

[Discussion Draft]
AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 7776
OFFERED BY MR. GARAMENDI OF CALIFORNIA

Add at the end of title I the following:

1 **SEC. ____ . WATER SUPPLY IN CALIFORNIA AT CORPS OF EN-**

2 **GINEERS FACILITIES.**

3 (a) **DEFINITIONS.**—In this section:

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

8 (2) **LOCAL AGENCY.**—The term “local agency”
9 means an irrigation district, water district, or other
10 organization with water or power delivery authority.

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

13 (c) **PRIORITIZING UPDATES.**—

14 (1) **PRIORITY FOR WATER CONTROL MANUAL**
15 **UPDATES.**—The Secretary shall prioritize the update
16 of water control manuals for covered projects con-
17 sistent with the authority in section 1117 of the
18 Water Resources Development Act of 2016 (130

1 Stat. 1640), which shall apply to each covered
2 project.

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

12 (d) DROUGHT RESPONSE.—

13 (1) TEMPORARY OPERATIONAL CHANGES FOR
14 WATER SUPPLY.—

15 (A) IN GENERAL.—If the Governor of Cali-
16 fornia has declared a state of emergency due to
17 drought, then the Secretary may modify the op-
18 erations of a covered project to implement each
19 recommendation the Secretary makes or accepts
20 under paragraph (2)(B) without further ap-
21 proval of Congress.

22 (B) TIME LIMIT.—A modification of oper-
23 ations under subparagraph (A) shall remain in
24 effect until the earlier of—

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

3 (ii) the date on which a superceding
4 update is made to the water control man-
5 ual for the covered project.

6 (2) EVALUATION OF POTENTIAL OPERATIONAL
7 CHANGES.—

8 (A) STUDY.—

9 (i) IN GENERAL.—Upon request of
10 the State of California or a local agency,
11 the Secretary shall conduct a study of po-
12 tential operational modifications to a cov-
13 ered project to provide water supply bene-
14 fits.

15 (ii) NON-FEDERAL STUDY.—A local
16 agency may also conduct a study of poten-
17 tial operational modifications to a covered
18 project to provide water supply benefits
19 and submit the study, including rec-
20 ommendations based on the study, to the
21 Secretary for acceptance or rejection of the
22 recommendations.

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

1 (B) RECOMMENDATIONS.—

2 (i) WRITTEN DECISION.—Based on
3 the criteria described in clause (ii), the
4 Secretary shall—

5 (I) not later than 30 days after
6 the completion of a study under sub-
7 paragraph (A)(i), issue a written deci-
8 sion making recommendations based
9 on such study; and

10 (II) not later than 30 days after
11 the submission of a study under sub-
12 paragraph (A)(ii), issue a written de-
13 cision accepting or rejecting each rec-
14 ommendation made in such study.

15 (ii) CRITERIA FOR ACCEPTANCE.—
16 The Secretary shall make or accept a rec-
17 ommendation if the Secretary finds that
18 modifying operations consistent with the
19 recommendation—

20 (I) would provide water supply
21 benefits; and

22 (II) would not seriously and ad-
23 versely affect the purposes for which
24 the covered project was being oper-

1 ated on the date of enactment of this
2 Act.

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

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

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

20 (1) the Endangered Species Act of 1973 (16
21 U.S.C. 1531 et seq.);

22 (2) the Federal Water Pollution Control Act
23 (33 U.S.C. 1251 et seq.); and

1 (3) the National Environmental Policy Act of
2 1969 (42 U.S.C. 4321 et seq.).

