Senator Cornyn: Mr./Mdm. President, I am joined by the Chair and Ranking Member of the Environment and Public Works Committee to discuss Section 1046 of the Water Resources Reform and Development Act Conference Report, which we will vote on shortly in the Senate. I would like to thank the Chair and Ranking Member for their leadership on this important legislation and rise with them today to discuss the provision and address my concerns about the effects on Army Corps of Engineers’ reservoirs in Texas.
It's important to remember that the long-term reliability of the Corps' multi-purpose reservoirs remains a critical economic issue for many regions of our country. Cities, water districts, businesses, and other users depend on these reservoirs both for hydropower generation and to meet their larger water-supply needs. That's especially true in arid states like Texas.

Indeed, the reservoirs have helped our states -- and many others -- to mitigate the effects of serious droughts. For that matter, Texas suffered the most intense drought in recorded state history just a few years ago, and water levels at a number of reservoirs remain dangerously low. Statewide, reservoirs are only at 64 percent of their capacity, according to the Texas Water Development Board.
As one of America's fastest-growing states, water-supply management is becoming more and more important to individual Texans and their communities. Thankfully, local and state leaders have worked hard to devise effective strategies.

Like other states, Texas has very specific laws on water rights and environmental flows. Since 2007, we've had a legal process that provides for a basin-specific scientific assessment, a formal review, and then recommendations by interested stakeholders. The state government oversees this process by working with stakeholders to balance environmental-flow needs with other public interests, such as water needs.
It is crucial to understand that the water stored in these reservoirs belongs to Texas and has been allocated to users in accordance with Federal and state law. It’s also crucial to understand that the non-federal sponsors of the reservoirs pay for storage, operations, and maintenance. Any changes to the operations that affect the authorized purposes of the reservoirs should never be made without their involvement.

Section 1046(a) in the conference report requires the Corps to update its operations-of-reservoirs report, and to include a plan for reviewing the operations of individual projects, including a detailed schedule for future reviews of project operations. In carrying out these reviews, the Corps must coordinate with the appropriate federal, state,
and local agencies, along with any public and private entities that could be affected.

Going forward, during the deliberations over a project-specific review, the Secretary must carefully weigh the use of limited federal operations and maintenance funding, and may accept funds from other agencies or non-federal entities if necessary.

Furthermore, the Secretary must ensure that all recommendations offered at the conclusion of the review (1) do not impinge on state water rights, (2) are consistent with state water plans, and (3) do not affect any authority of a State to manage water resources within that State.
The language is explicit: It does not change the authorized purpose of any Corps dam or reservoir, and the Secretary may only carry out recommendations and activities pursuant to existing law. *Let me repeat:* There is no new authority to modify reservoir operations granted to the Corps of Engineers.

Of course, the Secretary has always had the authority to review the operations of these reservoirs and to improve their efficiency. As they undertake these reviews and carry out activities, this conference report language is clear that all authorized project purposes are maintained.

**Senator Vitter:** I’d like to thank my friend from Texas, Senator Cornyn. As the top Senate Republican member of the conference committee for WRRDA, I agree with
your understanding and interpretation of the language in Section 1046(a) of the WRRDA Conference report. Multipurpose dams and reservoirs in Texas are crucial to the well-being and economic viability of Texas, particularly in areas that have experienced severe droughts over the past several years. This provision is explicit in that the Secretary shall coordinate with appropriate Federal, State, and local agencies, as well as public and private entities that may be affected by those reviews and activities. This provision also prohibits any changes to the authorized purposes of any Corps dam or reservoir and only allows the Secretary to carry out recommendations or activities pursuant to existing law. As the Corps implements this provision, I will work with my colleague from Texas to monitor the Corps' activities and ensure there are no adverse effects to dams and reservoirs in his state.
Senator Boxer: Thank you Ranking Member Vitter and Senator Cornyn for the discussion of Sec. 1046(a) in the WRRDA conference report. I agree with your understanding and interpretation of this section and rise to address the importance of this provision. In my home State, which is currently facing an historic drought, it is critical that the Corps examine its reservoir operations to increase flexibility so that it can better meet all of the State's water needs, including agriculture, municipal uses, and the environment. Unfortunately, in California, the Corps does not look often enough at how it can better operate its reservoirs to meet multiple needs. This provision does not change the authorized purpose of any reservoir and paragraph (6), "Effects of subsection," makes this clear. The provision simply creates a more
transparent process under existing law so that Congress and local communities can work with the Corps to improve management of Federal reservoirs that provide important benefits to local communities.