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(Original Signature of Member)

116TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

To provide drought preparedness and improved water supply reliability to  
the Nation.

\_\_\_\_\_  
IN THE HOUSE OF REPRESENTATIVES

Mr. HUFFMAN introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To provide drought preparedness and improved water supply  
reliability to the Nation.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Furthering Underutilized Technologies and Unleashing  
6 Responsible Expenditures for Drought Resiliency Act” or  
7 the “FUTURE Drought Resiliency Act”.

8 (b) TABLE OF CONTENTS.—The table of contents for  
9 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.

TITLE I—INFRASTRUCTURE DEVELOPMENT

- Sec. 101. Competitive grant program for the funding of water recycling and reuse projects.
- Sec. 102. Storage project development reports to Congress.
- Sec. 103. Funding for storage and supporting projects.
- Sec. 104. Extension of existing requirements for grandfathered storage projects.
- Sec. 105. Desalination project development.
- Sec. 106. Water infrastructure fund.
- Sec. 107. WaterSmart extension and expansion.
- Sec. 108. Assistance for disadvantaged communities without adequate drinking water.

TITLE II—IMPROVED TECHNOLOGY AND DATA

- Sec. 201. Modifications to income exclusion for conservation subsidies.
- Sec. 202. Reauthorization of Water Availability and Use Assessment Program.
- Sec. 203. Desalination technology development.
- Sec. 204. X-prize for desalination breakthroughs.
- Sec. 205. Study examining sediment flows from removal of sediment-filled dams.
- Sec. 206. Determination of water supply allocations.
- Sec. 207. Federal priority streamgages.
- Sec. 208. Improved reclamation crop data.
- Sec. 209. Study examining climate vulnerabilities at reclamation dams.
- Sec. 210. Forecast informed water control manual updates.

TITLE III—ECOSYSTEM PROTECTION AND RESTORATION

- Sec. 301. Combating water theft for illegal marijuana cultivation.
- Sec. 302. Waterfowl and shorebird habitat creation program.
- Sec. 303. Sustaining biodiversity during droughts.
- Sec. 304. Reauthorization and expansion of cooperative watershed management program.
- Sec. 305. Multibenefit projects to improve watershed health.
- Sec. 306. Support for refuge water deliveries.
- Sec. 307. Drought planning and preparedness for critically important fisheries.
- Sec. 308. Aquatic ecosystem restoration.
- Sec. 309. Reauthorization of the Fisheries Restoration and Irrigation Mitigation Act of 2000.

TITLE IV—MISCELLANEOUS

- Sec. 401. Offset.
- Sec. 402. Water career training grant program.

**1 SEC. 2. FINDINGS.**

**2** Congress finds the following:

1           (1) As expressed in the Water Supply Act of  
2           1958, Congress has recognized the primary respon-  
3           sibilities of the States and local interests in devel-  
4           oping water supplies for domestic, municipal, indus-  
5           trial, and other purposes, and that the Federal Gov-  
6           ernment should participate and cooperate in these  
7           projects.

8           (2) There is a long and robust legal precedent  
9           of Federal deference to State primacy in water law  
10          and the legal system that States establish for resolv-  
11          ing disputes over water use, with the Supreme Court  
12          finding in *Kansas v. Colorado* that “Congress cannot  
13          enforce either rule upon any state” in matters of the  
14          right regulation of water rights.

15          (3) The entire American West and Southwest  
16          are facing forecasts of prolonged droughts that will  
17          leave States facing major water shortages and cata-  
18          strophic wildfires.

19          (4) Recent periods of drought in the American  
20          West have also occurred with higher temperatures  
21          and reduced snowpack and led to what climate sci-  
22          entists recently concluded was possibly the most se-  
23          vere drought in California in over 1,200 years.

24          (5) The Colorado River has been under drought  
25          conditions since 2000, and the chances of a

1 “megadrought” striking the Southwest and central  
2 Great Plains are on the rise according to forecasts  
3 from climate scientists.

4 (6) Addressing water shortages today and in  
5 the future will require action from the Federal Gov-  
6 ernment that respects State, local, and Tribal law,  
7 and that the policies that respond to droughts  
8 should not pit State against State, region against re-  
9 gion, or stakeholders against one another.

10 (7) Congress recognizes the range of separate,  
11 distinct Federal agencies with authorities and re-  
12 sources that play a role in water supply, including  
13 treatment and remediation of groundwater, surface  
14 water storage, water recycling and reuse, and other  
15 clean water infrastructure, and to avoid duplication  
16 and ensure the efficiency and effectiveness of these  
17 various Federal roles, there is a need for improved  
18 coordination, streamlining, and collaboration, both  
19 among Federal agencies and with drought-impacted  
20 States and localities.

21 (8) It is the policy of the United States to re-  
22 spect California’s coequal goals, established by the  
23 Delta Reform Act of 2009, of providing a more reli-  
24 able water supply for California and protecting, re-  
25 storing, and enhancing the Delta ecosystem, and

1       these coequal goals shall be achieved in a manner  
2       that protects and enhances the unique cultural, rec-  
3       reational, natural resource, and agricultural values  
4       of the Delta as an evolving place.

5           (9) The State of California, in CA Water Code  
6       section 85021, has established a policy to reduce re-  
7       liance on the Delta in meeting California's future  
8       water supply needs through a statewide strategy of  
9       investing in improved regional supplies, conservation,  
10      and water use efficiency; California law directs each  
11      region that depends on water from the Delta water-  
12      shed to improve its regional self-reliance for water  
13      through investment in water use efficiency, water re-  
14      cycling, advanced water technologies, local and re-  
15      gional water supply projects, and improved regional  
16      coordination of local and regional water supply ef-  
17      forts; and it is the intent of Congress to ensure that  
18      Federal programs, policies, and investments respect  
19      and compliment, and do not undermine or conflict  
20      with, California's policy of reducing reliance on  
21      Delta diversions.

22           (10) Federal agencies should operate the Bu-  
23      reau of Reclamation's Central Valley Project in Cali-  
24      fornia in compliance with all Federal and State laws,  
25      including biological opinions, while working with the

1 State to maximize operational flexibility in order to  
2 deliver as much water as reasonably possible to  
3 drought-impacted areas and minimize the harm suf-  
4 fered by fish and wildlife as a result of drought.

5 (11) The Reclamation Fund was established in  
6 1902 with the express purpose of providing for the  
7 construction and maintenance of water infrastruc-  
8 ture for the economic development of the Western  
9 States and territories, with revenues deposited into  
10 the fund out of public land sales within these West-  
11 ern States and territories.

12 (12) Since 1902, the Reclamation Fund has  
13 been supplemented with additional revenues from  
14 Federal water resources development and mineral  
15 and natural resource leases on Federal lands, such  
16 that the surplus within the Reclamation Fund now  
17 exceeds \$17,000,000,000.

18 (13) The Reclamation Fund represents a trans-  
19 fer of a portion of receipts from Federal lands and  
20 Federal natural resources in the West back to the  
21 West for water development, and the Reclamation  
22 Fund's surplus should be used to assist the West in  
23 meeting its water needs for public health and safety,  
24 for expanding water recycling, reuse, and reclama-

1           tion, and for meeting the emergency needs of com-  
2           munities impacted by drought.

3           (14) The Federal funding provided in this Act  
4           will support near-term and long-term water supply  
5           reliability for the Western States, including through  
6           the use of the Reclamation Fund surplus to support  
7           long-term water infrastructure investment.

8           (15) The Federal funding authorized in title I  
9           of this Act can help provide additional water sup-  
10          plies to the Western States in the near-term, includ-  
11          ing 650,000 acre-feet per year in additional average  
12          yield through water reuse projects, 350,000 acre-feet  
13          per year in additional average yield through water  
14          storage projects, and 100,000 acre-feet per year in  
15          additional average yield through water desalination  
16          projects.

17          (16) Robust Federal investment and support is  
18          needed to assist the Western States in developing fu-  
19          ture drought resiliency in the face of climate change,  
20          which will continue to exacerbate existing water sup-  
21          ply challenges in an already arid region of the coun-  
22          try.

23   **SEC. 3. DEFINITIONS.**

24          In this Act:

1 (1) RELEVANT COMMITTEES OF CONGRESS.—

2 The term “relevant committees of Congress”  
3 means—

4 (A) the Committee on Natural Resources  
5 of the House of Representatives; and

6 (B) the Committee on Energy and Natural  
7 Resources of the Senate.

8 (2) RECLAMATION STATE.—The term “Rec-  
9 lamation State” has the meaning given the term in  
10 section 4014 of the Water Infrastructure Improve-  
11 ments for the Nation Act (Public Law 114–322; 43  
12 U.S.C. 390b note).

13 (3) SECRETARY.—The term “Secretary” means  
14 the Secretary of the Interior.

15 **TITLE I—INFRASTRUCTURE**  
16 **DEVELOPMENT**

17 **SEC. 101. COMPETITIVE GRANT PROGRAM FOR THE FUND-**  
18 **ING OF WATER RECYCLING AND REUSE**  
19 **PROJECTS.**

20 (a) COMPETITIVE GRANT PROGRAM FOR THE FUND-  
21 ING OF WATER RECYCLING AND REUSE PROJECTS.—Sec-  
22 tion 1602(f) of the Reclamation Wastewater and Ground-  
23 water Study and Facilities Act (title XVI of Public Law  
24 102–575; 43 U.S.C. 390h et seq.) is amended by striking  
25 paragraphs (2) and (3) and inserting the following:



1           “(2) PRIORITY.—When funding projects under  
2 paragraph (1), the Secretary shall give funding pri-  
3 ority to projects that meet one or more of the fol-  
4 lowing criteria:

5           “(A) Projects that are likely to provide a  
6 more reliable water supply for States and local  
7 governments.

8           “(B) Projects that are likely to increase  
9 the water management flexibility and reduce  
10 impacts on environmental resources from  
11 projects operated by Federal and State agen-  
12 cies.

13           “(C) Projects that are regional in nature.

14           “(D) Projects with multiple stakeholders.

15           “(E) Projects that provide multiple bene-  
16 fits, including water supply reliability, eco-  
17 system benefits, groundwater management and  
18 enhancements, and water quality improve-  
19 ments.”.

20           (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
21 1602(g) of the Reclamation Wastewater and Groundwater  
22 Study and Facilities Act (title XVI of Public Law 102–  
23 575; 43 U.S.C. 390h et seq.) is amended—

1 (1) by striking “\$50,000,000 to remain avail-  
2 able until expended” and inserting “\$500,000,000  
3 through fiscal year 2024”; and

4 (2) by striking “if enacted appropriations legis-  
5 lation designates funding to them by name,”.

6 (c) DURATION.—Section 4013 of the WIIN Act (43  
7 U.S.C. 390b(2)) is amended—

8 (1) in paragraph (1), by striking “and”;

9 (2) in paragraph (2), by striking the period and  
10 inserting “; and”; and

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

12 “(3) section 4009(c).”.

13 (d) LIMITATION ON FUNDING.—Section 1631(d) of  
14 the Reclamation Wastewater and Groundwater Study and  
15 Facilities Act (43 U.S.C. 390h–13(d)) is amended by  
16 striking “\$20,000,000 (October 1996 prices)” and insert-  
17 ing “\$30,000,000 (January 2019 prices)”.

18 **SEC. 102. STORAGE PROJECT DEVELOPMENT REPORTS TO**

19 **CONGRESS.**

20 (a) DEFINITIONS.—In this section:

21 (1) PROJECT REPORT.—The term “project re-  
22 port” means the following documents prepared for a  
23 Federal storage project or major non-Federal stor-  
24 age project (as defined in section 103(a)):

1 (A) A feasibility study carried out pursu-  
2 ant to the Act of June 17, 1902 (32 Stat. 388,  
3 chapter 1093), and Acts supplemental to and  
4 amendatory of that Act (43 U.S.C. 371 et seq.)  
5 including any feasibility or equivalent studies  
6 prepared for a project pursuant to section  
7 103(c)(7)(B) or section 103(d)(7)(B)(i) of this  
8 Act.

9 (B) The ecosystem report described in sec-  
10 tion 103(g) of this Act prepared for a project.

11 (C) Any final document prepared for a  
12 project pursuant to the National Environmental  
13 Policy Act of 1969 (42 U.S.C. 4321 et seq.).

14 (D) A brief description of any completed  
15 environmental permits, approvals, reviews, or  
16 studies required for a project under any Fed-  
17 eral law other than the National Environmental  
18 Policy Act of 1969 (42 U.S.C. 4321 et seq.).

19 (E) A description of any determinations  
20 made by the Secretary under section  
21 103(d)(7)(A)(ii) for each project and the basis  
22 for such determinations.

23 (2) PROJECT STUDY.—

24 (A) FEDERAL STORAGE PROJECT.—With  
25 respect to a Federal storage project (as defined

1 in section 103(a)), the term “project study”  
2 means a feasibility study carried out pursuant  
3 to the Act of June 17, 1902 (32 Stat. 388,  
4 chapter 1093), and Acts supplemental to and  
5 amendatory of that Act (43 U.S.C. 371 et seq.)  
6 including a feasibility study prepared pursuant  
7 to section 103(c)(7)(B) of this Act.

8 (B) MAJOR NON-FEDERAL STORAGE  
9 PROJECT.—With respect to a major non-Fed-  
10 eral storage project (as defined in section  
11 103(a)), the term “project study” means the  
12 feasibility or equivalent studies prepared pursu-  
13 ant to section 103(d)(7)(B)(i) of this Act.

14 (b) ANNUAL REPORTS.—Not later than February 1  
15 of each year, the Secretary shall develop and submit to  
16 the relevant committees of Congress an annual report, to  
17 be entitled “Report to Congress on Future Storage Project  
18 Development”, that identifies the following:

19 (1) PROJECT REPORTS.—Each project report  
20 that meets the criteria established in subsection  
21 (d)(1)(A).

22 (2) PROPOSED PROJECT STUDIES.—Any pro-  
23 posed project study submitted to the Secretary by a  
24 non-Federal interest pursuant to subsection (c) that

1 meets the criteria established in subsection  
2 (d)(1)(A).

3 (3) PROPOSED MODIFICATIONS.—Any proposed  
4 modification to an authorized project or project  
5 study that meets the criteria established in sub-  
6 section (d)(1)(A) that—

7 (A) is submitted to the Secretary by a non-  
8 Federal interest pursuant to subsection (c); or

9 (B) is identified by the Secretary for au-  
10 thorization.

11 (c) REQUESTS FOR PROPOSALS.—

12 (1) PUBLICATION.—Not later than May 1 of  
13 each year, the Secretary shall publish in the Federal  
14 Register a notice requesting proposals from non-  
15 Federal interests for project reports, proposed  
16 project studies, and proposed modifications to au-  
17 thorized projects and project studies to be included  
18 in the annual report.

19 (2) DEADLINE FOR REQUESTS.—The Secretary  
20 shall include in each notice required by this sub-  
21 section a requirement that non-Federal interests  
22 submit to the Secretary any proposals described in  
23 paragraph (1) by not later than 120 days after the  
24 date of publication of the notice in the Federal Reg-

1       ister in order for the proposals to be considered for  
2       inclusion in the annual report.

3               (3) NOTIFICATION.—On the date of publication  
4       of each notice required by this subsection, the Sec-  
5       retary shall—

6                       (A) make the notice publicly available, in-  
7                       cluding on the internet; and

8                       (B) provide written notification of the pub-  
9                       lication to the relevant committees of Congress.

10       (d) CONTENTS.—

11               (1) PROJECT REPORTS, PROPOSED PROJECT  
12       STUDIES, AND PROPOSED MODIFICATIONS.—

13                       (A) CRITERIA FOR INCLUSION IN RE-  
14       PORT.—The Secretary shall include in the an-  
15       nual report only those project reports, proposed  
16       project studies, and proposed modifications to  
17       authorized projects and project studies that—

18                               (i) are related to the missions and au-  
19                               thorities of the Department of the Interior;

20                               (ii) require specific congressional au-  
21                               thorization, including by an Act of Con-  
22                               gress;

23                               (iii) have not been congressionally au-  
24                               thorized;

1 (iv) have not been included in any  
2 previous annual report; and

3 (v) if authorized, could be carried out  
4 by the Department of the Interior or a  
5 non-Federal entity eligible to carry out a  
6 major non-Federal storage project under  
7 section 103.

8 (B) DESCRIPTION OF BENEFITS.—

9 (i) DESCRIPTION.—The Secretary  
10 shall describe in the annual report, to the  
11 extent applicable and practicable, for each  
12 proposed project study and proposed modi-  
13 fication to an authorized project or project  
14 study included in the annual report, the  
15 benefits, as described in clause (ii), of each  
16 such study or proposed modification.

17 (ii) BENEFITS.—The benefits (or ex-  
18 pected benefits, in the case of a proposed  
19 project study) described in this clause are  
20 benefits to—

21 (I) water supply and water man-  
22 agement;

23 (II) the environment, including  
24 habitat enhancement;

- 1 (III) the protection of human life
- 2 and property;
- 3 (IV) the national economy; or
- 4 (V) the national security inter-
- 5 ests of the United States.

6 (C) IDENTIFICATION OF OTHER FAC-  
7 TORS.—The Secretary shall identify in the an-  
8 nual report, to the extent practicable—

9 (i) for each proposed project study in-  
10 cluded in the annual report, the non-Fed-  
11 eral interest that submitted the proposed  
12 project study pursuant to subsection (c);  
13 and

14 (ii) for each proposed project study  
15 and proposed modification to a project or  
16 project study included in the annual re-  
17 port, whether the non-Federal interest has  
18 demonstrated—

19 (I) that local support exists for  
20 the proposed project study or pro-  
21 posed modification to an authorized  
22 project or project study (including the  
23 project that is the subject of the pro-  
24 posed project study or the proposed



1 modification to an authorized project  
2 study); and

3 (II) the financial ability to pro-  
4 vide the required non-Federal cost  
5 share.

6 (2) TRANSPARENCY.—The Secretary shall in-  
7 clude in the annual report, for each project report,  
8 proposed project study, and proposed modification to  
9 a project or project study included under paragraph  
10 (1)(A)—

11 (A) the name of the associated non-Fed-  
12 eral interest, including the name of any non-  
13 Federal interest that has contributed, or is ex-  
14 pected to contribute, a non-Federal share of the  
15 cost of—

- 16 (i) the project report;  
17 (ii) the proposed project study;  
18 (iii) the authorized project study for  
19 which the modification is proposed; or  
20 (iv) construction of—

21 (I) the project that is the subject  
22 of—

- 23 (aa) the project report;  
24 (bb) the proposed project  
25 study; or

1 (cc) the authorized project  
2 study for which a modification is  
3 proposed; or

4 (II) the proposed modification to  
5 a project;

6 (B) a letter or statement of support for the  
7 project report, proposed project study, or pro-  
8 posed modification to a project or project study  
9 from each associated non-Federal interest;

10 (C) the purpose of the project report, pro-  
11 posed project study, or proposed modification to  
12 a project or project study;

13 (D) an estimate, to the extent practicable,  
14 of the Federal, non-Federal, and total costs  
15 of—

16 (i) the proposed modification to an  
17 authorized project study; and

18 (ii) construction of—

19 (I) the project that is the subject  
20 of—

21 (aa) the project report; or

22 (bb) the authorized project  
23 study for which a modification is  
24 proposed, with respect to the

1 change in costs resulting from  
2 such modification; or

3 (II) the proposed modification to  
4 an authorized project; and

5 (E) an estimate, to the extent practicable,  
6 of the monetary and nonmonetary benefits of—

7 (i) the project that is the subject of—

8 (I) the project report; or

9 (II) the authorized project study  
10 for which a modification is proposed,  
11 with respect to the benefits of such  
12 modification; or

13 (ii) the proposed modification to an  
14 authorized project.

15 (3) CERTIFICATION.—The Secretary shall in-  
16 clude in the annual report a certification stating  
17 that each project report, proposed project study, and  
18 proposed modification to a project or project study  
19 included in the annual report meets the criteria es-  
20 tablished in paragraph (1)(A).

21 (4) APPENDIX.—The Secretary shall include in  
22 the annual report an appendix listing the proposals  
23 submitted under subsection (c) that were not in-  
24 cluded in the annual report under paragraph (1)(A)  
25 and a description of why the Secretary determined

1 that those proposals did not meet the criteria for in-  
2 clusion under such paragraph.

3 (e) SPECIAL RULE FOR INITIAL ANNUAL REPORT.—

4 Notwithstanding any other deadlines required by this sec-  
5 tion, the Secretary shall—

6 (1) not later than 60 days after the date of the  
7 enactment of this Act, publish in the Federal Reg-  
8 ister a notice required by subsection (c)(1); and

9 (2) include in such notice a requirement that  
10 non-Federal interests submit to the Secretary any  
11 proposals described in subsection (c)(1) by not later  
12 than 120 days after the date of publication of such  
13 notice in the Federal Register in order for such pro-  
14 posals to be considered for inclusion in the first an-  
15 nual report developed by the Secretary under this  
16 section.

17 (f) PUBLICATION.—Upon submission of an annual  
18 report to Congress, the Secretary shall make the annual  
19 report publicly available, including through publication on  
20 the Internet.

21 (g) CONSULTATION.—The Secretary, acting through  
22 the Commissioner of Reclamation, shall confer with the  
23 relevant committees of Congress before submitting each  
24 annual report prepared under subsection (b).

1 (h) SUBMISSION OF INDIVIDUAL PROJECT RE-  
2 PORTS.—Upon completion, project reports, including all  
3 required documents and reports under subsection (b),  
4 shall—

5 (1) be submitted to the relevant committees of  
6 Congress; and

7 (2) include discussion of the following findings  
8 by the Secretary—

9 (A) whether the project is deemed to be  
10 feasible in accordance with the reclamation  
11 laws;

12 (B) whether the project provides a Federal  
13 benefit in accordance with the reclamation laws;

14 (C) whether the project is expected to pro-  
15 vide net ecosystem benefits in excess of required  
16 environmental mitigation measures or compli-  
17 ance obligations under State and Federal law  
18 based on the ecosystem report described in sec-  
19 tion 103(g) of this Act;

20 (D) whether the project complies with Fed-  
21 eral, State, and local laws; and

22 (E) the degree to which the project will  
23 provide Federal benefits in accordance with the  
24 Reclamation laws through the dedication of  
25 water to ecosystems above environmental miti-

1           gation measures or compliance obligations  
2           under State and Federal law.

3 **SEC. 103. FUNDING FOR STORAGE AND SUPPORTING**  
4           **PROJECTS.**

5           (a) DEFINITIONS.—In this section:

6               (1) DESIGN; STUDY.—The terms “design” and  
7               “study” include any design, permitting, materials  
8               engineering or testing, surveying, or preconstruction  
9               activity relating to a Federal storage project, a  
10              major non-Federal storage project, a natural storage  
11              project, or a non-Federal storage project as defined  
12              in this subsection.

13              (2) ELIGIBLE ENTITY.—The term “eligible enti-  
14              ty” means—

15                      (A) any State, political subdivision of a  
16                      State, department of a State, or public agency  
17                      organized pursuant to State law;

18                      (B) an Indian Tribe (as defined in section  
19                      4 of the Indian Self-Determination and Edu-  
20                      cation Assistance Act (25 U.S.C. 5304)) or an  
21                      entity controlled by an Indian Tribe;

22                      (C) a water users’ association;

23                      (D) an agency established by an interstate  
24                      compact; and

1 (E) an agency established under State law  
2 for the joint exercise of powers.

3 (3) FEDERAL STORAGE PROJECT.—The term  
4 “Federal storage project” means—

5 (A) any project in a Reclamation State  
6 that involves the construction, expansion, up-  
7 grade, or capital repair of a water storage facil-  
8 ity or a facility conveying water to or from a  
9 surface or groundwater storage facility—

10 (i) to which the United States holds  
11 title; and

12 (ii) that was authorized to be con-  
13 structed, operated, and maintained pursu-  
14 ant to—

15 (I) the reclamation laws; or

16 (II) the Act of August 11, 1939  
17 (commonly known as the Water Con-  
18 servation and Utilization Act (16  
19 U.S.C. 590y et seq.)); or

20 (B) is a forest or watershed restoration  
21 project that quantifiably increases the water  
22 yield of a water storage facility in a Reclama-  
23 tion State—

24 (i) to which the United States holds  
25 title; and

1 (ii) that was authorized to be con-  
2 structed, operated, and maintained pursu-  
3 ant to—

4 (I) the reclamation laws; or

5 (II) the Act of August 11, 1939  
6 (commonly known as the Water Con-  
7 servation and Utilization Act (16  
8 U.S.C. 590y et seq.));

9 (4) MAJOR NON-FEDERAL STORAGE  
10 PROJECT.—The term “major non-Federal storage  
11 project” means any project in a Reclamation State  
12 that—

13 (A) involves the construction, expansion,  
14 upgrade, or capital repair by an eligible entity  
15 or qualified partner of—

16 (i) a surface or groundwater storage  
17 facility that is not federally owned; or

18 (ii) a facility that is not federally  
19 owned conveying water to or from a sur-  
20 face or groundwater storage facility; or

21 (B) is a forest or watershed restoration  
22 project that quantifiably increases the water  
23 yield of a project described in subparagraph  
24 (A); and



1 (C) provides a Federal benefit in accord-  
2 ance with the reclamation laws; and

3 (D) has a total estimated cost of  
4 \$250,000,000 or more.

5 (5) NATURAL WATER STORAGE PROJECT.—The  
6 term “natural water storage project” means a single  
7 natural water storage project, a number of distrib-  
8 uted natural water storage projects across a water-  
9 shed, or the redesign and replacement, or removal,  
10 of built infrastructure to incorporate natural water  
11 storage elements, where the project has the following  
12 characteristics:

13 (A) Uses primarily natural materials ap-  
14 propriate to the specific site and landscape set-  
15 ting.

16 (B) Largely relies on natural riverine, wet-  
17 land, hydrologic, or ecological processes.

18 (C) Results in aquifer recharge, transient  
19 floodplain water retention, or reconnection of  
20 historic floodplains to their stream channels  
21 with water retention benefits.

22 (6) NON-FEDERAL STORAGE PROJECT.—The  
23 term “non-Federal storage project” means any  
24 project in a Reclamation State that—

1 (A) involves the construction, expansion,  
2 upgrade, or capital repair by an eligible entity  
3 or qualified partner of—

4 (i) a surface or groundwater storage  
5 facility that is not federally owned; or

6 (ii) a facility that is not federally  
7 owned conveying water to or from a sur-  
8 face or groundwater storage facility; or

9 (B) is a forest or watershed restoration  
10 project that quantifiably increases the water  
11 yield of a project described in subparagraph  
12 (A); and

13 (C) provides a Federal benefit in accord-  
14 ance with the reclamation laws; and

15 (D) has a total estimated cost of less than  
16 \$250,000,000.

17 (7) QUALIFIED PARTNER.—The term “qualified  
18 partner” means a non-profit organization operating  
19 in a Reclamation State.

20 (8) RECLAMATION LAWS.—The term “reclama-  
21 tion laws” means Federal reclamation law (the Act  
22 of June 17, 1902 (32 Stat. 388; chapter 1093)), and  
23 Acts supplemental to and amendatory of that Act.

1 (b) STORAGE PROJECT FUNDING.—There is author-  
2 ized to be appropriated a total of \$750 million for use  
3 by the Secretary through fiscal year 2024 to advance—

4 (1) Federal storage projects within a Reclama-  
5 tion State in accordance with subsection (c);

6 (2) major non-Federal storage projects within a  
7 Reclamation State in accordance with subsection (d);

8 (3) natural water storage projects within a Rec-  
9 lamation State in accordance with subsection (e);

10 (4) non-Federal storage projects within a Rec-  
11 lamation State in accordance with subsection (f); or

12 (5) grandfathered storage projects in accord-  
13 ance with section 104.

14 (c) FEDERAL STORAGE PROJECTS.—

15 (1) AGREEMENTS.—On request of an eligible  
16 entity or qualified partner and in accordance with  
17 this subsection, the Secretary may negotiate and  
18 enter into an agreement on behalf of the United  
19 States for the design, study, construction, expansion,  
20 upgrade, or capital repair of a Federal storage  
21 project located in a Reclamation State.

22 (2) FEDERAL SHARE.—Subject to the require-  
23 ments of this subsection, the Secretary may fund a  
24 Federal storage project in an amount equal to not

1 more than 50 percent of the total cost of the Fed-  
2 eral storage project.

3 (3) CONDITIONS FOR FEDERAL DESIGN AND  
4 STUDY FUNDING.—Funding provided under this  
5 subsection may be made available for the design and  
6 study of a Federal storage project if the Reclama-  
7 tion State in which the Federal storage project is lo-  
8 cated provides written concurrence for the design  
9 and study activities.

10 (4) CONDITIONS FOR FEDERAL CONSTRUCTION  
11 FUNDING.—Funding provided under this subsection  
12 for the construction of a Federal storage project  
13 may be made available to a project if—

14 (A) the project has been authorized by  
15 name in a Federal statute;

16 (B) the Secretary determines in accordance  
17 with subsection (g) that the project provides net  
18 ecosystem benefits in excess of required envi-  
19 ronmental mitigation measures or compliance  
20 obligations under State and Federal law;

21 (C) the Governor of the State in which the  
22 Federal storage project is located has requested  
23 Federal participation at the time construction is  
24 initiated; and

1 (D) the Secretary secures an agreement  
2 providing such upfront funding as is necessary  
3 to pay the non-Federal share of the capital  
4 costs of the Federal storage project.

5 (5) NOTIFICATION.—The Secretary shall sub-  
6 mit to the relevant committees of Congress and  
7 make publicly available on the internet a written no-  
8 tification of the Secretary's determinations regarding  
9 the satisfaction of the requirements under para-  
10 graphs (3) and (4) by not later than 30 days after  
11 the date of the determinations.

12 (6) ENVIRONMENTAL LAWS.—In participating  
13 in a Federal storage project under this subsection,  
14 the Secretary shall comply with all applicable envi-  
15 ronmental laws, including the National Environ-  
16 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.)  
17 and all State environmental laws of the Reclamation  
18 State in which the project is located that are more  
19 protective than Federal law.

20 (7) ADDITIONAL GUIDELINES FOR FOREST AND  
21 WATERSHED RESTORATION PROJECTS THAT IN-  
22 CREASE STORAGE PROJECT YIELD.—

23 (A) REQUIREMENTS.—A forest or water-  
24 shed restoration project described in section

1           103(a)(3)(B) that receives funding under this  
2 subsection must—

3                   (i) quantifiably increase the quantity  
4 of water to be added to storage in a Fed-  
5 eral storage project described in subsection  
6 (a)(3)(A); and

7                   (ii) be designed to result in Federal  
8 benefits in accordance with the Reclama-  
9 tion laws that are environmental benefits.

10           (B) DRAFT FEASIBILITY STUDY.—Not  
11 later than 180 days after the date of the enact-  
12 ment of this Act, the Secretary shall issue draft  
13 requirements for feasibility studies for Federal  
14 storage projects described in section  
15 103(a)(3)(B).

16           (C) FEASIBILITY STUDY REQUIRE-  
17 MENTS.—The draft feasibility study require-  
18 ments issued under subparagraph (B) shall be  
19 consistent with requirements for a title XVI  
20 Feasibility Study Report, including the eco-  
21 nomic analysis, contained in the Reclamation  
22 Manual Directives and Standards numbered  
23 WTR 11–01, subject to any additional require-  
24 ments necessary to provide sufficient informa-  
25 tion for making determinations regarding—

1 (i) the quantification of water to be  
2 added to a Federal storage project de-  
3 scribed in subsection (a)(3)(A); and

4 (ii) the Federal environmental benefits  
5 derived from the project.

6 (D) FINAL FEASIBILITY STUDY REQUIRE-  
7 MENTS.—The Secretary shall finalize the feasi-  
8 bility study requirements under subparagraph  
9 (C) by not later than 1 year after the date of  
10 the enactment of this Act.

11 (E) ELIGIBLE PARTNER.—The Secretary  
12 is authorized to participate in a forest or water-  
13 shed restoration project described in subsection  
14 (a)(3)(B) with a partner that is—

15 (i) an eligible entity as defined in sub-  
16 section (a)(2); or

17 (ii) a qualified partner as defined in  
18 subsection (a)(7).

19 (d) MAJOR NON-FEDERAL STORAGE PROJECTS.—

20 (1) IN GENERAL.—On request of an eligible en-  
21 tity or qualified partner and in accordance with this  
22 subsection, the Secretary may participate in the de-  
23 sign, study, construction, expansion, upgrade, or  
24 capital repair of a major non-Federal storage project  
25 in an amount equal to not more than 25 percent of

1 the total cost of the major non-Federal storage  
2 project if the Secretary establishes a competitive  
3 grant program that—

4 (A) allows any project sponsor of a major  
5 non-Federal storage project to apply for fund-  
6 ing for the design, study, construction, expan-  
7 sion, upgrade, or capital repair of a major non-  
8 Federal storage project; and

9 (B) includes the issuance of annual solici-  
10 tations for major non-Federal storage project  
11 sponsors to apply for funding for the design,  
12 study, construction, expansion, upgrade, or cap-  
13 ital repair of a major non-Federal storage  
14 project.

15 (2) SELECTION OF PROJECTS.—In making  
16 grants under this subsection, the Secretary shall give  
17 funding priority to projects that—

18 (A) are likely to provide a more reliable  
19 water supply for States and local governments;

20 (B) provide greater net ecosystem benefits  
21 in excess of required environmental mitigation  
22 measures or compliance obligations under State  
23 and Federal law by providing a more reliable  
24 water supply for fish and wildlife protection and



1 restoration, including water supplies for wildlife  
2 refuges;

3 (C) are likely to provide multiple benefits,  
4 including water supply reliability, ecosystem  
5 benefits, groundwater management and en-  
6 hancements, and water quality improvements;  
7 and

8 (D) are likely to help reduce the potential  
9 for water-related conflicts in the Reclamation  
10 States.

11 (3) CONDITIONS FOR FEDERAL DESIGN AND  
12 STUDY FUNDING.—The Secretary may fund a design  
13 or study activity for a major non-Federal storage  
14 project under this subsection if the Reclamation  
15 State in which the major non-Federal storage  
16 project is located provides written concurrence for  
17 the design and study activities.

18 (4) CONDITIONS FOR FEDERAL CONSTRUCTION  
19 FUNDING.—Funding provided under this subsection  
20 for the construction of a major non-Federal storage  
21 project may be made available to a project if—

22 (A) the project has been authorized by  
23 name in a Federal statute;

24 (B) the Secretary determines in accordance  
25 with subsection (g) that the project provides net

1 ecosystem benefits in excess of required envi-  
2 ronmental mitigation measures or compliance  
3 obligations under State and Federal law;

4 (C) the Governor of the State in which the  
5 major non-Federal storage project is located  
6 has requested Federal participation at the time  
7 construction is initiated; and

8 (D) the Secretary secures an agreement  
9 committing to pay the non-Federal share of the  
10 capital costs of the major non-Federal storage  
11 project.

12 (5) NOTIFICATION.—The Secretary shall sub-  
13 mit to the relevant committees of Congress and  
14 make publicly available on the internet a written no-  
15 tification of the Secretary's determinations regarding  
16 the satisfaction of the requirements under para-  
17 graphs (3) and (4) by not later than 30 days after  
18 the date of the determinations.

19 (6) ENVIRONMENTAL LAWS.—In participating  
20 in a major non-Federal storage project under this  
21 subsection, the Secretary shall comply with all appli-  
22 cable environmental laws, including the National En-  
23 vironmental Policy Act of 1969 (42 U.S.C. 4321 et  
24 seq.) and all State environmental laws of the Rec-

1 lamation State in which the project is located that  
2 are more protective than Federal law.

3 (7) INFORMATION.—

4 (A) IN GENERAL.—In participating in a  
5 major non-Federal storage project under this  
6 subsection, the Secretary—

7 (i) may rely on reports prepared by  
8 the sponsor of the major non-Federal stor-  
9 age project, except for the reports required  
10 under subsection (g), including feasibility  
11 or equivalent studies, environmental anal-  
12 yses, and other pertinent reports and anal-  
13 yses; but

14 (ii) shall retain responsibility for de-  
15 termining whether the reports satisfy the  
16 requirements of reports prepared by the  
17 Secretary.

18 (B) GUIDELINES.—

19 (i) DRAFT.—Not later than 180 days  
20 after the date of the enactment of this Act,  
21 the Secretary shall issue draft guidelines  
22 for feasibility or equivalent studies for  
23 major non-Federal storage projects pre-  
24 pared by a project sponsor that shall be  
25 consistent with requirements for a title

1 XVI Feasibility Study Report, including  
2 the economic analysis, contained in the  
3 Reclamation Manual Directives and Stand-  
4 ards numbered WTR 11-01, subject to—

5 (I) any additional requirements  
6 necessary to provide sufficient infor-  
7 mation for making any determinations  
8 or assessments under paragraphs (2),  
9 (3), and (4); and

10 (II) the condition that the Bu-  
11 reau of Reclamation shall not bear re-  
12 sponsibility for the technical adequacy  
13 of any design, cost estimate, or con-  
14 struction relating to a major non-Fed-  
15 eral storage project.

16 (ii) FINAL.—The Secretary shall final-  
17 ize the guidelines under clause (i) by not  
18 later than 1 year after the date of the en-  
19 actment of this Act.

20 (8) ELIGIBLE PARTNER.—The Secretary is au-  
21 thorized to participate in a forest or watershed res-  
22 toration project described in subsection (a)(4)(B)  
23 with a partner that is—

24 (A) an eligible entity as defined in sub-  
25 section (a)(2); or

1 (B) a qualified partner as defined in sub-  
2 section (a)(7).

3 (e) NATURAL WATER STORAGE PROJECTS.—

4 (1) IN GENERAL.—On request of an eligible en-  
5 tity or qualified partner and in accordance with this  
6 subsection, the Secretary may participate in the de-  
7 sign, study, construction, expansion, upgrade, or  
8 capital repair of a natural water storage project, a  
9 number of distributed natural water storage projects  
10 across a watershed, or the redesign and replacement,  
11 or removal, of built infrastructure to incorporate  
12 natural water storage benefits if the Secretary estab-  
13 lishes a competitive grant program that—

14 (A) allows any project sponsor of a natural  
15 storage project to apply for funding for the de-  
16 sign, study, construction, expansion, upgrade,  
17 or capital repair of a natural water storage  
18 project; and

19 (B) includes the issuance of annual solici-  
20 tations for natural water storage project spon-  
21 sors to apply for funding for the design, study,  
22 construction, expansion, upgrade, or capital re-  
23 pair of a natural water storage project.

1           (2) SELECTION OF PROJECTS.—In making  
2 grants under this subsection, the Secretary shall give  
3 funding priority to projects that—

4           (A) are likely to provide a more reliable  
5 water supply for States and local governments;

6           (B) provide greater net ecosystem benefits  
7 in excess of required environmental mitigation  
8 measures or compliance obligations under State  
9 and Federal law by providing a more reliable  
10 water supply for fish and wildlife protection and  
11 restoration, including water supplies for wildlife  
12 refuges;

13           (C) are likely to provide multiple benefits,  
14 including water supply reliability, ecosystem  
15 benefits, groundwater management and en-  
16 hancements, and water quality improvements;  
17 and

18           (D) are likely to help reduce the potential  
19 for water-related conflicts in the Reclamation  
20 States.

21           (3) FEDERAL SHARE.—Subject to the require-  
22 ments of this subsection, the Secretary may provide  
23 funding to an eligible entity or qualified partner for  
24 the design, study, construction, expansion, upgrade,  
25 or capital repair of a natural water storage project

1 in an amount equal to not more than 80 percent of  
2 the total cost of the natural water storage project.

3 (4) CONDITIONS FOR FEDERAL FUNDING.—The  
4 Secretary may provide funding to an eligible entity  
5 or qualified partner for a natural water storage  
6 project under this subsection if—

7 (A) the benefits of the natural water stor-  
8 age project are likely to include at least two or  
9 more of the following environmental benefits—

10 (i) stream flow changes beneficial to  
11 watershed health;

12 (ii) fish and wildlife habitat or migra-  
13 tion corridor restoration;

14 (iii) floodplain reconnection and inun-  
15 dation; or

16 (iv) riparian or wetland restoration  
17 and improvement;

18 (B) the proposed natural water storage  
19 project, or the natural storage components of a  
20 combined re-designed built infrastructure and  
21 natural storage project, uses primarily natural  
22 materials appropriate to the specific site and  
23 landscape setting; mimics natural riverine, wet-  
24 land, hydrologic, or ecological processes; and,  
25 results in aquifer recharge, or transient flood-

1 plain water storage, or improved streamflow  
2 beneficial to watershed health; and

3 (C) the Reclamation State in which the  
4 natural water storage project is located provides  
5 written concurrence for design and study activi-  
6 ties.

7 (5) CONDITIONS FOR FEDERAL CONSTRUCTION  
8 FUNDING.—Funding provided under this subsection  
9 for the construction of a natural water storage  
10 project shall not be made available to a project un-  
11 less—

12 (A) The Secretary determines that the pro-  
13 posed natural water storage project is feasible,  
14 including the estimated transient floodplain  
15 storage benefit of the proposed project relative  
16 to a wet, normal, and dry water-year;

17 (B) The Secretary determines that the pro-  
18 posed natural water storage project is feasible,  
19 including the estimated annual aquifer recharge  
20 benefit of the proposed project in a wet, nor-  
21 mal, and dry water-year;

22 (C) the Secretary secures an agreement  
23 committing to pay the non-Federal share of the  
24 costs of the natural water storage project;



1 (D) the Governor of the State in which the  
2 non-Federal storage project is located has re-  
3 quested Federal participation at the time con-  
4 struction was initiated; and

5 (E) the applicable non-Federal sponsor de-  
6 termines, and the Secretary concurs, that—

7 (i) the natural storage project pro-  
8 vides a Federal benefit in accordance with  
9 the reclamation laws;

10 (ii) Federal expenditures on the nat-  
11 ural storage project are proportionate to  
12 the Federal benefits in excess of environ-  
13 mental mitigation measures or compliance  
14 obligations under State and Federal law  
15 including water supplies dedicated to the  
16 specific purposes of water quality improve-  
17 ments or fish and wildlife protection and  
18 restoration, including through water pro-  
19 vided to wildlife refuges; and

20 (iii) the natural storage project pro-  
21 vides net ecosystem benefits in excess of  
22 required environmental mitigation meas-  
23 ures or compliance obligations under State  
24 and Federal law.

1           (6) ENVIRONMENTAL LAWS.—In participating  
2           in a natural water storage project under this sub-  
3           section, the Secretary shall comply with all applica-  
4           ble environmental laws, including the National Envi-  
5           ronmental Policy Act of 1969 (42 U.S.C. 4321 et  
6           seq.) and all State environmental laws of the Rec-  
7           lamation State in which the project is located that  
8           are more protective than Federal law.

9           (7) INFORMATION.—In participating in a nat-  
10          ural water storage project under this subsection, the  
11          Secretary—

12                 (A) may rely on reports prepared by the  
13                 sponsor of the natural water storage project, in-  
14                 cluding feasibility or equivalent studies, envi-  
15                 ronmental analyses, and other pertinent reports  
16                 and analyses; but

17                 (B) shall retain responsibility for deter-  
18                 mining whether the reports satisfy the require-  
19                 ments of reports prepared by the Secretary.

20          (8) NOTIFICATION.—The Secretary shall sub-  
21          mit to the relevant committees of Congress and  
22          make publicly available on the internet a written no-  
23          tification of the Secretary's determinations regarding  
24          the satisfaction of the requirements under para-

1       graphs (4) and (5) by not later than 30 days after  
2       the date of the determinations.

3               (9) GUIDELINES.—

4               (A) DRAFT.—Not later than 180 days  
5       after the date of the enactment of this Act, the  
6       Secretary shall issue draft guidelines for feasi-  
7       bility or equivalent studies for natural water  
8       storage projects prepared by a project sponsor  
9       that shall be consistent with requirements for a  
10      title XVI Feasibility Study Report, including  
11      the economic analysis, contained in the Rec-  
12      lamation Manual Directives and Standards  
13      numbered WTR 11–01, subject to—

14              (i) any additional requirements nec-  
15              essary to provide sufficient information for  
16              making any determinations or assessments  
17              under paragraphs (2), (4) and (5); and

18              (ii) the condition that the Department  
19              of the Interior shall not bear responsibility  
20              for the technical adequacy of any design,  
21              cost estimate, or construction relating to a  
22              natural water storage project.

23              (B) FINAL.—The Secretary shall finalize  
24      the guidelines under clause (i) by not later than

1           1 year after the date of the enactment of this  
2           Act.

3           (f) NON-FEDERAL STORAGE PROJECTS.—

4           (1) IN GENERAL.—On request of an eligible en-  
5           tity or qualified partner and in accordance with this  
6           subsection, the Secretary may participate in the de-  
7           sign, study, construction, expansion, upgrade, or  
8           capital repair of a non-Federal storage project in an  
9           amount equal to not more than 25 percent of the  
10          total cost of the non-Federal storage project if the  
11          Secretary establishes a competitive grant program  
12          that—

13                 (A) allows any project sponsor of a non-  
14                 Federal storage project to apply for funding for  
15                 the design, study, construction, expansion, up-  
16                 grade, or capital repair of a non-Federal stor-  
17                 age project; and

18                 (B) includes the issuance of annual solici-  
19                 tations for non-Federal storage project sponsors  
20                 to apply for funding for the design, study, con-  
21                 struction, expansion, upgrade or capital repair  
22                 of a non-Federal storage project.

23           (2) SELECTION OF PROJECTS.—In making  
24           grants under this subsection, the Secretary shall give  
25           funding priority to projects that—

1 (A) are likely to provide a more reliable  
2 water supply for States and local governments;

3 (B) provide greater net ecosystem benefits  
4 in excess of required environmental mitigation  
5 measures or compliance obligations under State  
6 and Federal law by providing a more reliable  
7 water supply for fish and wildlife protection and  
8 restoration, including water supplies for a wild-  
9 life refuge;

10 (C) are likely to provide multiple benefits,  
11 including water supply reliability, ecosystem  
12 benefits, groundwater management and en-  
13 hancements, and water quality improvements;  
14 and

15 (D) are likely to help reduce the potential  
16 for water-related conflicts in the Reclamation  
17 States.

18 (3) CONDITIONS FOR FEDERAL DESIGN AND  
19 STUDY FUNDING.—The Secretary may fund a design  
20 or study activity for a non-Federal storage project  
21 under this subsection if the Reclamation State in  
22 which the non-Federal storage project is located pro-  
23 vides written concurrence for the design and study  
24 activities.

1           (4) CONDITIONS FOR FEDERAL CONSTRUCTION  
2 FUNDING.—Funding provided under this subsection  
3 for the construction of a non-Federal storage project  
4 may be made available to a project if—

5           (A) the Governor of the State in which the  
6 non-Federal storage project is located has re-  
7 quested Federal participation at the time con-  
8 struction was initiated; and

9           (B) the applicable non-Federal sponsor de-  
10 termines, and the Secretary concurs, that—

11           (i) the non-Federal storage project is  
12 technically and financially feasible;

13           (ii) the non-Federal storage project  
14 provides a Federal benefit in accordance  
15 with the reclamation laws;

16           (iii) Federal expenditures on the non-  
17 Federal storage project are proportionate  
18 to the Federal benefits in excess of envi-  
19 ronmental mitigation measures or compli-  
20 ance obligations under State and Federal  
21 law including water supplies dedicated to  
22 the specific purposes of water quality im-  
23 provements or fish and wildlife protection  
24 and restoration, including through water  
25 provided to wildlife refuges; and

1 (iv) the non-Federal storage project  
2 provides net ecosystem benefits in excess of  
3 required environmental mitigation meas-  
4 ures or compliance obligations under State  
5 and Federal law; and

6 (C) the Secretary secures an agreement  
7 committing to pay the non-Federal share of the  
8 capital costs of the non-Federal storage project.

9 (5) NOTIFICATION.—The Secretary shall sub-  
10 mit to the relevant committees of Congress and  
11 make publicly available on the internet a written no-  
12 tification of the Secretary's determinations regarding  
13 the satisfaction of the requirements under para-  
14 graphs (3) and (4) by not later than 30 days after  
15 the date of the determinations.

16 (6) ENVIRONMENTAL LAWS.—In participating  
17 in a non-Federal storage project under this sub-  
18 section, the Secretary shall comply with all applica-  
19 ble environmental laws, including the National Envi-  
20 ronmental Policy Act of 1969 (42 U.S.C. 4321 et  
21 seq.) and all State environmental laws of the Rec-  
22 lamation State in which the project is located that  
23 are more protective than Federal law.

24 (7) INFORMATION.—

1 (A) IN GENERAL.—In participating in a  
2 non-Federal storage project under this sub-  
3 section, the Secretary—

4 (i) may rely on reports prepared by  
5 the sponsor of the non-Federal storage  
6 project including feasibility or equivalent  
7 studies, environmental analyses, and other  
8 pertinent reports and analyses; but

9 (ii) shall retain responsibility for de-  
10 termining whether the reports satisfy the  
11 requirements of reports prepared by the  
12 Secretary.

13 (B) GUIDELINES.—

14 (i) DRAFT.—Not later than 180 days  
15 after the date of the enactment of this Act,  
16 the Secretary shall issue draft guidelines  
17 for feasibility or equivalent studies for non-  
18 Federal storage projects prepared by a  
19 project sponsor that shall be consistent  
20 with requirements for a title XVI Feasi-  
21 bility Study Report, including the economic  
22 analysis, contained in the Reclamation  
23 Manual Directives and Standards num-  
24 bered WTR 11–01, subject to—



1 (I) any additional requirements  
2 necessary to provide sufficient infor-  
3 mation for making any determinations  
4 or assessments under paragraphs (2),  
5 (3) and (4); and

6 (II) the condition that the De-  
7 partment of the Interior shall not  
8 bear responsibility for the technical  
9 adequacy of any design, cost estimate,  
10 or construction relating to a non-Fed-  
11 eral storage project.

12 (ii) FINAL.—The Secretary shall final-  
13 ize the guidelines under clause (i) by not  
14 later than 1 year after the date of the en-  
15 actment of this Act.

16 (8) COMMITTEE RESOLUTION PROCEDURE.—

17 (A) IN GENERAL.—No appropriation shall  
18 be made for a non-Federal storage project  
19 under this subsection, the total estimated cost  
20 of which exceeds \$100,000,000, if such project  
21 has not been approved by a resolution adopted  
22 by the Committee on Natural Resources of the  
23 House of Representatives and the Committee  
24 on Energy and Natural Resources of the Sen-  
25 ate.

1 (B) REQUIREMENTS FOR SECURING CON-  
2 sideration.—For the purposes of securing  
3 consideration of approval under subparagraph  
4 (A), the Secretary shall provide to a committee  
5 referred to in subparagraph (A) such informa-  
6 tion as the committee requests and the non-  
7 Federal sponsor shall provide to the committee  
8 information on the costs and relative needs for  
9 the non-Federal storage project.

10 (9) ELIGIBLE PARTNER.—The Secretary is au-  
11 thorized to participate in a forest or watershed res-  
12 toration project described in subsection (a)(6)(B)  
13 with a partner that is—

14 (A) an eligible entity as defined in sub-  
15 section (a)(2); or

16 (B) a qualified partner as defined in sub-  
17 section (a)(7).

18 (g) DETERMINATION OF NET ECOSYSTEM BENE-  
19 FITS.—

20 (1) DRAFT REPORT.—

21 (A) IN GENERAL.—Using the best avail-  
22 able scientific information and data, the Direc-  
23 tor of the United States Fish and Wildlife Serv-  
24 ice shall prepare a draft report that evaluates  
25 the ecosystem impacts and benefits of each

1 Federal storage project and major non-Federal  
2 storage project considered for Federal construc-  
3 tion funding under this section.

4 (B) COORDINATION.—A draft report re-  
5 quired under subparagraph (A) shall be pre-  
6 pared in coordination with the head of the State  
7 agency with jurisdiction over the fish and wild-  
8 life resources of the State in which the Federal  
9 storage project or major non-Federal storage  
10 project is proposed to be carried out.

11 (C) APPLICABLE LAW; REQUIREMENTS.—A  
12 draft report prepared under subparagraph (A)  
13 shall—

14 (i) meet the requirements of section  
15 2(b) of the Fish and Wildlife Coordination  
16 Act (16 U.S.C. 662(b));

17 (ii) quantify and estimate the eco-  
18 system benefits and adverse impacts to na-  
19 tive fish and wildlife from the proposed  
20 Federal storage project or major non-Fed-  
21 eral storage project; and

22 (iii) evaluate whether the ecosystem  
23 benefits of the proposed project are likely  
24 to exceed the ecosystem impacts of the

1 proposed Federal storage project or major  
2 non-Federal storage project.

3 (D) REVIEW; AVAILABILITY.—The Direc-  
4 tor of the United States Fish and Wildlife Serv-  
5 ice shall ensure that a draft report prepared  
6 under subparagraph (A) is—

7 (i) made available for peer review by  
8 an independent group of scientific experts;  
9 and

10 (ii) made available for a public review  
11 and comment period of not less than 30  
12 days.

13 (2) FINAL REPORT.—

14 (A) IN GENERAL.—The Director of the  
15 United States Fish and Wildlife Service shall  
16 prepare a final report based on the applicable  
17 draft report prepared under paragraph (1)(A),  
18 after considering the results of the independent  
19 scientific peer review and public comment proc-  
20 esses under paragraph (1)(D).

21 (B) TRANSMISSION; AVAILABILITY.—A  
22 final report prepared under subparagraph (A)  
23 shall be—

24 (i) transmitted to—

25 (I) the project applicant;

1 (II) the relevant State agency;  
2 and  
3 (ii) made available to the public.

4 (C) RECOMMENDATIONS.—If a final report  
5 under subparagraph (A) determines that the  
6 proposed project fails to provide a net eco-  
7 system improvement, the final report may iden-  
8 tify potential recommendations to reduce ad-  
9 verse environmental impacts and improve envi-  
10 ronmental benefits of the proposed project.

11 (D) FINAL AGENCY ACTION.—A final re-  
12 port prepared under subparagraph (A) shall be  
13 considered to be a final agency action for pur-  
14 poses of section 704 of title 5, United States  
15 Code.

16 (E) JUDICIAL REVIEW.—A final report  
17 prepared under subparagraph (A) shall be sub-  
18 ject to review in the Federal district court of  
19 the State in which the project is proposed to be  
20 constructed if a petition for review is filed with  
21 the court not later than 180 days after the date  
22 on which the final report is transmitted under  
23 subparagraph (B).

24 (h) PRELIMINARY STUDIES.—Of the amounts made  
25 available under subsection (b), not more than 25 percent

1 shall be provided for appraisal studies, feasibility studies,  
2 or other preliminary studies.

3 (i) CALFED REAUTHORIZATION.—Title I of Public  
4 Law 108–361 (118 Stat. 1681; 123 Stat. 2860; 128 Stat.  
5 164; 128 Stat. 2312; 129 Stat. 2407; 130 Stat. 1866)  
6 is amended by striking “2020” each place it appears and  
7 inserting “2024”.

8 **SEC. 104. EXTENSION OF EXISTING REQUIREMENTS FOR**  
9 **GRANDFATHERED STORAGE PROJECTS.**

10 (a) PURPOSE; DEFINITION.—

11 (1) PURPOSE.—The purpose of this section is  
12 to establish an expedited project advancement proc-  
13 ess for certain water storage projects that have al-  
14 ready received some degree of evaluation under the  
15 Water Infrastructure Improvements for the Nation  
16 Act (Public Law 114–322) or under certain State  
17 water storage project evaluations.

18 (2) DEFINITION OF GRANDFATHERED STORAGE  
19 PROJECT.—In this section, the term “grandfathered  
20 storage project” means a storage project that has al-  
21 ready been recommended for funding made available  
22 under section 4007 of the Water Infrastructure Im-  
23 provements for the Nation Act (Public Law 114–  
24 322) by the Secretary or a State governor prior to

1 February 28, 2019, except for any project within the  
2 State of California that—

3 (A) has been evaluated for State storage  
4 funding awards by the California Water Com-  
5 mission pursuant to the California Water Qual-  
6 ity, Supply, and Infrastructure Improvement  
7 Act, approved by California voters on November  
8 4, 2014, and failed to receive a maximum con-  
9 ditional eligibility determination of at least  
10 \$200 million; or

11 (B) is an on-stream storage project that  
12 has not been evaluated for State storage fund-  
13 ing awards by the California Water Commission  
14 pursuant to the California Water Quality, Sup-  
15 ply, and Infrastructure Improvement Act, ap-  
16 proved by California voters on November 4,  
17 2014.

18 (b) IN GENERAL.—Notwithstanding any other re-  
19 quirements of this Act, grandfathered storage projects  
20 shall be eligible to receive funding authorized under sec-  
21 tion 103(b) of this Act in accordance with this subsection.

22 (c) REQUIREMENTS.—

23 (1) IMPORTATION OF WIN ACT REQUIRE-  
24 MENTS.—The following requirements shall apply to  
25 grandfathered storage projects: sections 4007(c)(1)

1 through 4007(c)(4), section 4007(f), and section  
2 4007(h)(2) of the Water Infrastructure Improve-  
3 ments for the Nation Act (Public Law 114–322), ex-  
4 cept that any reference contained in those sections  
5 to State-led storage projects shall be considered to  
6 be a reference to grandfathered storage projects.

7 (2) **PRIORITIZATION.**—The Secretary shall give  
8 funding priority among grandfathered storage  
9 projects to those that provide greater and more reli-  
10 able water supply benefits during dry years to wild-  
11 life refuges, species listed under the Endangered  
12 Species Act of 1973 (16 U.S.C. 1531 et seq.), or to  
13 commercially harvested salmon species.

14 (d) **APPLICABILITY OF WIIN ACT DEADLINES.**—  
15 Storage project deadlines described in section 4007(i) and  
16 section 4013(2) of the Water Infrastructure Improve-  
17 ments for the Nation Act (Public Law 114–322) shall not  
18 apply to any grandfathered storage project under this sec-  
19 tion.

20 **SEC. 105. DESALINATION PROJECT DEVELOPMENT.**

21 Section 4(a) of the Water Desalination Act of 1996  
22 (Public Law 104–298; 42 U.S.C. 10301 note) is amended  
23 by striking the second paragraph (1) (relating to projects)  
24 and inserting the following:

25 “(2) **PROJECTS.**—



1           “(A) DEFINITION OF ELIGIBLE DESALINA-  
2           TION PROJECT.—In this paragraph, the term  
3           ‘eligible desalination project’ means any project  
4           located in a Reclamation State that—

5                   “(i) involves an ocean or brackish  
6                   water desalination facility—

7                           “(I) constructed, operated, and  
8                           maintained by a State, Indian Tribe,  
9                           irrigation district, water district, or  
10                          other organization with water or  
11                          power delivery authority; or

12                           “(II) sponsored or funded by any  
13                          State, department of a State, subdivi-  
14                          sion of a State, or public agency orga-  
15                          nized pursuant to State law, includ-  
16                          ing—

17                                   “(aa) direct sponsorship or  
18                                   funding; or

19                                   “(bb) indirect sponsorship or  
20                                   funding, such as by paying for  
21                                   the water provided by the facility;

22                           “(ii) provides a Federal benefit in ac-  
23                          cordance with the reclamation laws; and

24                           “(iii) is consistent with all applicable  
25                          State and Federal resource protection laws

1 including the protection of marine pro-  
2 tected areas.

3 “(B) FEDERAL SHARE.—Subject to the re-  
4 quirements of this paragraph, the Secretary  
5 may participate in an eligible desalination  
6 project in an amount equal to not more than 25  
7 percent of the total cost of the eligible desalina-  
8 tion project.

9 “(C) STATE ROLE.—Participation by the  
10 Secretary in an eligible desalination project  
11 under this paragraph shall not occur unless—

12 “(i)(I) the eligible desalination project  
13 is included in a State-approved plan; or

14 “(II) the participation has been re-  
15 quested by the Governor of the State in  
16 which the eligible desalination project is lo-  
17 cated; and

18 “(ii) the State or local sponsor of the  
19 eligible desalination project determines,  
20 and the Secretary concurs, that—

21 “(I) the eligible desalination  
22 project—

23 “(aa) is technically and fi-  
24 nancially feasible;

1                   “(bb) provides a Federal  
2 benefit in accordance with the  
3 reclamation laws; and

4                   “(cc) is consistent with ap-  
5 plicable State laws, State regula-  
6 tions, State coastal zone manage-  
7 ment plans and other State plans  
8 such as California’s Water Qual-  
9 ity Control Plan for the Ocean  
10 Waters in California;

11                   “(II) sufficient non-Federal fund-  
12 ing is available to complete the eligible  
13 desalination project; and

14                   “(III) the eligible desalination  
15 project sponsors are financially sol-  
16 vent; and

17                   “(iii) the Secretary submits to Con-  
18 gress a written notification of the deter-  
19 minations under clause (ii) by not later  
20 than 30 days after the date of the deter-  
21 minations.

22                   “(D) ENVIRONMENTAL LAWS.—In partici-  
23 pating in an eligible desalination project under  
24 this paragraph, the Secretary shall comply with  
25 all applicable environmental laws, including, but

1 not limited to, the National Environmental Pol-  
2 icy Act of 1969 (42 U.S.C. 4321 et seq.) and  
3 State laws implementing the Coastal Zone Man-  
4 agement Act.

5 “(E) INFORMATION.—In participating in  
6 an eligible desalination project under this sub-  
7 section, the Secretary—

8 “(i) may rely on reports prepared by  
9 the sponsor of the eligible desalination  
10 project, including feasibility or equivalent  
11 studies, environmental analyses, and other  
12 pertinent reports and analyses; but

13 “(ii) shall retain responsibility for  
14 making the independent determinations de-  
15 scribed in subparagraph (C).

16 “(F) FUNDING.—

17 “(i) AUTHORIZATION OF APPROPRIA-  
18 TIONS.—There is authorized to be appro-  
19 priated to carry out this paragraph  
20 \$260,000,000 through fiscal year 2024.

21 “(ii) CONGRESSIONAL APPROVAL INI-  
22 TIALY REQUIRED.—

23 “(I) IN GENERAL.—Each initial  
24 award under this paragraph for de-  
25 sign and study or for construction of

1 an eligible desalination project shall  
2 be approved by an Act of Congress.

3 “(II) RECLAMATION REC-  
4 OMMENDATIONS.—The Commissioner  
5 of Reclamation shall submit rec-  
6 ommendations regarding the initial  
7 award of preconstruction and con-  
8 struction funding for consideration  
9 under subclause (I) to—

10 “(aa) the Committee on Ap-  
11 propriations of the Senate;

12 “(bb) the Committee on En-  
13 ergy and Natural Resources of  
14 the Senate;

15 “(cc) the Committee on Ap-  
16 propriations of the House of Rep-  
17 resentatives; and

18 “(dd) the Committee on  
19 Natural Resources of the House  
20 of Representatives.

21 “(iii) SUBSEQUENT FUNDING  
22 AWARDS.—After approval by Congress of  
23 an initial award of preconstruction or con-  
24 struction funding for an eligible desalina-  
25 tion project under clause (ii), the Commis-

1 sioner of Reclamation may award addi-  
2 tional preconstruction or construction  
3 funding, respectively, for the eligible desali-  
4 nation project without further congres-  
5 sional approval.

6 “(G) TOTAL DOLLAR CAP.—The Secretary  
7 shall not impose a total dollar cap on Federal  
8 contributions for individual desalination  
9 projects receiving funding under this para-  
10 graph.”.

11 **SEC. 106. WATER INFRASTRUCTURE FUND.**

12 (a) ESTABLISHMENT.—There is established in the  
13 Treasury of the United States a fund, to be known as the  
14 Bureau of Reclamation Infrastructure Fund (referred to  
15 in this section as the “Fund”), consisting of—

16 (1) such amounts as are deposited in the Fund  
17 under subsection (b); and

18 (2) any interest earned on investment of  
19 amounts in the Fund under subsection (c)(1)(B).

20 (b) DEPOSITS TO FUND.—

21 (1) IN GENERAL.—For each of fiscal years  
22 2031 through 2061, the Secretary of the Treasury  
23 shall deposit in the Fund \$300,000,000 of the reve-  
24 nues that would otherwise be deposited for the fiscal  
25 year in the reclamation fund established by the first

1 section of the Act of June 17, 1902 (32 Stat. 388;  
2 chapter 1093), of which—

3 (A) \$100,000,000 shall be expended by the  
4 Secretary for water reclamation and reuse  
5 projects authorized under title XVI of Public  
6 Law 102–575 or section 4009 of Public Law  
7 114–322;

8 (B) \$100,000,000 shall be expended by the  
9 Secretary for WaterSMART grants authorized  
10 under the Omnibus Public Land Management  
11 Act of 2009 (42 U.S.C. 10364); and

12 (C) \$100,000,000 shall be expended by the  
13 Secretary to perform modifications to preserve  
14 the structural safety of Bureau of Reclamation  
15 dams and related facilities to ensure that Rec-  
16 lamation facilities do not present unreasonable  
17 risks to public safety, property, or the environ-  
18 ment provided that Federal expenditures made  
19 under this section—

20 (i) account for no more than 85 per-  
21 cent of the total costs for any dam safety  
22 project; and

23 (ii) are made in accordance with sec-  
24 tion 3 of the Reclamation Safety of Dams  
25 Act on 1978.

1           (2) AVAILABILITY OF AMOUNTS.—Amounts de-  
2        posited in the Fund under this section shall—

3           (A) be made available in accordance with  
4        this section, without further appropriation; and

5           (B) be in addition to amounts appropriated  
6        for such purposes under any other provision of  
7        law.

8        (c) EXPENDITURES FROM FUND.—

9           (1) IN GENERAL.—Subject to subsection (b),  
10       for each of fiscal years 2031 through 2061, the Sec-  
11       retary may expend from the Fund, in accordance  
12       with this section, not more than an amount equal to  
13       the sum of—

14           (A) the amounts deposited in the Fund  
15        that year under subsection (b); and

16           (B) the amount of interest accrued in the  
17        Fund for the fiscal year in which the expendi-  
18        tures are made.

19        (2) ADDITIONAL EXPENDITURES.—

20           (A) IN GENERAL.—The Secretary may ex-  
21        pend more in any fiscal year than the amounts  
22        described in subsection (a) if the additional  
23        amounts are available in the Fund as a result  
24        of a failure of the Secretary to expend all of the



1 amounts available under subsection (a) in 1 or  
2 more prior fiscal years.

3 (B) RETENTION IN ACCOUNTS.—Any addi-  
4 tional amounts referred to in paragraph (1)  
5 shall—

6 (i) accrue interest in accordance with  
7 this section; and

8 (ii) only be expended for the purposes  
9 for which expenditures from the Fund are  
10 authorized.

11 **SEC. 107. WATERSMART EXTENSION AND EXPANSION.**

12 (a) ELIGIBLE APPLICANT.—Section 9502 of Public  
13 Law 111–11 (42 U.S.C. 10362(7)) is amended to read  
14 as follows:

15 “(7) ELIGIBLE APPLICANT.—The term ‘eligible  
16 applicant’ means—

17 “(A) any State, Indian Tribe, irrigation  
18 district, or water district;

19 “(B) any State, regional, or local author-  
20 ity, the members of which include 1 or more or-  
21 ganizations with water or power delivery au-  
22 thority;

23 “(C) any other organization with water or  
24 power delivery authority; and

1           “(D) any nonprofit conservation organiza-  
2           tion.”.

3           (b) COST SHARING.—Section 9504 of Public Law  
4 111–11 (42 U.S.C. 10364) is amended—

5           (1) in clause (i) of subsection (a)(3)(E), by  
6           striking “activity.” and inserting “activity, except  
7           that, for applications with benefit to both consump-  
8           tive water users and nonconsumptive ecological or  
9           recreational values where the nonconsumptive ben-  
10          efit accounts for at least 30 percent of the cost of  
11          the improvement, the Federal share shall not exceed  
12          75 percent.”; and

13          (2) by striking subsection (e) and inserting the  
14          following:

15          “(e) AUTHORIZATION OF APPROPRIATIONS.—Subject  
16          to the condition that \$50,000,000 shall be used to carry  
17          out section 206 of the Energy and Water Development  
18          and Related Agencies Appropriation Act, 2015 (Public  
19          Law 113–235; 43 U.S.C. 620 note;), there are authorized  
20          to be appropriated to carry out this section—

21                 “(1) \$50,000,000 in fiscal year 2021;

22                 “(2) \$55,000,000 in fiscal year 2022;

23                 “(3) \$60,000,000 in fiscal year 2023;

24                 “(4) \$65,000,000 in fiscal year 2024; and

25                 “(5) \$70,000,000 in fiscal year 2025.

1       “(f) CONFORMING AMENDMENT.—Section 4009(d) of  
2 Public Law 114–322 (42 U.S.C. 10364 note) is amended  
3 by striking ‘on the condition that of that amount,  
4 \$50,000,000 of it is used to carry out section 206 of the  
5 Energy and Water Development and Related Agencies Ap-  
6 propriation Act, 2015 (Public Law 113–235; 43 U.S.C.  
7 620 note)’.”.

8 **SEC. 108. ASSISTANCE FOR DISADVANTAGED COMMU-**  
9 **NITIES WITHOUT ADEQUATE DRINKING**  
10 **WATER.**

11       (a) IN GENERAL.—To assist disadvantaged commu-  
12 nities that have experienced a significant decline in quan-  
13 tity or quality of drinking water, and to obtain or maintain  
14 adequate quantities of water that meet the standards set  
15 by the Federal Water Pollution Control Act (33 U.S.C.  
16 1251 et seq.), the Secretary is authorized to provide  
17 grants for communities within the Reclamation States—

18           (1) that are unable to meet the primary water  
19 quality standards under that Act; or

20           (2) where the local private or public drinking  
21 water supply has been lost or severely diminished.

22       (b) ELIGIBLE COMMUNITIES.—To be eligible to re-  
23 ceive a grant under this subsection, a community shall  
24 carry out a project described in subsection (c), the service  
25 area of which—

1 (1) shall not be located in any city or town with  
2 a population of more than 60,000 residents; and

3 (2) has a median household income of less than  
4 100 percent of the nonmetropolitan median house-  
5 hold income of the State.

6 (c) ELIGIBLE PROJECTS.—Projects eligible for  
7 grants under this program may be used for—

8 (1) emergency water supplies;

9 (2) point-of-use treatment and point-of-entry  
10 systems;

11 (3) distributed treatment facilities;

12 (4) construction of new wells and connections to  
13 existing water source systems;

14 (5) water distribution facilities;

15 (6) connection fees to existing systems;

16 (7) assistance to households to connect to water  
17 facilities;

18 (8) local resource sharing, including voluntary  
19 agreements between public water systems to jointly  
20 contract for services or equipment, or to study phys-  
21 ical consolidation of 2 or more water systems; or

22 (9) any combination of activities described in  
23 paragraphs (1) through (8).

1 (d) PRIORITIZATION.—In determining priorities for  
2 funding projects, the Secretary shall take into consider-  
3 ation—

4 (1) where water outages—

5 (A) are most serious; and

6 (B) pose the greatest threat to public  
7 health and safety; and

8 (2) whether the applicant has the ability to  
9 qualify for alternative funding sources.

10 (e) MAXIMUM AMOUNT.—The amount of a grant pro-  
11 vided under this section may be made up to 100 percent  
12 of costs, including—

13 (1) initial operation costs incurred for startup  
14 and testing of project facilities;

15 (2) components to ensure such facilities and  
16 components are properly operational; and

17 (3) costs of operation or maintenance incurred  
18 subsequent to placing the facilities or components  
19 into service.

20 (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
21 authorized to be appropriated to carry out this section  
22 \$100,000,000, to remain available until expended.

1                   **TITLE II—IMPROVED**  
2                   **TECHNOLOGY AND DATA**

3   **SEC. 201. MODIFICATIONS TO INCOME EXCLUSION FOR**  
4                   **CONSERVATION SUBSIDIES.**

5           (a) IN GENERAL.—Subsection (a) of section 136 of  
6 the Internal Revenue Code of 1986 is amended—

7               (1) by striking “any subsidy provided” and in-  
8               serting “any subsidy—

9               “(1) provided”;

10              (2) by striking the period at the end and insert-  
11              ing a comma; and

12              (3) by adding at the end the following new  
13              paragraphs:

14               “(2) provided (directly or indirectly) by a public  
15              utility to a customer, or by a State or local govern-  
16              ment to a resident of such State or locality, for the  
17              purchase or installation of any water conservation or  
18              efficiency measure, or

19               “(3) provided (directly or indirectly) by a storm  
20              water management provider to a customer, or by a  
21              State or local government to a resident of such State  
22              or locality, for the purchase or installation of any  
23              storm water management measure.”.

24           (b) CONFORMING AMENDMENTS.—

1           (1) DEFINITION OF WATER CONSERVATION OR  
2           EFFICIENCY MEASURE AND STORM WATER MANAGE-  
3           MENT MEASURE.—Section 136(c) of the Internal  
4           Revenue Code of 1986 is amended—

5                   (A) in the heading, by striking “ENERGY  
6           CONSERVATION MEASURE” and inserting  
7           “DEFINITIONS”;

8                   (B) in the heading of paragraph (1), by  
9           striking “IN GENERAL” and inserting “ENERGY  
10          CONSERVATION MEASURE”; and

11                  (C) by redesignating paragraph (2) as  
12          paragraph (4) and by inserting after paragraph  
13          (1) the following:

14                  “(2) WATER CONSERVATION OR EFFICIENCY  
15          MEASURE.—For purposes of this section, the term  
16          ‘water conservation or efficiency measure’ means any  
17          evaluation of water use, or any installation or modi-  
18          fication of property, the primary purpose of which is  
19          to reduce consumption of water or to improve the  
20          management of water demand with respect to one or  
21          more dwelling units.

22                  “(3) STORM WATER MANAGEMENT MEASURE.—  
23          For purposes of this section, the term ‘storm water  
24          management measure’ means any installation or  
25          modification of property primarily designed to re-

1       duce or manage amounts of storm water with re-  
2       spect to one or more dwelling units.”.

3           (2) DEFINITION OF PUBLIC UTILITY.—Section  
4       136(c)(4) of such Code (as redesignated by para-  
5       graph (1)(C)) is amended by striking subparagraph  
6       (B) and inserting the following:

7           “(B) PUBLIC UTILITY.—The term ‘public  
8       utility’ means a person engaged in the sale of  
9       electricity, natural gas, or water to residential,  
10      commercial, or industrial customers for use by  
11      such customers.

12          “(C) STORM WATER MANAGEMENT PRO-  
13      VIDER.—The term ‘storm water management  
14      provider’ means a person engaged in the provi-  
15      sion of storm water management measures to  
16      the public.

17          “(D) PERSON.—For purposes of subpara-  
18      graphs (B) and (C), the term ‘person’ includes  
19      the Federal Government, a State or local gov-  
20      ernment or any political subdivision thereof, or  
21      any instrumentality of any of the foregoing.”.

22          (3) CLERICAL AMENDMENTS.—

23           (A) HEADING.—The heading of section  
24      136 of such Code is amended—



1 (i) by inserting “**AND WATER**” after  
2 “**ENERGY**”; and

3 (ii) by striking “**PROVIDED BY PUB-**  
4 **LIC UTILITIES**”.

5 (B) ITEM.—The item relating to section  
6 136 in the table of sections of part III of sub-  
7 chapter B of chapter 1 of such Code is amend-  
8 ed—

9 (i) by inserting “and water” after  
10 “energy”; and

11 (ii) by striking “provided by public  
12 utilities”.

13 (c) EFFECTIVE DATE.—The amendments made by  
14 this section shall apply to amounts received after Decem-  
15 ber 31, 2019.

16 (d) NO INFERENCE.—Nothing in this Act or the  
17 amendments made by this Act shall be construed to create  
18 any inference with respect to the proper tax treatment of  
19 any subsidy received directly or indirectly from a public  
20 utility, a storm water management provider, or a State  
21 or local government for any water conservation measure  
22 or storm water management measure before January 1,  
23 2020.

1 **SEC. 202. REAUTHORIZATION OF WATER AVAILABILITY**  
2 **AND USE ASSESSMENT PROGRAM.**

3 Section 9508 of Public Law 111–11 (42 U.S.C.  
4 10368) is amended—

5 (1) in subsection (b)—

6 (A) by striking “and” at the end of para-  
7 graph (2)(A)(ii)(VII);

8 (B) in paragraph (2)(A)(iii), by striking  
9 the semicolon at the end and inserting “; and”;

10 (C) by adding at the end of paragraph  
11 (2)(A) the following:

12 “(iv) water supplies made available  
13 through water reuse and seawater and  
14 brackish desalination;” and

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

16 “(3) DATA INTEGRATION.—In carrying out the  
17 assessment program, the Secretary shall, to the  
18 greatest extent practicable—

19 “(A) integrate available data from new  
20 technologies where appropriate including data  
21 made available from drones and emerging re-  
22 mote sensing technologies; and

23 “(B) coordinate with relevant Federal  
24 agencies and bureaus to develop common data  
25 requirements for—

1 “(i) Federal water data programs and  
2 efforts; and

3 “(ii) geospatial data programs that  
4 can inform assessments of water avail-  
5 ability and use under the assessment pro-  
6 gram.”;

7 (2) in subsection (c)—

8 (A) in paragraph (1), by striking “State  
9 water resource” each place it appears and in-  
10 serting “State or Tribal water resource”;

11 (B) in the heading of paragraph (2), by  
12 striking “CRITERIA” and inserting “STATE CRI-  
13 TERIA”;

14 (C) by inserting after paragraph (2) the  
15 following (and redesignating the succeeding  
16 paragraph accordingly):

17 “(3) TRIBAL CRITERIA.—To be eligible to re-  
18 ceive a grant under paragraph (1), a Tribal water  
19 resource agency shall demonstrate to the Secretary  
20 that the water use and availability dataset proposed  
21 to be established or integrated by the Tribal water  
22 resource agency—

23 “(A) is in compliance with each quality  
24 and conformity standard established by the Sec-

1           retary to ensure that the data will be capable  
2           of integration with any national dataset; and

3           “(B) will enhance the ability of the offi-  
4           cials of the Tribe or the Tribal water resource  
5           agency to carry out water management respon-  
6           sibilities.

7           “(4) TRIBAL WATER RESOURCE AGENCY DEFI-  
8           NITION.—For the purposes of this subsection, the  
9           term ‘Tribal water resource agency’ means any  
10          agency of an Indian Tribe (as defined in section 4  
11          of the Indian Self-Determination and Education As-  
12          sistance Act (25 U.S.C. 5304)) responsible for water  
13          resource planning and management.”; and

14          (D) in paragraph (5) (as so redesign-  
15          ated)—

16                  (i) by inserting “or Tribal water re-  
17                  source agency” after “State water resource  
18                  agency”; and

19                  (ii) by inserting “within any 5-year  
20                  period” after “\$250,000”; and

21          (3) in subsection (e)(2), by striking “2009  
22          through 2013” and inserting “2021 through 2024”.

23 **SEC. 203. DESALINATION TECHNOLOGY DEVELOPMENT.**

24          The Water Desalination Act of 1996 (Public Law  
25          104–298; 42 U.S.C. 10301 note) is amended—

1 (1) in section 4(a)(1), by inserting “, including  
2 modules specifically designed for brine management”  
3 after “and concepts”; and

4 (2) in section 8(b)—

5 (A) by striking “3,000,000” and inserting  
6 “\$20,000,000”; and

7 (B) by striking “2017 through 2021” and  
8 inserting “2020 through 2024, in addition to  
9 the authorization of appropriations for projects  
10 in section 4(a)(2)(F)”.

11 **SEC. 204. X-PRIZE FOR DESALINATION BREAKTHROUGHS.**

12 (a) WATER TECHNOLOGY AWARD PROGRAM ESTAB-  
13 LISHED.—The Secretary, working through the Bureau of  
14 Reclamation, shall establish a program to award prizes to  
15 eligible persons described in subsection (b) for achieve-  
16 ment in 1 or more of the following applications of water  
17 desalination technology:

18 (1) Demonstration of desalination of brackish  
19 water or seawater with significantly less energy than  
20 commercially available reverse osmosis technology.

21 (2) Demonstration of portable or modular de-  
22 salination units that can process 1 to 5,000,000 gal-  
23 lons per day that could be deployed for temporary  
24 emergency uses in coastal communities or commu-  
25 nities with brackish groundwater supplies.

1           (3) Demonstration of significant advantages  
2           over commercially available reverse osmosis tech-  
3           nology as determined by the board established under  
4           subsection (c).

5           (b) ELIGIBLE PERSON.—An eligible person described  
6           in this subsection is—

7           (1) an individual who is—

8                 (A) a national or lawful permanent resi-  
9                 dent of the United States; or

10                (B) a member of a group that includes na-  
11                tionals or lawful permanent residents of the  
12                United States; or

13           (2) an entity that is incorporated and maintains  
14           its primary place of business in the United States.

15           (c) ESTABLISHMENT OF BOARD.—

16                (1) IN GENERAL.—The Secretary shall establish  
17                a board to administer the program established under  
18                subsection (a).

19                (2) MEMBERSHIP.—The board shall be com-  
20                posed of not less than 10 and not more than 20  
21                members appointed by the Secretary, of whom not  
22                less than 2 shall be—

23                        (A) representatives of the interests of pub-  
24                        lic water districts or other public organizations  
25                        with water delivery authority;

1 (B) representatives of the interests of aca-  
2 demic organizations with expertise in the field  
3 of water technology, including desalination;

4 (C) representatives of a non-profit organi-  
5 zation; and

6 (D) individuals with expertise in admin-  
7 istering award competitions.

8 (d) AWARDS.—Subject to the availability of appro-  
9 priations, the board established under subsection (c) may  
10 make awards under the program established under sub-  
11 section (a) as follows:

12 (1) FINANCIAL PRIZE.—The board may hold a  
13 financial award competition and award a financial  
14 award in an amount determined before the com-  
15 mencement of the competition to the first competitor  
16 to meet such criteria as the board shall establish.

17 (2) RECOGNITION PRIZE.—

18 (A) IN GENERAL.—The board may recog-  
19 nize an eligible person for superlative achieve-  
20 ment in 1 or more applications described in  
21 subsection (a).

22 (B) NO FINANCIAL REMUNERATION.—An  
23 award under this paragraph shall not include  
24 any financial remuneration.

1                   (C) NATIONAL TECHNOLOGY AND INNOVA-  
2                   TION MEDAL RECOMMENDATIONS.—For each  
3                   eligible person recognized under this paragraph,  
4                   the board shall recommend to the Secretary of  
5                   Commerce that the Secretary recommend to the  
6                   President under section 16(b) of the Stevenson-  
7                   Wydler Technology Innovation Act of 1980 (15  
8                   U.S.C. 3711) that the President award the Na-  
9                   tional Technology and Innovation Medal estab-  
10                  lished under section 16(a) of such Act to such  
11                  eligible person.

12               (e) ADMINISTRATION.—

13               (1) CONTRACTING.—The board established  
14               under subsection (c) may contract with a private or-  
15               ganization to administer a financial award competi-  
16               tion described in subsection (d)(1).

17               (2) SOLICITATION OF FUNDS.—A member of  
18               the board or any administering organization with  
19               which the board has a contract under paragraph (1)  
20               may solicit gifts from private and public entities to  
21               be used for a financial award under subsection  
22               (d)(1).

23               (3) LIMITATION ON PARTICIPATION OF DO-  
24               NORS.—The board may allow a donor from a private  
25               entity to participate in the determination of criteria



1 for an award under subsection (d), but such donor  
2 may not solely determine the criteria for such award.

3 (4) NO ADVANTAGE FOR DONATION.—A donor  
4 that provides a gift under paragraph (2) shall not be  
5 entitled to any special consideration or advantage  
6 with respect to any financial prize or recognition  
7 prize awarded under subsection (d).

8 (f) INTELLECTUAL PROPERTY.—The Federal Gov-  
9 ernment may not acquire an intellectual property right in  
10 any product or idea by virtue of the submission of such  
11 product or idea in any competition under subsection  
12 (d)(1).

13 (g) LIABILITY.—The board established under sub-  
14 section (c) may require a competitor in a financial award  
15 competition under subsection (d)(1) to waive liability  
16 against the Federal Government for injuries and damages  
17 that result from participation in such competition.

18 (h) ANNUAL REPORT.—Each year, the board estab-  
19 lished under subsection (c) shall submit to the relevant  
20 committees of Congress a report on the program estab-  
21 lished under subsection (a).

22 (i) AUTHORIZATION OF APPROPRIATIONS.—

23 (1) IN GENERAL.—There are authorized to be  
24 appropriated—

1 (A) \$750,000 for each fiscal year through  
2 2025 for administering the program under this  
3 section; and

4 (B) in addition to any amounts received  
5 pursuant to subsection (e)(2), \$5,000,000 for  
6 each fiscal year through 2025, to award finan-  
7 cial prize awards under subsection (d)(1).

8 (2) AVAILABILITY.—Amounts appropriated pur-  
9 suant to paragraph (1) shall remain available until  
10 expended.

11 **SEC. 205. STUDY EXAMINING SEDIMENT FLOWS FROM RE-**  
12 **MOVAL OF SEDIMENT-FILLED DAMS.**

13 (a) IN GENERAL.—Not later than 60 days after the  
14 date of the enactment of this Act, the Secretary shall  
15 make appropriate arrangements with the National Acad-  
16 emies of Sciences, Engineering, and Medicine (referred to  
17 in this section as the “National Academies”) under which  
18 the National Academies shall conduct a study that—

19 (1) examines existing science related to sedi-  
20 ment-filled dams and their removal; and

21 (2) examines any challenges related to modeling  
22 and quantifying sediment flows from dam removal.

23 (b) REPORT.—In entering into an arrangement under  
24 subsection (a), the Secretary shall request that the Na-  
25 tional Academies transmit to the Secretary and to Con-

1 gress a report not later than 24 months after the date  
2 of the enactment of this Act that—

3 (1) includes the results of the study and rel-  
4 evant interpretations of the results;

5 (2) provides recommendations for applying  
6 science in management and mitigation decisions re-  
7 lating to dam removal; and

8 (3) provides recommendations for improving fu-  
9 ture research on the environmental impacts of sedi-  
10 ment flows caused by dam removal and appropriate  
11 actions to mitigate such impacts.

12 **SEC. 206. DETERMINATION OF WATER SUPPLY ALLOCA-**  
13 **TIONS.**

14 When determining water supply allocations, the Sec-  
15 retary, acting through the Commissioner of the Bureau  
16 of Reclamation, shall incorporate to the greatest extent  
17 practicable publicly available information from emerging  
18 technologies for snowpack measurement such as—

19 (1) synthetic aperture radar;

20 (2) laser altimetry; or

21 (3) any other emerging technologies determined  
22 appropriate by the Secretary.

23 **SEC. 207. FEDERAL PRIORITY STREAMGAGES.**

24 (a) **FEDERAL PRIORITY STREAMGAGES.**—The Sec-  
25 retary shall make every reasonable effort to make oper-

1 ational all streamgages identified as Federal Priority  
2 Streamgages by the United States Geological Survey not  
3 later than 10 years after the date of the enactment of this  
4 Act.

5 (b) COLLABORATION WITH STATES.—The Secretary  
6 shall, to the maximum extent practicable, seek to leverage  
7 Federal investments in Federal Priority Streamgages  
8 through collaborative partnerships with States and local  
9 agencies that invest non-Federal funds to maintain and  
10 enhance gage networks to improve both environmental  
11 quality and water supply reliability.

12 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
13 are authorized to be appropriated such sums as are nec-  
14 essary to carry out this section, to remain available until  
15 expended.

16 **SEC. 208. IMPROVED RECLAMATION CROP DATA.**

17 (a) DEFINITIONS.—In this section:

18 (1) AGRICULTURAL WATER CONTRACT.—The  
19 term “agricultural water contract” means any con-  
20 tract or arrangement, including water service con-  
21 tracts, repayment contracts, water rights settlement  
22 contracts, exchange contracts, or other form of  
23 agreement, through which agricultural users receive  
24 water and deliveries through a facility owned, oper-  
25 ated, or constructed in whole or in part by the Bu-

1 reau of Reclamation, including contracts under the  
2 Reclamation Act of 1902 (32 Stat. 388; chapter  
3 1093) as amended and supplemented.

4 (2) EXTREME DROUGHT AREAS.—The term  
5 “extreme drought areas” means those areas experi-  
6 encing extreme or exceptional drought according to  
7 the United States Drought Monitor during the pe-  
8 riod assessed under subsection (c).

9 (3) FEDERALLY DEVELOPED WATER SUP-  
10 PLIES.—The term “federally developed water sup-  
11 plies” means water supplies derived from a project  
12 developed by the Secretary pursuant to Federal law.

13 (4) WATER-INTENSIVE PERMANENT CROP.—  
14 The term “water-intensive permanent crop” means  
15 any orchard crop that requires continuous watering  
16 to reach maturation and that generally cannot be  
17 fallowed during drought periods without loss of in-  
18 vestment.

19 (b) DETERMINATION OF PLANTING OF WATER-IN-  
20 TENSIVE PERMANENT CROPS IN EXTREME DROUGHT  
21 AREAS.—The Secretary shall survey agricultural water  
22 contracts related to federally developed water supplies to  
23 determine the extent to which water-intensive permanent  
24 crops are being planted by or on behalf of the customers

1 or beneficiaries of any agricultural water contract in ex-  
2 treme drought areas within the Reclamation States.

3 (c) REPORT RELATED TO WATER-INTENSIVE PER-  
4 MANENT CROPS.—Not later than 1 year after the date of  
5 the enactment of this Act and annually thereafter, the  
6 Secretary shall submit a report to the relevant committees  
7 of Congress and make publicly available a report based  
8 on the survey conducted under subsection (b) that pro-  
9 vides information on—

10 (1) the number of acres of water-intensive per-  
11 manent crops put into production during the pre-  
12 ceding year in extreme drought areas;

13 (2) the types of water-intensive permanent  
14 crops put into production during the preceding year  
15 in extreme drought areas; and

16 (3) the projected impact of the planting of  
17 water-intensive permanent crops in extreme drought  
18 areas on—

19 (A) the Secretary's ability to meet com-  
20 peting water demands; and

21 (B) the Secretary's ability to reduce the  
22 potential for water-related conflicts in the Rec-  
23 lamation States.

1 **SEC. 209. STUDY EXAMINING CLIMATE VULNERABILITIES**  
2 **AT RECLAMATION DAMS.**

3 (a) IN GENERAL.—Not later than 2 years after the  
4 date of the enactment of this Act, the Secretary shall  
5 make appropriate arrangements with the National Acad-  
6 emies of Sciences, Engineering, and Medicine (referred to  
7 in this section as the “National Academies”) under which  
8 the National Academies shall conduct an independent  
9 study to—

10 (1) examine the projected impact of climate  
11 change on the safety of Bureau of Reclamation  
12 dams; and

13 (2) evaluate and list the Bureau of Reclamation  
14 dams that are most vulnerable to climate change re-  
15 lated safety risks based on an assessment of climate  
16 change related impacts on—

17 (A) the frequency of heavy precipitation  
18 events; and

19 (B) other factors that influence the mag-  
20 nitude and severity of flooding events including  
21 snow cover and snowmelt, vegetation, and soil  
22 moisture.

23 (b) REPORT.—In entering into an arrangement under  
24 subsection (a), the Secretary shall request that the Na-  
25 tional Academies transmit to the Secretary and to the rel-  
26 evant committees of Congress a report not later than 24

1 months after the date of the enactment of this Act that  
2 includes the results of the study.

3 **SEC. 210. FORECAST INFORMED WATER CONTROL MANUAL**  
4 **UPDATES.**

5 No less than \$10,000,000 annually shall be used to  
6 prepare for and process Water Control Manual Updates  
7 for forecast informed water operations (FIRO) projects  
8 prioritizing regions impacted by Atmospheric Rivers and  
9 where improved forecast skill can improve water oper-  
10 ations. Funds shall also be used to operationalize a FIRO-  
11 compatible component of the Corps Water Management  
12 System (CWMS) to process ensemble and synthetic fore-  
13 casts to ensure continuous implementation of improve-  
14 ments in forecast skill for water operations.

15 **TITLE III—ECOSYSTEM PROTEC-**  
16 **TION AND RESTORATION**

17 **SEC. 301. COMBATING WATER THEFT FOR ILLEGAL MARI-**  
18 **JUANA CULTIVATION.**

19 (a) **POLICY DIRECTIVE ON ILLEGAL WATER DIVER-**  
20 **SION FOR MARIJUANA CULTIVATION.**—Not later than 90  
21 days after the date of the enactment of this Act, the Direc-  
22 tor of National Drug Control Policy, in collaboration with  
23 the Secretary and the Administrator of the Environmental  
24 Protection Agency, shall determine the amount of water  
25 diverted for marijuana cultivation in each of the high in-



1   tensity drug trafficking areas (as designated under section  
2   707 of the Office of National Drug Control Policy Reau-  
3   thorization Act of 1998 (21 U.S.C. 1706)) within the  
4   State of California and other States frequently affected  
5   by water shortages.

6           (b) ENVIRONMENTAL REPORTING REQUIREMENTS  
7   FOR DOMESTIC CANNABIS ERADICATION PROGRAM.—Not  
8   later than 1 year after the date of the enactment of this  
9   Act, and annually thereafter, the Attorney General shall  
10   require, as a condition of the receipt of any funds under  
11   the Domestic Cannabis Eradication/Suppression program  
12   of the Drug Enforcement Administration, or any successor  
13   program, a report from any participant in such program  
14   containing information on the environmental consequences  
15   of actions taken pursuant to program participation. The  
16   Attorney General, in making any determination to provide  
17   funding under the program, shall take into account the  
18   information so reported.

19           (c) TRESPASS MARIJUANA LOCATION REGISTRY.—  
20   Not later than 180 days after the date of the enactment  
21   of this Act, the Attorney General shall establish and main-  
22   tain a registry, in which reports received by the Attorney  
23   General of incidents of cultivation of marijuana on Federal  
24   or State property or while intentionally trespassing on the

1 property of another shall be recorded and, to the extent  
2 feasible, made available to the public.

3 (d) FUNDING FOR REMEDIATION OF TRESPASS  
4 MARIJUANA SITES.—

5 (1) FROM FORFEITURE FUND.—Section  
6 524(c)(1)(E)(ii) of title 28, United States Code, is  
7 amended—

8 (A) in subclause (I), by striking “and” at  
9 the end;

10 (B) in subclause (II), by inserting “and”  
11 after the semicolon at the end; and

12 (C) by inserting after subclause (II) the  
13 following:

14 “(III) costs incurred by or on behalf of any  
15 State, local, or Tribal government in connection  
16 with the remediation of any area formerly used  
17 for the production or cultivation of marijuana,  
18 including the removal of any hazardous sub-  
19 stance or pollutant or contaminant, in which  
20 such State, local, or Tribal government has as-  
21 sisted in a Federal prosecution related to mari-  
22 juana;”.

23 (2) FROM RESTITUTION IN CRIMINAL CASES.—  
24 Section 413(q) of the Controlled Substances Act (21  
25 U.S.C. 853(q)) is amended—

1 (A) in the matter preceding paragraph

2 (1)—

3 (i) by inserting after “manufacture”

4 the following: “or cultivation”; and

5 (ii) by striking “or methamphet-

6 amine” and inserting “, methamphet-

7 amine, or marihuana”; and

8 (B) in paragraph (2), by inserting after

9 “or methamphetamine” the following: “, or cul-

10 tivation of marihuana,”.

11 (e) VOLUNTARY GUIDELINES.—

12 (1) ESTABLISHMENT OF VOLUNTARY GUIDE-

13 LINES.—Not later than 6 months after the date of

14 the enactment of this Act, the Secretary of Agri-

15 culture, in consultation with other appropriate Fed-

16 eral agencies, including the Environmental Protec-

17 tion Agency, shall establish voluntary guidelines,

18 based on the best available scientific knowledge—

19 (A) for the remediation of former indoor

20 and outdoor marijuana cultivation and proc-

21 essing sites, including guidelines regarding pre-

22 liminary site assessment and the remediation of

23 residual contaminants and ecosystems; and

24 (B) for State, local, and Tribal govern-

25 ments to use in developing and implementing

1 laws, regulations, guidelines, and other policies  
2 that apply the best available research and tech-  
3 nology to the remediation of former indoor and  
4 outdoor marijuana cultivation and processing  
5 sites.

6 (2) CONSIDERATIONS.—In establishing the vol-  
7 untary guidelines under paragraph (1), the Sec-  
8 retary of Agriculture shall consider, at a minimum—

9 (A) relevant standards, guidelines, and re-  
10 quirements found in Federal, State, Tribal, and  
11 local laws and regulations;

12 (B) the various types and locations of  
13 former marijuana cultivation or processing  
14 sites, including both indoor and outdoor sites;  
15 and

16 (C) the estimated costs of carrying out any  
17 such guidelines.

18 (3) CONSULTATION.—The Secretary of Agri-  
19 culture shall work with State, local, and Tribal gov-  
20 ernments and other non-Federal agencies and orga-  
21 nizations the Secretary determines relevant to pro-  
22 mote and encourage the adoption of the voluntary  
23 guidelines established under paragraph (1).

24 (4) REVISIONS TO THE GUIDELINES.—

1           (A) IN GENERAL.—The Secretary of Agri-  
2           culture shall periodically review and revise the  
3           voluntary guidelines to incorporate findings of  
4           the research conducted pursuant to subsection  
5           (f) and other new knowledge.

6           (B) CONSULTATION.—In carrying out sub-  
7           paragraph (A), the Secretary of Agriculture  
8           may consult with State, local, and Tribal gov-  
9           ernments and other interested parties.

10          (f) RESEARCH PROGRAM.—The Secretary of Agri-  
11         culture, in consultation with other appropriate Federal  
12         agencies, including the Environmental Protection Agency,  
13         shall establish a program of research to support the devel-  
14         opment and revision of the voluntary guidelines estab-  
15         lished under subsection (e). Such program shall—

16                 (1) identify marijuana cultivation or processing-  
17                 related chemicals of concern;

18                 (2) assess the types and levels of exposure to  
19                 chemicals of concern identified under paragraph (1)  
20                 that may present significant adverse biological ef-  
21                 fects, and identify actions and additional research  
22                 necessary to remediate such biological effects;

23                 (3) assess the impacts of marijuana cultivation  
24                 and processing on waterways and bodies of water,

1 and identify actions and additional research nec-  
2 essary to remediate such impacts;

3 (4) evaluate the performance of current remedi-  
4 ation techniques for marijuana cultivation and proc-  
5 essing sites;

6 (5) identify areas for which additional research  
7 is necessary, including research relating to—

8 (A) the impacts of indoor and outdoor  
9 marijuana cultivation and processing, including  
10 biological and hydrological effects and impacts  
11 to soil and landscape, such as the potential for  
12 erosion; and

13 (B) the remediation of former indoor or  
14 outdoor marijuana cultivation or processing  
15 sites;

16 (6) support other research priorities identified  
17 by the Secretary of Agriculture, in consultation with  
18 State, local, and Tribal governments and other inter-  
19 ested parties; and

20 (7) include collaboration with institutions of  
21 higher education engaged in research on any matter  
22 described in this subsection or additional research  
23 priorities determined appropriate by the Secretary of  
24 Agriculture.

1 **SEC. 302. WATERFOWL AND SHOREBIRD HABITAT CRE-**  
2 **ATION PROGRAM.**

3 (a) AUTHORIZATION OF HABITAT CREATION PRO-  
4 GRAM.—The Secretary shall develop a program to  
5 incentivize farmers to keep fields flooded during appro-  
6 priate time periods for the purposes of waterfowl and  
7 shorebird habitat creation and maintenance provided  
8 that—

9 (1) such incentives may not exceed \$3,500,000  
10 annually, either directly or through credits against  
11 other contractual payment obligations;

12 (2) the holder of a water contract receiving pay-  
13 ments under this section pass such payments  
14 through to farmers participating in the program,  
15 less reasonable contractor costs, if any; and

16 (3) the Secretary determines that habitat cre-  
17 ation activities receiving financial support under this  
18 section will create new habitat that is not likely to  
19 be created without the financial incentives provided  
20 under this section.

21 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
22 authorized to be appropriated to the Secretary \$3,500,000  
23 to carry out this section for each fiscal year through 2026.

24 (c) REPORT.—Not later than October 1, 2021, and  
25 every 2 years thereafter, the Secretary shall submit to  
26 Congress a report summarizing the environmental per-

1 formance of activities that are receiving, or have received,  
2 assistance under the program authorized by this section.

3 **SEC. 303. SUSTAINING BIODIVERSITY DURING DROUGHTS.**

4 Section 9503(b) of the Omnibus Public Land Man-  
5 agement Act of 2009 (42 U.S.C. 10363(b)) is amended—

6 (1) in paragraph (3)(D), by inserting “and na-  
7 tive biodiversity” after “wildlife habitat”; and

8 (2) in paragraph (4)(B), by inserting “and  
9 drought biodiversity plans to address sustaining na-  
10 tive biodiversity during periods of drought” after  
11 “restoration plans”.

12 **SEC. 304. REAUTHORIZATION AND EXPANSION OF COOPER-**  
13 **ATIVE WATERSHED MANAGEMENT PROGRAM.**

14 The Omnibus Public Land Management Act of 2009  
15 (16 U.S.C. 1015 et seq.) is amended—

16 (1) in section 6001—

17 (A) by redesignating paragraphs (2)  
18 through (6) as paragraphs (3) through (7), re-  
19 spectively;

20 (B) by inserting after paragraph (1) the  
21 following:

22 “(2) **DISADVANTAGED COMMUNITIES.**—The  
23 term ‘disadvantaged communities’ means commu-  
24 nities, including cities, towns, or counties, or reason-  
25 ably isolated and divisible segments of larger municipi-



1 palities, with an annual median household income  
2 that is less than 100 percent of the statewide annual  
3 median household income, as determined by the lat-  
4 est available decennial census.”;

5 (C) in paragraph (6)(B)(i) (as so redesign-  
6 nated)—

7 (i) in subclause (VIII), by striking  
8 “and” at the end;

9 (ii) in subclause (IX), by inserting “;  
10 and” at the end; and

11 (iii) by adding at the end the fol-  
12 lowing:

13 “(X) disadvantaged commu-  
14 nities;”; and

15 (D) in paragraph (7) (as so redesign-  
16 nated)—

17 (i) in subparagraph (D), by striking  
18 “or” at the end;

19 (ii) by redesignating subparagraph  
20 (E) as subparagraph (F); and

21 (iii) by inserting after subparagraph  
22 (D) the following:

23 “(E) generates environmental benefits,  
24 such as benefits to fisheries, wildlife and habi-  
25 tat, and water quality and water-dependent eco-

1 logical systems, as well as water supply benefits  
2 for agricultural or urban water users; or”; and  
3 (2) in section 6002—

4 (A) by amending subsection (b) to read as  
5 follows:

6 “(b) ESTABLISHMENT OF APPLICATION PROCESS;  
7 CRITERIA.—Not later than March 30, 2021, the Secretary  
8 shall update—

9 “(1) the application process for the program;  
10 and

11 “(2) in consultation with the States,  
12 prioritization and eligibility criteria for considering  
13 applications submitted in accordance with the appli-  
14 cation process.”; and

15 (B) by amending subsection (g) to read as  
16 follows:

17 “(g) AUTHORIZATION OF APPROPRIATIONS.—There  
18 are authorized to be appropriated to carry out this sec-  
19 tion—

20 “(1) \$20,000,000 for each of fiscal years 2012  
21 through 2020; and

22 “(2) \$40,000,000 for each of fiscal years 2021  
23 through 2024.”.

1 **SEC. 305. MULTIBENEFIT PROJECTS TO IMPROVE WATER-**  
2 **SHED HEALTH.**

3 (a) IN GENERAL.—Not later than 1 year after the  
4 date of the enactment of this Act, the Secretary, in con-  
5 sultation with the heads of relevant agencies, shall estab-  
6 lish a competitive grant program for habitat restoration  
7 projects in the Reclamation States that accomplish 1 or  
8 more of the following:

9 (1) Improve watershed health.

10 (2) Mitigate against the impacts of climate  
11 change.

12 (3) Benefit ecosystems.

13 (4) Protect against invasive species.

14 (5) Restore aspects of the natural ecosystem.

15 (6) Enhance commercial and recreational fish-  
16 ing.

17 (b) REQUIREMENTS.—

18 (1) IN GENERAL.—In awarding a grant under  
19 subsection (a), the Secretary—

20 (A) shall give priority to a project that  
21 achieves more than 1 of the benefits described  
22 in that subsection; and

23 (B) may not provide a grant for a project  
24 that is for the purpose of meeting existing envi-  
25 ronmental mitigation or compliance obligations  
26 under State and Federal law.

1           (2) COMPLIANCE.—A project awarded a grant  
2           under subsection (a) shall comply with all applicable  
3           Federal and State laws.

4           (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
5           authorized to be appropriated to carry out this section  
6           \$150,000,000 for each fiscal year through 2024.

7           **SEC. 306. SUPPORT FOR REFUGE WATER DELIVERIES.**

8           (a) REPORT ON HISTORIC REFUGE WATER DELIV-  
9           ERIES.—Not later than 90 days after the date of the en-  
10          actment of this Act, the Secretary shall submit to the rel-  
11          evant committees of Congress and make publicly available  
12          a report that describes the following:

13           (1) Compliance with section 3406(d)(1) and  
14           section 3406(d)(2) of the Central Valley Project Im-  
15           provement Act (title XXXIV of Public Law 102–  
16           575) in each of years 1992 through 2018, including  
17           an indication of the amount of water identified as  
18           the Level 2 amount and incremental Level 4 amount  
19           for each wetland area.

20           (2) The difference between the mandated quan-  
21           tity of water to be delivered to each wetland habitat  
22           area described in section 3406(d)(2) and the actual  
23           quantity of water delivered since October 30, 1992,  
24           including a listing of every year in which the full de-  
25           livery of water to wetland habitat areas was achieved

1 in accordance with level 4 of the “Dependable Water  
2 Supply Needs” table, described in section  
3 3406(d)(2) of the Central Valley Project Improve-  
4 ment (title XXXIV of Public Law 102–575).

5 (3) Which of the authorities granted to the Sec-  
6 retary under Public Law 102–575 to achieve the full  
7 level 4 deliveries of water to wetland habitat areas  
8 was employed in achieving the increment of water  
9 delivery above the Level 2 amount for each wetland  
10 habitat area, including whether water conservation,  
11 conjunctive use, water purchases, water leases, dona-  
12 tions, water banking, or other authorized activities  
13 have been used and the extent to which such au-  
14 thorities have been used.

15 (b) PRIORITY CONSTRUCTION LIST.—The Secretary  
16 shall establish, through a public process and in consulta-  
17 tion with the Interagency Refuge Water Management  
18 Team, a priority list for the completion of the conveyance  
19 construction projects at the wildlife habitat areas de-  
20 scribed in section 3406(d)(2) of the Central Valley Project  
21 Improvement (title XXXIV of Public Law 102–575), in-  
22 cluding the Mendota Wildlife Area, Pixley National Wild-  
23 life Refuge and Sutter National Wildlife Refuge.

24 (c) ECOLOGICAL MONITORING AND EVALUATION  
25 PROGRAM.—Not later than 1 year after the date of the

1 enactment of this Act, the Secretary, acting through the  
2 Director of the United States Fish and Wildlife Service,  
3 shall design and implement an ecological monitoring and  
4 evaluation program, for all Central Valley wildlife refuges,  
5 that produces an annual report based on existing and  
6 newly collected information, including—

- 7 (1) the United States Fish and Wildlife Service  
8 Animal Health Lab disease reports;
- 9 (2) mid-winter waterfowl inventories;
- 10 (3) nesting and brood surveys;
- 11 (4) additional data collected regularly by the  
12 Refuges, such as herptile distribution and abun-  
13 dance;
- 14 (5) a new coordinated systemwide monitoring  
15 effort for at least 1 key migrant species and 2 resi-  
16 dent species listed as threatened and endangered  
17 pursuant to the Endangered Species Act of 1973  
18 (16 U.S.C. 1531 et seq.) (including one warm-blood-  
19 ed and one cold-blooded), which identifies population  
20 numbers and survival rates for the 3 previous years;  
21 and
- 22 (6) an estimate of the bioenergetic food produc-  
23 tion benefits to migrant waterfowl, consistent with  
24 the methodology used by the Central Valley Joint

1 Venture, to compliment and inform the Central Val-  
2 ley Joint Venture implementation plan.

3 **SEC. 307. DROUGHT PLANNING AND PREPAREDNESS FOR**  
4 **CRITICALLY IMPORTANT FISHERIES.**

5 (a) DEFINITIONS.—In this section:

6 (1) CRITICALLY IMPORTANT FISHERIES.—The  
7 term “critically important fisheries” means—

8 (A) commercially and recreationally impor-  
9 tant fisheries located within the Reclamation  
10 States; and

11 (B) fisheries containing fish species that  
12 are listed as threatened or endangered pursuant  
13 to the Endangered Species Act of 1973 (16  
14 U.S.C. 1531 et seq.) within the Reclamation  
15 States.

16 (2) QUALIFIED TRIBAL GOVERNMENT.—The  
17 term “qualified Tribal Government” means any gov-  
18 ernment of an Indian Tribe that the Secretary of the  
19 Interior determines—

20 (A) is involved in fishery management and  
21 recovery activities including under the Endan-  
22 gered Species Act of 1973 (16 U.S.C. 1531 et  
23 seq.); and

1 (B) has the management and organiza-  
2 tional capability to maximize the benefits of as-  
3 sistance provided under this section.

4 (b) DROUGHT PLAN FOR CRITICALLY IMPORTANT  
5 FISHERIES.—Not later than January 1, 2021, the Direc-  
6 tor of the United States Fish and Wildlife Service shall,  
7 in consultation with the National Marine Fisheries Serv-  
8 ice, the Bureau of Reclamation, the Army Corps of Engi-  
9 neers, and State fish and wildlife agencies, prepare a plan  
10 to sustain the survival of critically important fisheries dur-  
11 ing future periods of extended drought. The plan shall  
12 focus on actions that can aid the survival of critically im-  
13 portant fisheries during the driest years. In preparing  
14 such plan, the Director shall consider—

15 (1) relocating the release location and timing of  
16 hatchery fish to avoid predation and temperature  
17 impacts;

18 (2) barging of hatchery release fish to improve  
19 survival and reduce straying;

20 (3) coordinating with water users, the Bureau  
21 of Reclamation, State fish and wildlife agencies, and  
22 interested public water agencies regarding voluntary  
23 water transfers to determine if water releases can be  
24 collaboratively managed in a way that provides addi-



1 tional benefits for critically important fisheries with-  
2 out negatively impacting wildlife habitat;

3 (4) hatchery management modifications, such  
4 as expanding hatchery production of fish during the  
5 driest years, if appropriate;

6 (5) increasing rescue operations of upstream  
7 migrating fish;

8 (6) improving temperature modeling and related  
9 forecasted information to predict water management  
10 impacts to the habitat of critically important fish-  
11 eries with a higher degree of accuracy than current  
12 models;

13 (7) testing the potential for parentage-based  
14 tagging and other genetic testing technologies to im-  
15 prove the management of hatcheries;

16 (8) programs to reduce predation losses at arti-  
17 ficially created predation hot spots;

18 (9) habitat restoration efforts designed to pro-  
19 vide drought refugia and increased fisheries resil-  
20 ience during droughts; and

21 (10) retrofitting existing water facilities to pro-  
22 vide improved temperature conditions for fish.

23 (c) AUTHORIZATION OF APPROPRIATIONS FOR FISH  
24 RECOVERY EFFORTS.—There is authorized to be appro-  
25 priated \$25,000,000 for the United States Fish and Wild-

1 life Service for fiscal year 2021 for fish, stream, and  
2 hatchery activities related to fish recovery efforts, includ-  
3 ing work with the National Marine Fisheries Service, the  
4 Bureau of Reclamation, the Army Corps of Engineers,  
5 State fish and wildlife agencies, or a qualified Tribal Gov-  
6 ernment.

7 **SEC. 308. AQUATIC ECOSYSTEM RESTORATION.**

8 (a) GENERAL AUTHORITY.—Subject to the require-  
9 ments of this section, on request of any eligible entity the  
10 Secretary may negotiate and enter into an agreement on  
11 behalf of the United States to fund the design, study, and  
12 construction of an aquatic ecosystem restoration and pro-  
13 tection project if the Secretary determines that the project  
14 will improve the quality of the environment in a Reclama-  
15 tion State by improving fish passage through the removal  
16 or bypass of barriers to fish passage.

17 (b) REQUIREMENTS.—Construction of a project  
18 under this section shall be initiated only after—

19 (1) an eligible entity has entered into an agree-  
20 ment with the Secretary to pay no less than 35 per-  
21 cent of the costs of project construction; and

22 (2) the Secretary determines—

23 (A) the project is not expected to result in  
24 a significant net water supply loss for water  
25 users;

1           (B) the project is likely to benefit fish spe-  
2           cies native to the project area, particularly spe-  
3           cies that are listed as being, or considered by  
4           Federal or State authorities to be, endangered,  
5           threatened, or sensitive; and

6           (C) the project is agreed to by all entities  
7           that own or operate any fish passage barrier af-  
8           fected by the project.

9           (c) ENVIRONMENTAL LAWS.—In participating in a  
10          project under this section, the Secretary shall comply with  
11          all applicable environmental laws, including the National  
12          Environmental Policy Act of 1969 (42 U.S.C. 4321 et  
13          seq.).

14          (d) FUNDING.—There is authorized to be appro-  
15          priated to carry out this section \$25,000,000 for each fis-  
16          cal year through 2026.

17          (e) DEFINITION OF ELIGIBLE ENTITY.—In this sec-  
18          tion, the term “eligible entity” means any Reclamation  
19          State, any department, agency, or subdivision of a Rec-  
20          lamation State, any public agency organized pursuant to  
21          the laws of a Reclamation State, or any non-profit organi-  
22          zation operating in a Reclamation State.

1 **SEC. 309. REAUTHORIZATION OF THE FISHERIES RESTORA-**  
2 **TION AND IRRIGATION MITIGATION ACT OF**  
3 **2000.**

4 Section 10(a) of the Fisheries Restoration and Irriga-  
5 tion Mitigation Act of 2000 (16 U.S.C. 777 note; Public  
6 Law 106–502) is amended by striking “\$15 million  
7 through 2021” and inserting “\$25 million through 2027”.

8 **TITLE IV—MISCELLANEOUS**

9 **SEC. 401. OFFSET.**

10 (a) PURPOSE; DEFINITION.—

11 (1) PURPOSE.—The purpose of this section is  
12 to establish an efficient and transparent 1-time proc-  
13 ess for deauthorizing Bureau of Reclamation  
14 projects that have failed—

15 (A) to receive a minimum level of Federal  
16 investment; or

17 (B) to initiate construction.

18 (2) DEFINITION OF RECLAMATION PROJECT.—

19 In this section, the term “Reclamation project”  
20 means a surface water storage project or project  
21 under the purview of title XVI of Public Law 102–  
22 575 that is to be carried out, funded or operated in  
23 whole or in part by the Secretary pursuant to the  
24 Act of June 17, 1902 (32 Stat. 388, chapter 1093),  
25 and Acts supplemental to and amendatory of that  
26 Act (43 U.S.C. 371 et seq.).

1 (b) BACKLOG LIST.—Not later than 180 days after  
2 the date of the enactment of this Act, the Secretary shall  
3 submit to the Committee on Energy and Natural Re-  
4 sources of the Senate and the Committee on Natural Re-  
5 sources of the House of Representatives, and make avail-  
6 able on a publicly accessible internet website in a manner  
7 that is downloadable, searchable, and sortable, a list of—

8 (1) Reclamation projects—

9 (A) that are authorized; and

10 (B) for which, during the fiscal year in  
11 which this Act is enacted and each of the pre-  
12 ceding 10 fiscal years—

13 (i) no application for Federal funding  
14 has been received; and

15 (ii) no construction has occurred; and

16 (2) for each Reclamation project listed under  
17 paragraph (1)—

18 (A) the date of authorization of the Rec-  
19 lamation project, including any subsequent  
20 modifications to the original authorization;

21 (B) a brief description of the Reclamation  
22 project; and

23 (C) any amounts appropriated for the Rec-  
24 lamation project that remain unobligated.

25 (c) INTERIM DEAUTHORIZATION LIST.—

1           (1) IN GENERAL.—The Secretary shall develop  
2           and make publicly available an interim deauthoriza-  
3           tion list that identifies each Reclamation project de-  
4           scribed in subsection (b)(1).

5           (2) PUBLIC COMMENT AND CONSULTATION.—

6           (A) IN GENERAL.—The Secretary shall so-  
7           licit and accept, for a period of not less than 90  
8           days, comments relating to the interim de-  
9           authorization list under paragraph (1) from—

10                   (i) the public; and

11                   (ii) the Governor of each applicable  
12           State.

13           (B) PROJECT SPONSORS.—As part of the  
14           public comment period under subparagraph (A),  
15           the Secretary shall provide to project sponsors  
16           the opportunity to provide to the Secretary a  
17           notice of the intent to initiate construction of  
18           the project by not later than the date that is 2  
19           years after the date of publication of the pre-  
20           liminary final deauthorization list under sub-  
21           section (d).

22           (3) SUBMISSION TO CONGRESS; PUBLICA-  
23           TION.—Not later than 90 days after the date of sub-  
24           mission of the backlog list under subsection (b), the  
25           Secretary shall—

1 (A) submit the interim deauthorization list  
2 under paragraph (1) to the Committee on En-  
3 ergy and Natural Resources of the Senate and  
4 the Committee on Natural Resources of the  
5 House of Representatives; and

6 (B) publish the interim deauthorization list  
7 in the Federal Register.

8 (d) PRELIMINARY FINAL DEAUTHORIZATION LIST.—

9 (1) IN GENERAL.—The Secretary shall develop  
10 a preliminary final deauthorization list that includes  
11 each project identified pursuant to paragraph (2).

12 (2) IDENTIFICATION OF PROJECTS.—

13 (A) EXCLUSIONS.—The Secretary may  
14 identify a Reclamation project described in sub-  
15 section (b)(1) for exclusion from the prelimi-  
16 nary final deauthorization list if the Secretary  
17 determines, on a case-by-case basis following re-  
18 ceipt of public comments, that the project is  
19 critical for interests of the United States, based  
20 on the practicable impact of the project on—

21 (i) public health and safety;

22 (ii) the national economy; or

23 (iii) the environment.

24 (B) SUBJECT TO DEAUTHORIZATION DES-  
25 IGNATION.—Any Reclamation project the spon-

1           sor of which has provided to the Secretary a no-  
2           tice of the intent to initiate construction by not  
3           later than 2 years after the date of publication  
4           of the preliminary final deauthorization list  
5           under this subsection shall be designated on  
6           that list as “subject to deauthorization”.

7           (C) APPENDIX.—The Secretary shall in-  
8           clude as part of the preliminary final deauthor-  
9           ization list under this subsection an appendix  
10          that—

11                   (i) identifies each Reclamation project  
12                   included on the interim deauthorization list  
13                   under subsection (c) that is not included  
14                   on the preliminary final deauthorization  
15                   list; and

16                   (ii) describes the reasons why each  
17                   Reclamation project identified under clause  
18                   (i) is not included on the preliminary final  
19                   deauthorization list.

20          (3) SUBMISSION TO CONGRESS; PUBLICA-  
21          TION.—Not later than 120 days after the date of ex-  
22          piration of the public comment period under sub-  
23          section (c)(2)(A), the Secretary shall—

24                   (A) submit to the Committee on Energy  
25                   and Natural Resources of the Senate and the



1           Committee on Natural Resources of the House  
2           of Representatives the preliminary final de-  
3           authorization list and the appendix required  
4           under this subsection; and

5                   (B) publish the preliminary final deauthor-  
6           ization list and appendix in the Federal Reg-  
7           ister.

8           (e) DEAUTHORIZATION; CONGRESSIONAL REVIEW.—  
9           Effective beginning on the date that is 180 days after the  
10          date of submission to Congress of the preliminary final  
11          deauthorization list under subsection (d)(3)(A), each Rec-  
12          lamation project included on that list is deauthorized, un-  
13          less—

14                   (1) the Reclamation project is designated as  
15          “subject to deauthorization” pursuant to subsection  
16          (d)(2)(B); or

17                   (2) Congress has enacted a joint resolution dis-  
18          approving the preliminary final deauthorization list.

19          (f) UPDATED FINAL DEAUTHORIZATION LIST.—

20                   (1) PUBLICATION.—Not later than the date  
21          that is 2 years after the date of publication of the  
22          preliminary final deauthorization list under sub-  
23          section (d)(3)(B), the Secretary shall publish an up-  
24          dated final deauthorization list.

1           (2) PROJECTS SUBJECT TO DEAUTHORIZA-  
2           TION.—On the updated final deauthorization list  
3           under this subsection, the Secretary shall describe  
4           any Reclamation project designated as “subject to  
5           deauthorization” on the preliminary final deauthor-  
6           ization list pursuant to subsection (d)(2)(B) as—

7                   (A) authorized, if the Secretary has re-  
8                   ceived evidence that the sponsor of the Rec-  
9                   lamation project has substantially initiated con-  
10                  struction on the Reclamation project; or

11                   (B) deauthorized, if the Secretary has not  
12                  received the evidence described in subparagraph  
13                  (A).

14           (3) DEAUTHORIZATION.—Any project described  
15           as deauthorized pursuant to paragraph (2)(B) shall  
16           be deauthorized on the date that is 180 days after  
17           the date of submission of the updated final de-  
18           authorization list under paragraph (1), unless Con-  
19           gress has enacted a joint resolution disapproving  
20           that list.

21           (g) TREATMENT OF PROJECT MODIFICATIONS.—For  
22           purposes of this section, if an authorized Reclamation  
23           project has been modified by an Act of Congress, the date  
24           of authorization of the project shall be considered to be  
25           the date of the most recent modification.

1 **SEC. 402. WATER CAREER TRAINING GRANT PROGRAM.**

2 (a) GRANTS AUTHORIZED.—Beginning 360 days  
3 after the date of the enactment of this section, the Sec-  
4 retary may award water career training grants to eligible  
5 entities for the purpose of developing, offering, or improv-  
6 ing educational or career training programs that provide  
7 individuals in such programs skills necessary for employ-  
8 ment with a public water district or other public organiza-  
9 tion with water delivery authority.

10 (b) ALLOCATION OF GRANTS.—

11 (1) LIMITATION ON GRANT QUANTITY AND  
12 SIZE.—An eligible entity may not be awarded—

13 (A) more than 1 grant under this section  
14 for which the eligible entity is the lead appli-  
15 cant; or

16 (B) a grant under this section in excess of  
17 \$2,500,000.

18 (2) ALLOCATION TO COMMUNITY COLLEGES.—

19 Not less than 20 percent of the total amount award-  
20 ed under this section for a fiscal year shall be  
21 awarded to eligible entities that are community col-  
22 leges.

23 (c) PARTNERSHIPS.—An eligible entity seeking to re-  
24 ceive a grant under this section may partner with 1 or  
25 more of the following:

1           (1) Another eligible entity (including an eligible  
2           entity that is a community college).

3           (2) A public water district or other public orga-  
4           nization with water delivery authority.

5           (3) A State or local government.

6           (4) A nonprofit organization.

7           (d) USE OF GRANT.—An eligible entity may use a  
8           grant awarded under this section for the following activi-  
9           ties:

10           (1) Occupational skills training, including cur-  
11           riculum development, on-the-job training, and class-  
12           room training.

13           (2) Safety and health training.

14           (3) The provision of basic skills, English as a  
15           second language, and job readiness training.

16           (4) Individual referral and tuition assistance for  
17           a community college training program or similarly  
18           situated training program operated by a nonprofit  
19           organization leading to a recognized postsecondary  
20           credential (as such term is defined in section 3 of  
21           the Workforce Innovation and Opportunity Act (29  
22           U.S.C. 3102)).

23           (5) Internship programs in a field related to  
24           water resource management.

1 (6) Customized training in conjunction with an  
2 existing registered apprenticeship program or labor-  
3 management partnership.

4 (7) Incumbent worker and career ladder train-  
5 ing and skill upgrading and retraining.

6 (8) Curriculum development at the under-  
7 graduate and postgraduate levels.

8 (9) Development and support of water resource  
9 management major, minor, or certificate programs.

10 (10) Such other activities, as determined by the  
11 Secretary, to meet the purposes of this section.

12 (e) GRANT PROPOSALS.—

13 (1) SUBMISSION PROCEDURE FOR GRANT PRO-  
14 POSALS.—An eligible entity seeking to receive a  
15 grant under this section shall submit a grant pro-  
16 posal to the Secretary at such time, in such manner,  
17 and containing such information as the Secretary  
18 may require.

19 (2) CONTENT OF GRANT PROPOSALS.—A grant  
20 proposal submitted to the Secretary under this sec-  
21 tion shall include a detailed description of—

22 (A) the specific project for which the grant  
23 proposal is submitted, including the manner in  
24 which the grant will be used to develop, offer,  
25 or improve an educational or career training

1 program that will provide individuals in such  
2 program skills necessary for employment with a  
3 public water district or other public organiza-  
4 tion with water delivery authority;

5 (B) any previous experience of the eligible  
6 entity in providing such educational or career  
7 training programs; and

8 (C) the extent to which such project will  
9 meet the educational or career training needs  
10 identified under subsection (i).

11 (f) CRITERIA FOR AWARD OF GRANTS.—

12 (1) IN GENERAL.—Subject to appropriations,  
13 the Secretary shall award grants under this section  
14 based on an evaluation of—

15 (A) the merits of the grant proposal;

16 (B) the likely employment opportunities  
17 available to individuals who complete the edu-  
18 cational or career training program that the eli-  
19 gible entity proposes to develop, offer, or im-  
20 prove;

21 (C) prior demand for such educational or  
22 career training programs in the community  
23 served by the eligible entity; and

24 (D) the availability and capacity of existing  
25 educational or career training programs in the

1 community to meet future demand for such  
2 programs.

3 (2) PRIORITY.—Priority in awarding grants  
4 under this section shall be given to an eligible entity  
5 that—

6 (A) includes the equal participation of in-  
7 dustry and labor organizations, including joint  
8 labor-management training programs and work-  
9 force investment boards;

10 (B) has entered into a memorandum of un-  
11 derstanding with an employer that is a public  
12 water district or public organization with water  
13 delivery authority to foster workforce develop-  
14 ment;

15 (C) focuses on individuals who are—

16 (i) veterans, members of the reserve  
17 components of the Armed Forces, or  
18 former members of such reserve compo-  
19 nents;

20 (ii) unemployed;

21 (iii) seeking employment pathways out  
22 of poverty and into economic self-suffi-  
23 ciency;

24 (iv) at-risk youth; or

1 (v) formerly incarcerated, adjudicated,  
2 nonviolent offenders; or

3 (D) with respect to an eligible entity that  
4 is an institution of higher education, has a high  
5 percentage or number of low-income or minority  
6 students.

7 (3) GEOGRAPHIC DISTRIBUTION.—The Sec-  
8 retary shall, to the extent practicable, award grants  
9 under this section in a manner that provides for a  
10 reasonable geographic distribution, except that the  
11 Secretary shall prioritize grants to institutions fo-  
12 cused on the water management challenges of the  
13 Reclamation States.

14 (g) MATCHING REQUIREMENTS.—A grant awarded  
15 under this section may not be used to satisfy any non-  
16 Federal funds matching requirement under any other pro-  
17 vision of law.

18 (h) GRANTEE DATA COLLECTION.—

19 (1) IN GENERAL.—A grantee, with respect to  
20 the educational or career training program for which  
21 the grantee received a grant under this section, shall  
22 collect and report to the Secretary on an annual  
23 basis the following:

24 (A) The number of participants enrolled in  
25 the educational or career training program.



1 (B) The number of participants that have  
2 completed the educational or career training  
3 program.

4 (C) The services received by such partici-  
5 pants, including a description of training, edu-  
6 cation, and supportive services.

7 (D) The amount spent by the grantee per  
8 participant.

9 (E) The rate of job placement of partici-  
10 pants with a public water district.

11 (F) The rate of employment retention 1  
12 year after completion of the educational or ca-  
13 reer training program or 1 year after the par-  
14 ticipant is no longer enrolled in such institution  
15 of higher education, whichever is later.

16 (2) DISAGGREGATION OF DATA.—The data col-  
17 lected and reported under this subsection shall be  
18 disaggregated by—

19 (A) race;

20 (B) gender;

21 (C) low-income status;

22 (D) disability; and

23 (E) English language proficiency.

24 (3) ASSISTANCE FROM SECRETARY.—The Sec-  
25 retary shall assist grantees in the collection of data

1 under this subsection by making available, where  
2 practicable, low-cost means of tracking the labor  
3 market outcomes of participants and by providing  
4 standardized reporting forms, where appropriate.

5 (i) INTERAGENCY RESEARCH PROGRAM AND CO-  
6 ORDINATION.—

7 (1) INTERAGENCY RESEARCH PROGRAM.—

8 (A) MEMORANDUM OF UNDERSTANDING.—

9 Not later than 120 days after the date of the  
10 enactment of this section, the Secretary shall  
11 enter into a memorandum of understanding  
12 with the Administrator of the Environmental  
13 Protection Agency and the Secretary of Labor,  
14 acting through the Bureau of Labor Statistics,  
15 on a program to—

16 (i) collect and analyze labor market  
17 data, including the data collected in sub-  
18 section (h);

19 (ii) track workforce trends; and

20 (iii) identify the educational and ca-  
21 reer training needs for current and future  
22 jobs at public water districts, including  
23 those related to construction and installa-  
24 tion, engineering, operation, and mainte-  
25 nance.

1 (B) COLLABORATION.—Activities carried  
2 out under this paragraph shall include collabo-  
3 ration with State and local governments, work-  
4 force investment boards, industry, labor organi-  
5 zations, public water districts, and nonprofit or-  
6 ganizations.

7 (2) COORDINATION BETWEEN FEDERAL WATER  
8 CAREER TRAINING PROGRAMS.—Not later than 180  
9 days after the date of the enactment of this section,  
10 the Secretary shall enter into a memorandum of un-  
11 derstanding with the Administrator of the Environ-  
12 mental Protection Agency to facilitate coordination  
13 and collaboration between the career training pro-  
14 gram established by this section and the program es-  
15 tablished in section 4304 of Public Law 115–270  
16 (42 U.S.C. 300j–19e), including the improvement of  
17 such career training programs over time to reflect  
18 the educational and career training needs identified  
19 by the interagency research program established in  
20 paragraph (1).

21 (j) GUIDELINES.—Not later than 240 days after the  
22 date of the enactment of this section, the Secretary shall—

23 (1) promulgate guidelines for the submission of  
24 grant proposals under this section, including a list of

1 the educational and career training needs identified  
2 under subsection (i); and

3 (2) publish and maintain such guidelines on a  
4 public website of the Secretary.

5 (k) REPORTING REQUIREMENT.—Not later than 18  
6 months after the date of the enactment of this section,  
7 and every 2 years thereafter, the Secretary shall submit  
8 a report to the Committee on Natural Resources of the  
9 House of Representatives and the Committee on Energy  
10 and Natural Resources of the Senate on the grant pro-  
11 gram established by this section. The report shall include  
12 a description of the grantees and the activities for which  
13 grantees used a grant awarded under this section.

14 (l) AUTHORIZATION OF APPROPRIATIONS.—There is  
15 authorized to be appropriated for purposes of this section  
16 \$10,000,000 for each fiscal year through 2026.

17 (m) DEFINITIONS.—In this section:

18 (1) COMMUNITY COLLEGE.—The term “commu-  
19 nity college” has the meaning given the term “junior  
20 or community college” in section 312(f) of the High-  
21 er Education Act of 1965 (20 U.S.C. 1058(f)).

22 (2) ELIGIBLE ENTITY.—The term “eligible enti-  
23 ty” means a nonprofit entity or partnership that  
24 demonstrates experience in implementing and oper-  
25 ating worker skills training and education programs

1       such as a labor organization or an institution of  
2       higher education, as such term is defined in section  
3       101 of the Higher Education Act of 1965 (20  
4       U.S.C. 1001).

5           (3) GRANTEE.—The term “grantee” means an  
6       eligible entity that has received a grant under this  
7       section.

8           (4) LEAD APPLICANT.—The term “lead appli-  
9       cant” means the eligible entity that is primarily re-  
10      sponsible for the preparation, conduct, and adminis-  
11      tration of the project for which the grant was award-  
12      ed.