

House-passed drought bill likely to sink in the Senate

By Michael
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WASHINGTON — House Republicans who have scrambled all year to complete a California water bill threw a Hail Mary pass Tuesday with legislation that's drawn a presidential veto threat and resistance from the state's two senators.

Hatched without full-bore public hearings, the [26-page California Emergency Drought Relief Act](#) is guaranteed passage through the GOP-controlled House. But amid strong resistance in the final hours of the lame-duck Congress, the maneuver appears to fall short of actually scoring.

Tellingly, Democratic Sen. Dianne Feinstein of California on Monday said that she can't support some of the provisions in the current House bill, despite negotiating progress that has convinced her an eventual bipartisan compromise is possible.

"There are several other provisions that would waive environmental protections that need to be changed before I could support them," Feinstein said Monday. "I have said all along that I will not support a bill that would waive these protections, and that remains true today."

Feinstein's reluctance seems almost certainly fatal to the legislative effort this Congress, because of the central role she's played in trying to negotiate a bill with House Republicans. Those negotiations continued quietly until recent days.

Lawmakers debated the separate water bill on the House floor Monday, setting the stage for its passage Tuesday under rules that prohibit any amendments. The Northern California Democrats who wanted to change the bill had been cut out from the months-long negotiations that led to its drafting.

"You don't just get to go take your neighbors' water," said Rep. George Miller, D-Martinez. "This just reignites the California water wars, something we've tried to move away from."

The bill introduced by Rep. David Valadao, R-Hanford, increases irrigation water exports to farmers and other users south of the Sacramento-San Joaquin Delta. It speeds up federal decision-making on water projects; encourages, but does not formally authorize new water storage; and is designed to last as a temporary measure for 18 months.

"This is a short-term solution that helps provide some security, and the bill helps all of California, especially those south of the delta," Valadao said Monday.

House Majority Leader Kevin McCarthy, R-Bakersfield, added that lack of water "is the No. 1 factor" behind sky-high unemployment rates in the Central Valley.

"People are out of work, and cities are out of water," said Rep. Devin Nunes, R-Tulare, who authored the original version of the California water bill.

The Obama administration has threatened to veto the 26-page House legislation, saying it "appears to include a number of potentially conflicting mandates which can create confusion and undermine environmental laws, making it ripe for future litigation."

A veto would kill a stand-alone bill because a congressional override would require an unreachable two-thirds vote in both the House and Senate. One alternative all along has been to include the measure on larger, must-pass

legislation, a move that could strain Senate relations if done over one member's opposition.

Democratic Sen. Barbara Boxer of California opposes the House bill, saying it would "dictate specific pumping levels, regardless of the opinions of scientists, which could jeopardize our state's salmon fishing industry." Her concern extends to including related language on an omnibus spending bill.

The House bill being approved Tuesday is the latest version of legislation that began with a [more ambitious 68-page bill approved in late February](#) on a largely party line vote. The original House bill repealed an expensive San Joaquin River restoration program, authorized four new dams and removed wild-and-scenic protections from a small portion of the Merced River, among other steps.

The Senate countered with a 16-page alternative, leading to months of closed-door negotiations that ended just short of the finish line last month.

Much of the latest House bill's language is drawn from Feinstein's legislation, or was agreed to by her during negotiations with House Republicans. Though she publicly stopped the negotiations last month, quiet talks continued, targeting the sprawling, omnibus Fiscal 2015 appropriations bill set to be finished this week.

Those quiet talks concerning the omnibus bill also appeared to fall short.

"It's my hope that we'll reach agreement on legislation that can pass both the House and the Senate and enact a bill that moves water to Californians suffering from the drought and helps all of the state, while not waiving environmental protections," Feinstein said Monday.

The latest House bill was introduced Dec. 2. As with the original House and Senate water measure, it popped up without traditional hearings. Feinstein and Boxer have both called for standard procedures to be followed next Congress, when the Senate will fall into new Republican control. But most of California's water divisions will remain unchanged.

"The fault lines on California are deep, they are historic, and they have lasted for decades," said Rep. Jim Costa of Fresno, one of the few House Democrats to support the measure.

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