

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. _____
OFFERED BY MS. TITUS OF NEVADA**

At the appropriate place in title I, insert the following:

1 SEC. ____ . EMERGENCY DROUGHT OPERATIONS PILOT PRO-
2 GRAM.

3 (a) DEFINITION OF COVERED PROJECT.—In this sec-
4 tion, the term “covered project” means a project—

5 (1) that is located in the State of California,
6 the State of Nevada, or the State of Arizona; and

7 (2)(A) of the Corps of Engineers for which
8 water supply is an authorized purpose; or

9 (B) for which the Secretary develops a
10 water control manual under section 7 of the Act
11 of December 22, 1944 (commonly known as the
12 “Flood Control Act of 1944”) (58 Stat. 890,
13 chapter 665; 33 U.S.C. 709).

14 (b) EMERGENCY OPERATION DURING DROUGHT.—
15 Consistent with other authorized project purposes and in
16 coordination with the non-Federal interest, in operating
17 a covered project during a drought emergency in the
18 project area, the Secretary may carry out a pilot program

1 to operate the covered project with water supply as the
2 primary project purpose.

3 (c) UPDATES.—In carrying out this section, the Sec-
4 retary may update the water control manual for a covered
5 project to include drought operations and contingency
6 plans.

7 (d) REQUIREMENTS.—In carrying out subsection (b),
8 the Secretary shall ensure that—

9 (1) operations described in that subsection—

10 (A) are consistent with water management
11 deviations and drought contingency plans in the
12 water control manual for the covered project;

13 (B) impact only the flood pool managed by
14 the Secretary; and

15 (C) shall not be carried out in the event of
16 a forecast or anticipated flood or weather event
17 that would require flood risk management to
18 take precedence;

19 (2) to the maximum extent practicable, the Sec-
20 retary uses forecast-informed reservoir operations;
21 and

22 (3) the covered project returns to the operations
23 that were in place prior to the use of the authority
24 provided under that subsection at a time determined

1 by the Secretary, in coordination with the non-Fed-
2 eral interest.

3 (e) CONTRIBUTED FUNDS.—The Secretary may re-
4 ceive and expend funds contributed by a non-Federal in-
5 terest to carry out activities under this section.

6 (f) REPORT.—

7 (1) IN GENERAL.—Not later than 2 years after
8 the date of enactment of this Act, the Secretary
9 shall submit to the Committee on Environment and
10 Public Works of the Senate and the Committee on
11 Transportation and Infrastructure of the House of
12 Representatives a report on the pilot program car-
13 ried out under this section.

14 (2) INCLUSIONS.—The Secretary shall include
15 in the report under paragraph (1) a description of
16 the activities of the Secretary that were carried out
17 for each covered project and any lessons learned
18 from carrying out those activities.

19 (g) LIMITATIONS.—Nothing in this section—

20 (1) affects, modifies, or changes the authorized
21 purposes of a covered project;

22 (2) affects existing Corps of Engineers authori-
23 ties, including authorities with respect to navigation,
24 flood damage reduction, and environmental protec-
25 tion and restoration;

1 (3) affects the ability of the Corps of Engineers
2 to provide for temporary deviations;

3 (4) affects the application of a cost-share re-
4 quirement under section 101, 102, or 103 of the
5 Water Resources Development Act of 1986 (33
6 U.S.C. 2211, 2212, 2213);

7 (5) supersedes or modifies any written agree-
8 ment between the Federal Government and a non-
9 Federal interest that is in effect on the date
10 of enactment of this Act;

11 (6) supersedes or modifies any amendment to
12 an existing multistate water control plan for the Col-
13 orado River Basin, if applicable;

14 (7) affects any water right in existence on the
15 date of enactment of this Act;

16 (8) preempts or affects any State water law or
17 interstate compact governing water;

18 (9) affects existing water supply agreements be-
19 tween the Secretary and the non-Federal interest; or

20 (10) affects any obligation to comply with the
21 provisions of any Federal or State environmental
22 law, including—

23 (A) the National Environmental Policy Act
24 of 1969 (42 U.S.C. 4321 et seq.);

1 (B) the Federal Water Pollution Control
2 Act (33 U.S.C. 1251 et seq.); and
3 (C) the Endangered Species Act of 1973
4 (16 U.S.C. 1531 et seq.).

