

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—Use of Revenue to Improve Drought Resilience or**
2 **Dam Safety**
3

4 **SEC. 241. USE OF REVENUE TO IMPROVE DROUGHT RESIL-**
5 **IENCE OR DAM SAFETY.**

6 (a) DEFINITIONS.—In this section:

7 (1) DAM SAFETY INVESTMENT.—The term
8 “dam safety investment” means a project to satisfy
9 dam safety standards—

10 (A) under the Federal Guidelines for Dam
11 Safety issued by the Federal Emergency Man-
12 agement Agency or the Interagency Committee
13 on Dam Safety;

14 (B) under the Bureau of Reclamation Dam
15 Safety Program, including repayment of an ob-
16 ligation for a corrective action taken pursuant
17 to that program; or

1 (C) required by the State in which a Bu-
2 reau of Reclamation project or facility is lo-
3 cated.

4 (2) DROUGHT RESILIENCE INVESTMENT.—The
5 term “drought resilience investment” means—

6 (A) an improvement or addition to an eligi-
7 ble facility that will increase drought resilience
8 in a Reclamation State; or

9 (B) annual payments on repayment obliga-
10 tions incurred under section 9603 of the Omni-
11 bus Public Land Management Act of 2009 (43
12 U.S.C. 510b).

13 (3) ELIGIBLE FACILITY.—The term “eligible fa-
14 cility” means—

15 (A) a project or facility owned by the Bu-
16 reau of Reclamation; and

17 (B) a non-Federal facility that stores,
18 transports, or delivers water to or from a Bu-
19 reau of Reclamation project or facility.

20 (4) ELIGIBLE TEMPORARY TRANSFER.—The
21 term “eligible temporary transfer” means the tem-
22 porary and voluntary selling, leasing, or exchanging
23 of water or water rights among individuals or agen-
24 cies that is allowable under the reclamation laws and
25 the water law of the applicable State.

1 (5) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior.

3 (6) TRANSFEROR.—The term “transferor”
4 means the holder of a water service, transferred
5 works, water repayment, or other contract that enti-
6 tles the holder to water from a Bureau of Reclama-
7 tion project or facility that undertakes an eligible
8 temporary transfer.

9 (b) USE OF REVENUE FOR DROUGHT RESILIENCE
10 INVESTMENTS OR DAM SAFETY INVESTMENTS.—

11 (1) IN GENERAL.—Notwithstanding the Act of
12 February 25, 1920 (41 Stat. 451, chapter 86; 43
13 U.S.C. 521), or subsection J of section 4 of the Act
14 of December 5, 1924 (43 Stat. 703, chapter 4; 43
15 U.S.C. 526), all amounts derived from an eligible
16 temporary transfer that would otherwise be depos-
17 ited in the reclamation fund established by the first
18 section of the Act of June 17, 1902 (32 Stat. 388,
19 chapter 1093; 43 U.S.C. 391), shall remain available
20 to the transferor.

21 (2) USE OF FUNDS.—Any funds retained by a
22 transferor under paragraph (1) may be—

23 (A) used for a drought resilience invest-
24 ment or dam safety investment; or

1 (B) placed in the reserve account of the
2 transferor, to be used for future drought resil-
3 ience investments or dam safety investments,
4 subject to paragraph (3).

5 (3) TRANSFER OF UNUSED FUNDS TO REC-
6 LAMATION FUND.—Any funds placed in the reserve
7 account of the transferor pursuant to paragraph
8 (2)(B) that are not used for drought resilience in-
9 vestments or dam safety investments by the date
10 that is 10 years after the date of the placement shall
11 be transferred to the reclamation fund established by
12 the first section of the Act of June 17, 1902 (32
13 Stat. 388, chapter 1093).

14 (4) REPORTING.—The transferor shall report to
15 the Commissioner of Reclamation on the use of any
16 uses of funds derived from an eligible temporary
17 transfer.

18 (5) EFFECT OF SECTION.—

19 (A) IN GENERAL.—Nothing in this sec-
20 tion—

21 (i) affects any other authority of the
22 Secretary to use amounts derived from rev-
23 enues from a Bureau of Reclamation
24 project; or

1 (ii) creates, impairs, alters, or super-
2 sedes a State water right.

3 (B) APPLICABLE LAW.—Any eligible tem-
4 porary transfer shall comply with all applica-
5 ble—

6 (i) State water laws;

7 (ii) Federal laws and policies; and

8 (iii) interstate water compacts.

9 (c) RECLAMATION LAWS.—This section supplements
10 and amends the Act of June 17, 1902 (32 Stat. 388, chap-
11 ter 1093), and Acts supplemental to and amendatory of
12 that Act (43 U.S.C. 371 et seq.).

