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May 31, 2022

The Honorable Tom Carper
Chairman, Senate Environment and Public Works Committee
410 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Shelley Moore Capito
456 Dirksen Senate Office Building
Washington, D.C. 20510

RE: Section 117 of WRDA

Dear Chairman Carper and Ranking Member Capito:

The Conference of Western Attorneys General (CWAG), a bipartisan group of state attorneys general, writes in support of Section 117 of the 2022 WRDA bill, S. 4136, 117th Congress, 2nd Sess. Section 117 proposes to establish a Corps of Engineers Western Water Cooperative Committee (Committee). The Committee will provide a much-needed forum for discussions between the Corps and Western States regarding their respective roles under the Flood Control Act of 1944 (FCA) and the Water Supply Act of 1958 (WSA).

While Congress assigned to the Corps responsibility for operation of the federal flood control projects, both the FCA and WSA expressly reaffirm state primacy over the allocation and distribution of water under state law. Given the ongoing drought throughout the Western United States and the ever-increasing demand for water in arid Western States, it is more important now than ever for the Corps to consult with Western States to ensure operation of federal flood control projects in prior appropriation States do not interfere with the right of States to allocate and distribute water supplies within their borders for present and future uses.

A handwritten signature in cursive script that reads 'Karen White'.

Karen White
Executive Director
Attorney General Alliance &
Conference of Western Attorneys General