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:

SEC. ___. WATER SUPPLY IN CALIFORNIA AT CORPS OF ENGINEERS FACILITIES.

(a) DEFINITIONS.—In this section:

(1) COVERED PROJECT.—The term “covered project” means a dam or reservoir in California operated by the Secretary as a Corps of Engineers facility.

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

(b) AUTHORIZED PURPOSE.—The authorized purposes of each covered project shall include water supply.

(c) PRIORITIZING UPDATES.—

(1) PRIORITY FOR WATER CONTROL MANUAL UPDATES.—The Secretary shall prioritize the update of water control manuals for covered projects consistent with the authority in section 1117 of the Water Resources Development Act of 2016 (130...
(2) Priority for forecast-informed reservoir operations.—In completing the report required under section 1222(c) of the Water Resources Development Act of 2018 (128 Stat. 3811; 134 Stat. 2661), the Secretary may include an assessment of the viability of forecast-informed reservoir operations at covered projects, where appropriate, for water supply as an authorized purpose pursuant to this section.

(d) Drought Response.—

(1) Temporary operational changes for water supply.—

(A) In general.—If the Governor of California has declared a state of emergency due to drought, then the Secretary may modify the operations of a covered project to implement each recommendation the Secretary makes or accepts under paragraph (2)(B) without further approval of Congress.

(B) Time limit.—A modification of operations under subparagraph (A) shall remain in effect until the earlier of—
(i) the date that is 5 years after the date of enactment of this section; or
(ii) the date on which a superceding update is made to the water control manual for the covered project.

(2) Evaluation of potential operational changes.—

(A) Study.—

(i) In general.—Upon request of the State of California or a local agency, the Secretary shall conduct a study of potential operational modifications to a covered project to provide water supply benefits.

(ii) Non-federal study.—A local agency may also conduct a study of potential operational modifications to a covered project to provide water supply benefits and submit the study, including recommendations based on the study, to the Secretary for acceptance or rejection of the recommendations.

(iii) Time limit.—The Secretary shall complete a study under clause (i) not later than 90 days after the date of the request.
(B) RECOMMENDATIONS.—

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

(I) not later than 30 days after the completion of a study under subparagraph (A)(i), issue a written decision making recommendations based on such study; and

(II) not later than 30 days after the submission of a study under subparagraph (A)(ii), issue a written decision accepting or rejecting each recommendation made in such study.

(ii) CRITERIA FOR ACCEPTANCE.—

The Secretary shall make or accept a recommendation if the Secretary finds that modifying operations consistent with the recommendation—

(I) would provide water supply benefits; and

(II) would not seriously and adversely affect the purposes for which the covered project was being oper-
ated on the date of enactment of this Act.

(C) REPORT TO CONGRESS.—If the Secretary does not comply with the time limit under subparagraph (B), the Secretary shall submit a report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives within 15 days of the Secretary’s failure to comply explaining why the Secretary did not issue the required decision.

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

(e) SAVINGS CLAUSE.—Nothing in this section affects, preempts, or interferes with any obligation of the Secretary to comply with applicable Federal and State environmental laws, including—

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

(2) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and
1 (3) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).