



Committee Amendment Proposed by

Mr. McCain

1 At the appropriate place in title III, insert the fol-
2 lowing:

3 **SEC. [CAM11216]. COOPERATIVE WATER USE MANAGEMENT**
4 **RELATED TO FORT HUACHUCA, ARIZONA,**
5 **AND SIERRA VISTA SUBWATERSHED.**

6 Section 321(a)(1) of the National Defense Authoriza-
7 tion Act for Fiscal Year 2004 (Public Law 108–136; 117
8 Stat. 1438) is amended—

9 (1) in the heading, by striking “LIMITATION”
10 and inserting “LIMITATIONS”;

11 (2) by striking “For purposes” and inserting
12 the following:

13 “(A) CONSUMPTION BY NON-FEDERAL EN-
14 TITIES.—For purposes”; and

15 (3) by adding at the end the following:

16 “(B) CONSUMPTION BY FORT
17 HUACHUCA.—

18 “(i) IN GENERAL.—For purposes of
19 the Endangered Species Act of 1973 (16
20 U.S.C. 1531 et seq.) (including regula-
21 tions), any withdrawal of groundwater
22 from the regional aquifer by or associated

1 with Fort Huachuca shall not be consid-
2 ered in determining whether a Federal
3 agency action by or associated with Fort
4 Huachuca is likely to jeopardize the contin-
5 ued existence of any endangered or threat-
6 ened species, result in the destruction or
7 adverse modification of their designated
8 critical habitat, impact their recovery, or
9 result in any take.

10 “(ii) SUSPENSION.—The authority
11 under clause (i) shall be suspended if the
12 Secretary (as defined in section 3 of the
13 Endangered Species Act of 1973 (16
14 U.S.C. 1532)), in consultation with the
15 Secretary of the Army, determines that the
16 total volume of groundwater withdrawn per
17 year from the Sierra Vista subwatershed of
18 the upper San Pedro basin by or associ-
19 ated with Fort Huachuca exceeds 6,000
20 acre-feet per year.

21 “(iii) EFFECT.—Nothing in this sub-
22 paragraph shall—

23 “(I) be considered to be an ex-
24 press or implied reservation by the

1 Federal Government of any water or
2 water right; or

3 “(II) affect any water right in
4 existence as of the date of enactment
5 of this subparagraph.”.