



**Legislative Bulletin.....December 9, 2014**

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**H.R. 5781 - California Emergency Drought Relief Act of 2014**

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**H.R. 5781 - California Emergency Drought Relief Act of 2014 —  
(Valadao- R, CA)**

**Order of Business:** H.R. 5781 is scheduled for consideration on December 8, 2014, under a [closed rule](#). This rule provides for one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources.

**Summary:**

This bill is designed as a temporary measure to address the effects of the drought in California and will expire in its entirety on September 30, 2016.

**Title I: California Emergency Drought Relief:**

- Instructs the Secretary of the Interior to direct the operations of the [Central Valley Project](#) and allow the State Water Project to provide the maximum quantity of water supplies possible to the Central Valley Project agricultural, municipal and industrial, and refuge service, and repayment contractors, and State Water Project contractors. In carrying out this section:
  - The Delta Cross Channel Gates are to remain open to the maximum extent practicable.
  - Implement turbidity control strategies that allow for increased water delivers to the Central Valley Project and State Water Project.
  - Manage reverse flow in Old and Middle Rivers at -5000 cubic feet per second, while allowing Federal regulatory agencies the discretion to reduce pumping under certain instances.
  - Adopt a 1:1 inflow to export ratio for the increment of increased flow of the San Joaquin River.
  - Issue all necessary permit decisions under the authority of the Secretary within 30 days of receiving a completed application. (These permits are used by the state to place and use temporary barriers or operable gates in Delta channels to improve water quantity and quality.)
- Directs the Secretary to authorize increase Old and Middle River flow rates to -7500 cubic feet per second when the California Department of Water Resources determines the daily average flow of the Sacramento River is at or above 17,000 cubic feet per second.

This allows for temporary operational flexibility for the first few storms of the water year.

Title II: Protection of Third-Party Water Rights:

- The Secretary is to ensure this Act does not result in involuntary reduction of water supply or fiscal impacts, or cause redirected adverse water supply or fiscal impacts to those within the Sacramento River watershed, the San Joaquin River watershed, or the State Water Project service area.
- Clarifies that costs which are incurred due to this Act, and wouldn't have been incurred otherwise, by any entity or public or local agency will not be borne by the agency (unless these costs were incurred on a voluntary basis).
- Directs the Secretary of the Interior to allocate water provided for irrigation purposes to existing Central Valley Project agricultural water service contractors within the Sacramento River Watershed.

Title III: Miscellaneous Provisions:

- Provisions in this bill will expire on September 30, 2016, or when the Governor California suspends the state of drought emergency declaration, whichever occurs later.

**Major Changes Since the Last Time This Legislation was Before the House:** The House voted on and passed ([229-191](#)) H.R. 3964, the Sacramento-San Joaquin Valley Emergency Water Delivery Act, on February 5, 2014. [Read](#) the RSC Legislative Bulletin for H.R. 3964.

H.R. 5781 is much narrower in scope than H.R. 3964, and does not amend the Endangered Species Act (ESA) or take away the federal fishery agencies discretion in specific areas. Several other provisions present in the previously passed House bill include the authorization to conduct a pilot non-native predator fish removal program to remove certain listed fish from the Stanislaus River, and the establishment of a Restoration Fund Advisory Board which makes recommendations to the Secretary regarding priorities and spending levels for programs authorized by the Central Valley Project Improvement Act.

**Additional Background:** California is currently experiencing the worst drought conditions in the last century. In a [recent](#) study, researchers concluded, “The current event is the most severe drought in the last 1200 years, with single year (2014) and accumulated moisture deficits worse than any previous continuous span of dry years.” According to the [Natural Resources Committee](#), in 2007, a [ruling](#) by a Federal District Judge required the amount of water allocated to protect Delta smelt – a small fish on the endangered species list – to be increased. This resulted in more than 300 billion gallons of water being diverted away from farmers in the Central Valley and into the San Francisco Bay.

The [dry conditions](#) have led to \$1.5 billion in direct costs to the state's agriculture – about 3 percent of the state's total agriculture value. In addition, it is estimated that 17,100 seasonal and part-time jobs related to agriculture have been lost.

Both the [House](#) and [Senate](#) have previously passed bills this Congress to address the drought; however, according to [media](#) reports the negotiations failed to produce a final piece of

legislation. This bill is based off the Senate bill, which was modified during negotiations. It is important to note H.R. 5781 is more limited in scope than previous bills passed by both chambers.

**Committee Action:** This bill was introduced by Representative Valadao on December 2, 2014, and referred to the House Committee on Natural Resources where it awaits further action.

**Outside Groups Opposition:** [The Environmental Water Caucus](#)

**Administration Position:** “The [Administration](#) opposes H.R. 5781 because it fails to equitably address critical elements of California's complex water challenges. If the President were presented with H.R. 5781, his senior advisors would recommend that he veto the bill.”

**Cost to Taxpayers:** No CBO score was available as of press time.

**Does the Bill Contain Any Federal Encroachment into State or Local Authority in Potential Violation of the 10<sup>th</sup> Amendment?:** No.

**Does the Bill Delegate Any Legislative Authority to the Executive Branch?:** No.

**Constitutional Authority:** According to the sponsor, “Congress has the power to enact this legislation pursuant to the following: Article I, section 8, clause 18.

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