

117TH CONGRESS
2D SESSION

S. 4695

To establish a Western Water Cooperative Committee, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 1, 2022

Mr. CRAMER (for himself and Mr. MERKLEY) introduced the following bill;
which was read twice and referred to the Committee on Environment and
Public Works

A BILL

To establish a Western Water Cooperative Committee, and
for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Western Water Coop-
5 erative Committee Act”.

6 **SEC. 2. CORPS OF ENGINEERS WESTERN WATER COOPERA-**
7 **TIVE COMMITTEE.**

8 (a) FINDINGS.—Congress finds that—

9 (1) a bipartisan coalition of 19 Western Sen-
10 ators wrote to the Office of Management and Budget

1 et on September 17, 2019, in opposition to the pro-
2 posed rulemaking entitled “Use of U.S. Army Corps
3 of Engineers Reservoir Projects for Domestic, Mu-
4 nicipal & Industrial Water Supply” (81 Fed. Reg.
5 91556 (December 16, 2016)), describing the rule as
6 counter to existing law and court precedent;

7 (2) on January 21, 2020, the proposed rule-
8 making described in paragraph (1) was withdrawn;
9 and

10 (3) the Corps of Engineers should consult with
11 Western States to ensure, to the maximum extent
12 practicable, that operation of flood control projects
13 in prior appropriation States is consistent with the
14 principles of the first section of the Act of December
15 22, 1944 (commonly known as the “Flood Control
16 Act of 1944”) (58 Stat. 887, chapter 665; 33 U.S.C.
17 701–1) and section 301 of the Water Supply Act of
18 1958 (43 U.S.C. 390b).

19 (b) ESTABLISHMENT.—

20 (1) IN GENERAL.—Not later than 90 days after
21 the date of enactment of this Act, the Secretary of
22 the Army (referred to in this section as the “Sec-
23 retary”) shall establish a Western Water Cooperative
24 Committee (referred to in this section as the “Coop-
25 erative Committee”).

1 (2) PURPOSE.—The purpose of the Cooperative
2 Committee is to ensure that Corps of Engineers
3 flood control projects in Western States are operated
4 consistent with congressional directives by identi-
5 fying opportunities to avoid or minimize conflicts be-
6 tween operation of Corps of Engineers projects and
7 State water rights and water laws.

8 (3) MEMBERSHIP.—

9 (A) IN GENERAL.—The Cooperative Com-
10 mittee shall be composed of—

11 (i) the Assistant Secretary of the
12 Army for Civil Works (or a designee);

13 (ii) the Chief of Engineers (or a des-
14 ignee);

15 (iii) 1 representative from each of the
16 States of Alaska, Arizona, California, Colo-
17 rado, Idaho, Kansas, Montana, Nebraska,
18 Nevada, New Mexico, North Dakota, Okla-
19 homa, Oregon, South Dakota, Texas,
20 Utah, Washington, and Wyoming, who
21 may serve on the Western States Water
22 Council, to be appointed by the Governor
23 of each State;

24 (iv) 1 representative with legal experi-
25 ence from each of the States of Alaska, Ar-

1 Arizona, California, Colorado, Idaho, Kansas,
 2 Montana, Nebraska, Nevada, New Mexico,
 3 North Dakota, Oklahoma, Oregon, South
 4 Dakota, Texas, Utah, Washington, and
 5 Wyoming, to be appointed by the Attorney
 6 General of each State; and

7 (v) 1 employee from each of the im-
 8 pacted regional offices of the Bureau of In-
 9 dian Affairs.

10 (4) MEETINGS.—

11 (A) IN GENERAL.—The Cooperative Com-
 12 mittee shall meet not less than once each year
 13 in a State represented on the Cooperative Com-
 14 mittee.

15 (B) AVAILABLE TO PUBLIC.—Each meet-
 16 ing of the Cooperative Committee shall be open
 17 and accessible to the public.

18 (C) NOTIFICATION.—The Cooperative
 19 Committee shall publish in the Federal Register
 20 adequate advance notice of a meeting of the Co-
 21 operative Committee.

22 (5) DUTIES.—The Cooperative Committee shall
 23 develop and make recommendations to avoid or min-
 24 imize conflicts between the operation of Corps of
 25 Engineers projects and State water rights and water

1 laws, which may include recommendations for legis-
2 lation or the promulgation of policy or regulations.

3 (6) STATUS UPDATES.—

4 (A) IN GENERAL.—On an annual basis,
5 the Secretary shall provide to the Committee on
6 Environment and Public Works of the Senate
7 and the Committee on Transportation and In-
8 frastructure of the House of Representatives a
9 written report that includes—

10 (i) a summary of the contents of
11 meetings of the Cooperative Committee;
12 and

13 (ii) a description of any recommenda-
14 tions made by the Cooperative Committee
15 under paragraph (5), including actions
16 taken by the Secretary in response to such
17 recommendations.

18 (B) COMMENT.—

19 (i) IN GENERAL.—Not later than 45
20 days following the conclusion of a meeting
21 of the Cooperative Committee, the Sec-
22 retary shall provide to members of the Co-
23 operative Committee an opportunity to
24 comment on the contents of the meeting
25 and any recommendations.

1 (ii) INCLUSION.—Comments provided
2 under clause (i) shall be included in the re-
3 port provided under subparagraph (A).

4 (7) COMPENSATION.—

5 (A) IN GENERAL.—Except as provided in
6 subparagraph (B), the members of the Coopera-
7 tive Committee shall serve without compensa-
8 tion.

9 (B) TRAVEL EXPENSES.—The members of
10 the Cooperative Committee shall be allowed
11 travel expenses, including per diem in lieu of
12 subsistence, at rates authorized for employees
13 of agencies under subchapter I of chapter 57 of
14 title 5, United States Code, while away from
15 their homes or regular places of business in the
16 performance of services for the Cooperative
17 Committee.

18 (8) MAINTENANCE OF RECORDS.—The Cooper-
19 ative Committee shall maintain records pertaining to
20 operating costs and records of the Cooperative Com-
21 mittee for a period of not less than 3 years.

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