: To make in order and provide appropriate waivers for the amendments en bloc to be separately debatable for 10 minutes each consisting of amendments by Rep. Radanovich (CA), #4, which would add at the end of the bill H.R. 856, the California Drought Alleviation Act, which would waive the Endangered Species Act restrictions on the State Water Project and Central Valley Project Delta pumps during times of drought emergency;

and #5, which would prevent the water recycling projects in section 2 of the bill from taking effect until the Two Gates Project in the San Joaquin Sacramento Delta has been completed.

Results: Defeated 5–6.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Cardoza—Yea; Pingree—Nay; Polis—Nay; Dreier—Yea; Diaz-Balart, L.—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

*Rules Committee record vote No. 257*

Date: October 14, 2009.

Measure: H.R. 2442.

Motion by: Mr. McGovern.

Summary of motion: To report the rule.

Results: Adopted 6–5.

Vote by Members: McGovern—Yea; Hastings (FL)—Yea; Matsui—Yea; Cardoza—Nay; Pingree—Yea; Polis—Yea; Dreier—Nay; Diaz-Balart, L.—Nay; Sessions—Nay; Foxx—Nay; Slaughter—Yea.

SUMMARY OF AMENDMENT TO BE CONSIDERED AS ADOPTED

The amendment: (1) clarifies that funding in the bill is subject to appropriations; and (2) makes a purely technical correction in the section numbering in the bill.

TEXT OF AMENDMENT TO BE CONSIDERED AS ADOPTED

In section 2, strike “1649.”, “1650.”, “1651.”, “1652.”, “1653.”, and “1654.” each place they appear in insert “1611.”.

In section 2(b), strike “sections 1649 through 1654 of such Act, as added” and insert “the sections added to such Act”

In section 2(b), strike the final period and insert the following: “, 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).”.

In section 2(c), strike “by inserting after” and all that following through the colon and insert “by adding at the end the following:”.