

**AMENDMENT TO DIVISION B OF RULES**  
**COMMITTEE PRINT 117-57**  
**OFFERED BY MR. GARAMENDI OF CALIFORNIA**

At the end of title II of division B, add the following:

1 **Subtitle D—Water Supply in Cali-**  
2 **fornia at Corps of Engineers Fa-**  
3 **cilities**

4 **SEC. 241. WATER SUPPLY IN CALIFORNIA AT CORPS OF EN-**  
5 **GINEERS FACILITIES.**

6 (a) DEFINITIONS.—In this section:

7 (1) COVERED PROJECT.—The term “covered  
8 project” means a dam or reservoir in California op-  
9 erated by the Secretary as a Corps of Engineers fa-  
10 cility.

11 (2) LOCAL AGENCY.—The term “local agency”  
12 means an irrigation district, water district, or other  
13 organization with water or power delivery authority.

14 (3) SECRETARY.—The term “Secretary” means  
15 the Secretary of the Army, acting through the Chief  
16 of Engineers.

17 (b) AUTHORIZED PURPOSE.—The authorized pur-  
18 poses of each covered project shall include water supply.

1 (c) PRIORITIZING UPDATES.—

2 (1) PRIORITY FOR WATER CONTROL MANUAL  
3 UPDATES.—The Secretary shall prioritize the update  
4 of water control manuals for covered projects con-  
5 sistent with the authority in section 1117 of the  
6 Water Resources Development Act of 2016 (130  
7 Stat. 1640), which shall apply to each covered  
8 project.

9 (2) PRIORITY FOR FORECAST-INFORMED RES-  
10 ERVOIR OPERATIONS.—In completing the report re-  
11 quired under section 1222(c) of the Water Resources  
12 Development Act of 2018 (128 Stat. 3811; 134  
13 Stat. 2661), the Secretary may include an assess-  
14 ment of the viability of forecast-informed reservoir  
15 operations at covered projects, where appropriate,  
16 for water supply as an authorized purpose pursuant  
17 to this section.

18 (d) DROUGHT RESPONSE.—

19 (1) TEMPORARY OPERATIONAL CHANGES FOR  
20 WATER SUPPLY.—

21 (A) IN GENERAL.—If the Governor of Cali-  
22 fornia has declared a state of emergency due to  
23 drought, then the Secretary may modify the op-  
24 erations of a covered project to implement each  
25 recommendation the Secretary makes or accepts

1 under paragraph (2)(B) without further ap-  
2 proval of Congress.

3 (B) TIME LIMIT.—A modification of oper-  
4 ations under subparagraph (A) shall remain in  
5 effect until the earlier of—

6 (i) the date that is 5 years after the  
7 date of enactment of this section; or

8 (ii) the date on which a superceding  
9 update is made to the water control man-  
10 ual for the covered project.

11 (2) EVALUATION OF POTENTIAL OPERATIONAL  
12 CHANGES.—

13 (A) STUDY.—

14 (i) IN GENERAL.—Upon request of  
15 the State of California or a local agency,  
16 the Secretary shall conduct a study of po-  
17 tential operational modifications to a cov-  
18 ered project to provide water supply bene-  
19 fits.

20 (ii) NON-FEDERAL STUDY.—A local  
21 agency may also conduct a study of poten-  
22 tial operational modifications to a covered  
23 project to provide water supply benefits  
24 and submit the study, including rec-  
25 ommendations based on the study, to the

1 Secretary for acceptance or rejection of the  
2 recommendations.

3 (iii) TIME LIMIT.—The Secretary shall  
4 complete a study under clause (i) not later  
5 than 90 days after the date of the request.

6 (B) RECOMMENDATIONS.—

7 (i) WRITTEN DECISION.—Based on  
8 the criteria described in clause (ii), the  
9 Secretary shall—

10 (I) not later than 30 days after  
11 the completion of a study under sub-  
12 paragraph (A)(i), issue a written deci-  
13 sion making recommendations based  
14 on such study; and

15 (II) not later than 30 days after  
16 the submission of a study under sub-  
17 paragraph (A)(ii), issue a written de-  
18 cision accepting or rejecting each rec-  
19 ommendation made in such study.

20 (ii) CRITERIA FOR ACCEPTANCE.—  
21 The Secretary shall make or accept a rec-  
22 ommendation if the Secretary finds that  
23 modifying operations consistent with the  
24 recommendation—

1 (I) would provide water supply  
2 benefits; and

3 (II) would not seriously and ad-  
4 versely affect the purposes for which  
5 the covered project was being oper-  
6 ated on the date of enactment of this  
7 Act.

8 (C) REPORT TO CONGRESS.—If the Sec-  
9 retary does not comply with the time limit  
10 under subparagraph (B), the Secretary shall  
11 submit a report to the Committee on Environ-  
12 ment and Public Works of the Senate and the  
13 Committee on Transportation and Infrastruc-  
14 ture of the House of Representatives within 15  
15 days of the Secretary's failure to comply ex-  
16 plaining why the Secretary did not issue the re-  
17 quired decision.

18 (3) SUNSET.—This subsection shall cease to be  
19 effective on the date that is 5 years after the date  
20 of enactment of this Act.

21 (e) SAVINGS CLAUSE.—Nothing in this section af-  
22 fects, preempts, or interferes with any obligation of the  
23 Secretary to comply with applicable Federal and State en-  
24 vironmental laws, including—

- 1 (1) the Endangered Species Act of 1973 (16
- 2 U.S.C. 1531 et seq.);
- 3 (2) the Federal Water Pollution Control Act
- 4 (33 U.S.C. 1251 et seq.); and
- 5 (3) the National Environmental Policy Act of
- 6 1969 (42 U.S.C. 4321 et seq.).

