

AMENDMENT NO. _____ Calendar No. _____

Purpose: To ensure that the Secretary does not charge a fee for certain surplus water.

IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.

S. 2848

To provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. PAUL to the amendment (No. 4979) proposed by Mr. INHOFE

Viz:

1 At the end of title I, add the following:

2 **SEC. 1 ____ . SURPLUS WATER STORAGE.**

3 (a) IN GENERAL.—The Secretary shall not charge a
4 fee for surplus water under a contract entered into pursu-
5 ant to section 6 of the Act of December 22, 1944 (33
6 U.S.C. 708) (commonly known as the “Flood Control Act
7 of 1944”) or the Water Supply Act of 1958 (43 U.S.C.
8 390b) if the contract is for surplus water stored in the
9 Lake Cumberland Watershed, Kentucky and Tennessee .

10 (b) OFFSET.—

1 (1) IN GENERAL.—Subject to paragraph (2), of
2 any amounts made available to the Secretary by title
3 I of division D of the Consolidated Appropriations
4 Act, 2016 (Public Law 114–113; 129 Stat. 2397) to
5 carry out activities under the heading “OPERATION
6 AND MAINTENANCE” under the heading “CORPS OF
7 ENGINEERS—CIVIL” that remain unobligated as of
8 the date of enactment of this Act, \$5,000,000 is re-
9 scinded.

10 (2) RESTRICTION.—No amounts that have been
11 designated by Congress as being for emergency re-
12 quirements pursuant to section 251(b)(2)(A)(i) of
13 the Balanced Budget and Emergency Deficit Control
14 Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)) shall be re-
15 scinded under paragraph (1).

16 (c) TERMINATION.—The limitation under subsection
17 (a) shall expire on the date that is 10 years after the date
18 of enactment of this Act.

19 (d) APPLICABILITY.—Nothing in this section—

20 (1) affects the authority of the Secretary under
21 section 2695 of title 10, United States Code, to ac-
22 cept funds or to cover the administrative expenses
23 relating to certain real property transactions;

24 (2) affects the application of section 6 of the
25 Act of December 22, 1944 (33 U.S.C. 708) (com-

1 monly known as the “Flood Control Act of 1944”)
2 or the Water Supply Act of 1958 (43 U.S.C. 390b)
3 to surplus water stored outside of the Lake Cum-
4 berland Watershed, Kentucky and Tennessee; or

5 (3) affects the authority of the Secretary to ac-
6 cept funds under section 216(c) of the Water Re-
7 sources Development Act of 1996 (33 U.S.C.
8 2321a).