117TH CONGRESS
2D SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

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

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Western Water Cooperative Committee Act''.

SEC. 2. CORPS OF ENGINEERS WESTERN WATER COOPERATIVE COMMITTEE.

(a) FINDINGS.—Congress finds that—

(1) a bipartisan coalition of 19 Western Senators wrote to the Office of Management and Budg-

et on September 17, 2019, in opposition to the proposed rulemaking entitled ''Use of U.S. Army Corps of Engineers Reservoir Projects for Domestic, Municipal & Industrial Water Supply'' (81 Fed. Reg. 91556 (December 16, 2016)), describing the rule as counter to existing law and court precedent;

(2) on January 21, 2020, the proposed rulemaking described in paragraph (1) was withdrawn; and

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

(b) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of the Army (referred to in this section as the ''Secretary'') shall establish a Western Water Cooperative Committee (referred to in this section as the ''Cooperative Committee'').

(2) PURPOSE.—The purpose of the Cooperative Committee is to ensure that Corps of Engineers flood control projects in Western States are operated consistent with congressional directives by identifying opportunities to avoid or minimize conflicts between operation of Corps of Engineers projects and State water rights and water laws.

(3) MEMBERSHIP.—

(A) IN GENERAL.—The Cooperative Committee shall be composed of—

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

(ii) the Chief of Engineers (or a designee);

(iii) 1 representative from each of the States of Alaska, Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, who may serve on the Western States Water Council, to be appointed by the Governor of each State;

(iv) 1 representative with legal experience from each of the States of Alaska, Ar-

izona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, to be appointed by the Attorney General of each State; and

(v) 1 employee from each of the impacted regional offices of the Bureau of Indian Affairs.

(4) MEETINGS.—

(A) IN GENERAL.—The Cooperative Committee shall meet not less than once each year in a State represented on the Cooperative Committee.

(B) AVAILABLE TO PUBLIC.—Each meeting of the Cooperative Committee shall be open and accessible to the public.

(C) NOTIFICATION.—The Cooperative Committee shall publish in the Federal Register adequate advance notice of a meeting of the Cooperative Committee.

(5) DUTIES.—The Cooperative Committee shall develop and make recommendations to avoid or minimize conflicts between the operation of Corps of Engineers projects and State water rights and water

laws, which may include recommendations for legislation or the promulgation of policy or regulations.

(6) STATUS UPDATES.—

(A) IN GENERAL.—On an annual basis, the Secretary shall provide to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a written report that includes—

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

(ii) a description of any recommendations made by the Cooperative Committee under paragraph (5), including actions taken by the Secretary in response to such recommendations.

(B) COMMENT.—

(i) IN GENERAL.—Not later than 45 days following the conclusion of a meeting of the Cooperative Committee, the Secretary shall provide to members of the Cooperative Committee an opportunity to comment on the contents of the meeting and any recommendations.

(ii) INCLUSION.—Comments provided under clause (i) shall be included in the report provided under subparagraph (A).

(7) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the members of the Cooperative Committee shall serve without compensation.

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

(8) MAINTENANCE OF RECORDS.—The Cooperative Committee shall maintain records pertaining to operating costs and records of the Cooperative Committee for a period of not less than 3 years.