

114TH CONGRESS
1ST SESSION

H. R. 1668

To amend the Endangered Species Act of 1973 to provide for suspension of application of the Act to water releases by Federal and State agencies in river basins that are affected by drought, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 26, 2015

Mr. MCCLINTOCK introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To amend the Endangered Species Act of 1973 to provide for suspension of application of the Act to water releases by Federal and State agencies in river basins that are affected by drought, 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 “Save Our Water Act”.

1 **SEC. 2. SUSPENSION OF ENDANGERED SPECIES ACT OF**
2 **1973 FOR WATER MANAGEMENT ACTIONS IN**
3 **AREAS AFFECTED BY DROUGHT.**

4 Section 10 of the Endangered Species Act of 1973
5 (16 U.S.C. 1539) is amended by adding at the end the
6 following:

7 “(k) SUSPENSION OF APPLICATION WITH RESPECT
8 TO CERTAIN FEDERAL AND STATE AGENCIES DURING
9 PERIODS OF DROUGHT.—

10 “(1) SUSPENSION.—The application of this Act
11 with respect to water releases from water storage fa-
12 cilities by Federal and State agencies in a navigable
13 river basin in a State is suspended during each pe-
14 riod in which there is in effect a drought in that
15 basin.

16 “(2) PERIOD OF SUSPENSION.—A suspension
17 under paragraph (1)—

18 “(A) begins on the date on which—

19 “(i) the Secretary of the Army, acting
20 through the Chief of Engineers, or the
21 Secretary of the Interior determines that
22 there is a drought in effect in such river
23 basin that the U.S. Drought Monitor cat-
24 egorizes as D2 (Severe Drought), D3 (Ex-
25 treme Drought), or D4 (Exceptional
26 Drought) conditions; or

1 “(ii) the Governor of the State (or the
2 Governor’s designee) determines that there
3 is a drought in effect in such river basin;
4 and

5 “(B) ends on the date on which—

6 “(i) in the case of a suspension that
7 begins under subparagraph (A)(i), the Sec-
8 retary that made the determination re-
9 ferred to in that subparagraph determines
10 that the drought is no longer in effect; or

11 “(ii) in the case of a suspension that
12 begins under subparagraph (A)(ii), the
13 Governor determines that the drought is
14 no longer in effect.

15 “(3) PROHIBITION OF ENFORCEMENT BY
16 STATE.—

17 “(A) PROHIBITION.—Except as provided
18 in subparagraph (B), a State may not enforce
19 the requirements of this Act with respect to any
20 area of the State with respect to which a sus-
21 pension under paragraph (1) applies.

22 “(B) ENFORCEMENT OF STATE LAW NOT
23 AFFECTED.—Subparagraph (A) does not affect
24 the authority of a State to carry out and en-
25 force the laws of the State.

1 “(4) EXCEPTED WATER RELEASES.—This sub-
2 section does not prohibit any release of water from
3 a water storage facility for purposes of this Act by
4 the Secretary of the Army, the Secretary of the Inte-
5 rior, or a State if such Secretary or the Governor of
6 such State, respectively, certifies that—

7 “(A) such release will not cause harm to
8 the local, regional, State, or Federal economy;
9 and

10 “(B) no water conservation measures will
11 be required to be taken by any water users as
12 a result of such release.

13 “(5) U.S. DROUGHT MONITOR DEFINED.—In
14 this subsection the term ‘U.S. Drought Monitor’
15 means such Monitor jointly produced by the Na-
16 tional Drought Mitigation Center at the University
17 of Nebraska-Lincoln, the Department of Agriculture,
18 and the National Oceanic and Atmospheric Adminis-
19 tration.”.

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