

117TH CONGRESS  
1ST SESSION

# H. R. 3404

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

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## IN THE HOUSE OF REPRESENTATIVES

MAY 20, 2021

Mr. HUFFMAN (for himself, Mrs. NAPOLITANO, Mr. LEVIN of California, Mr. DESAULNIER, Mr. VARGAS, Ms. DEGETTE, and Mr. GRIJALVA) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committees on Science, Space, and Technology, Ways and Means, Transportation and Infrastructure, the Judiciary, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## 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 Western Water Infrastruc-  
7 ture and Drought Resiliency Act” or the “FUTURE

1 Western Water Infrastructure and Drought Resiliency  
2 Act”.

3 (b) TABLE OF CONTENTS.—The table of contents for  
4 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. Assistance for disadvantaged communities without adequate drinking water.
- Sec. 107. Water infrastructure fund.

TITLE II—IMPROVED TECHNOLOGY AND DATA

- Sec. 201. Reauthorization of water availability and use assessment program.
- Sec. 202. Modifications to income exclusion for conservation subsidies.
- Sec. 203. X-prize for water technology breakthroughs.
- Sec. 204. Study examining sediment transport.
- Sec. 205. Federal priority streamgages.
- Sec. 206. Study examining climate vulnerabilities at Federal dams.
- Sec. 207. Innovative technology adoption.
- Sec. 208. Forecast-informed water control manual updates.

TITLE III—ECOSYSTEM PROTECTION AND RESTORATION

- Sec. 301. Waterbird habitat creation program.
- Sec. 302. Competitive grant program for the funding of watershed health projects.
- Sec. 303. Support for refuge water deliveries.
- Sec. 304. Drought planning and preparedness for critically important fisheries.
- Sec. 305. Reauthorization of the Fisheries Restoration and Irrigation Mitigation Act of 2000.
- Sec. 306. Combating water theft for illegal marijuana cultivation.
- Sec. 307. Sustaining biodiversity during droughts.

TITLE IV—WATER JOB TRAINING AND EDUCATION

- Sec. 401. Water resource education.
- Sec. 402. Water sector career grant programs.

TITLE V—MISCELLANEOUS

- Sec. 501. Offset.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

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

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

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

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

1           (5) The Colorado River has been under drought  
2           conditions since 2000, and the chances of a  
3           “megadrought” striking the Southwest and central  
4           Great Plains are on the rise according to forecasts  
5           from climate scientists.

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

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

23          (8) It is the policy of the United States to re-  
24          spect California’s coequal goals, established by the  
25          Delta Reform Act of 2009, of providing a more reli-

1       able water supply for California and protecting, re-  
2       storing, and enhancing the Delta ecosystem, and  
3       these coequal goals shall be achieved in a manner  
4       that protects and enhances the unique cultural, rec-  
5       reational, natural resource, and agricultural values  
6       of the Delta as an evolving place.

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

24              (10) Federal agencies should operate the Bu-  
25      reau of Reclamation's Central Valley Project in Cali-

1       fornia in compliance with all Federal and State laws,  
2       including biological opinions, while working with the  
3       State to maximize operational flexibility in order to  
4       deliver as much water as reasonably possible to  
5       drought-impacted areas and minimize the harm suf-  
6       fered by fish and wildlife as a result of drought.

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

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

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

1 for expanding water recycling, reuse, and reclama-  
2 tion, and for meeting the emergency needs of com-  
3 munities impacted by drought.

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

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

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

24 **SEC. 3. DEFINITIONS.**

25 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” means a State or territory described  
10 in the first section of the Act of June 17, 1902 (32  
11 Stat. 388, chapter 1093; 43 U.S.C. 391).

12 (3) SECRETARY.—The term “Secretary” means  
13 the Secretary of the Interior, unless otherwise de-  
14 fined in a particular provision.

15 (4) INDIAN TRIBE.—The term “Indian Tribe”  
16 has the meaning given the term in section 4 of the  
17 Indian Self-Determination and Education Assistance  
18 Act (25 U.S.C. 5304)).

## 19 **TITLE I—INFRASTRUCTURE** 20 **DEVELOPMENT**

21 **SEC. 101. COMPETITIVE GRANT PROGRAM FOR THE FUND-**  
22 **ING OF WATER RECYCLING AND REUSE**  
23 **PROJECTS.**

24 (a) COMPETITIVE GRANT PROGRAM FOR THE FUND-  
25 ING OF WATER RECYCLING AND REUSE PROJECTS.—Sec-



1 tion 1602(f) of the Reclamation Wastewater and Ground-  
2 water Study and Facilities Act (title XVI of Public Law  
3 102–575; 43 U.S.C. 390h et seq.) is amended by striking  
4 paragraphs (2) and (3) and inserting the following:

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

9 “(A) Projects that are likely to provide a  
10 more reliable water supply for States and local  
11 governments.

12 “(B) Projects that are likely to increase  
13 the water management flexibility and reduce  
14 impacts on environmental resources from  
15 projects operated by Federal and State agen-  
16 cies.

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

18 “(D) Projects with multiple stakeholders.

19 “(E) Projects that provide multiple bene-  
20 fits, including water supply reliability, eco-sys-  
21 tem benefits, groundwater management and en-  
22 hancements, and water quality improvements.”.

23 (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
24 1602(g) of the Reclamation Wastewater and Groundwater

1 Study and Facilities Act (title XVI of Public Law 102–  
2 575; 43 U.S.C. 390h et seq.) is amended—

3 (1) by striking “\$50,000,000” and inserting  
4 “\$500,000,000 through fiscal year 2025”; and

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

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

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

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

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

13 “(3) section 4009(c).”.

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

19 **SEC. 102. STORAGE PROJECT DEVELOPMENT REPORTS TO**  
20 **CONGRESS.**

21 (a) DEFINITIONS.—In this section:

22 (1) NON-FEDERAL INTEREST.—The term  
23 “Non-Federal interest” means an eligible entity or a  
24 qualified partner (as defined in section 103(a)).

1           (2) PROJECT REPORT.—The term “project re-  
2       port” means the following documents prepared for a  
3       Federal storage project or major federally assisted  
4       storage project (as defined in section 103(a)):

5           (A) A feasibility study carried out pursu-  
6       ant to the Act of June 17, 1902 (32 Stat. 388,  
7       chapter 1093), and Acts supplemental to and  
8       amendatory of that Act (43 U.S.C. 371 et seq.)  
9       including any feasibility or equivalent studies  
10      prepared for a project pursuant to section  
11      103(c)(7)(B) or section 103(d)(7)(B)(i) of this  
12      Act.

13          (B) The Fish and Wildlife Coordination  
14      Act report described in section 103(g) of this  
15      Act prepared for a project.

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

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

24          (E) A description of any determinations  
25      made by the Secretary under section

1           103(d)(7)(A)(ii) for each project and the basis  
2           for such determinations.

3           (3) PROJECT STUDY.—

4                 (A) FEDERAL STORAGE PROJECT.—With  
5           respect to a Federal storage project (as defined  
6           in section 103(a)), the term “project study”  
7           means a feasibility study carried out pursuant  
8           to the Act of June 17, 1902 (32 Stat. 388,  
9           chapter 1093), and Acts supplemental to and  
10          amendatory of that Act (43 U.S.C. 371 et seq.)  
11          including a feasibility study prepared pursuant  
12          to section 103(c)(7)(B) of this Act.

13                (B) MAJOR FEDERALLY ASSISTED STOR-  
14          AGE PROJECT.—With respect to a major feder-  
15          ally assisted storage project (as defined in sec-  
16          tion 103(a)), the term “project study” means  
17          the feasibility or equivalent studies prepared  
18          pursuant to section 103(d)(7)(B)(i) of this Act.

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

1           (1) PROJECT REPORTS.—Each project report  
2           that meets the criteria established in subsection  
3           (d)(1)(A).

4           (2) PROPOSED PROJECT STUDIES.—Any pro-  
5           posed project study submitted to the Secretary by a  
6           non-Federal interest pursuant to subsection (c) that  
7           meets the criteria established in subsection  
8           (d)(1)(A).

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

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

15                 (B) is identified by the Secretary for au-  
16          thorization.

17          (c) REQUESTS FOR PROPOSALS.—

18                 (1) PUBLICATION.—Not later than May 1 of  
19          each year, the Secretary shall publish in the Federal  
20          Register a notice requesting proposals from non-  
21          Federal interests for project reports, proposed  
22          project studies, and proposed modifications to au-  
23          thorized projects and project studies to be included  
24          in the annual report.

1           (2) DEADLINE FOR REQUESTS.—The Secretary  
2       shall include in each notice required by this sub-  
3       section a requirement that non-Federal interests  
4       submit to the Secretary any proposals described in  
5       paragraph (1) by not later than 120 days after the  
6       date of publication of the notice in the Federal Reg-  
7       ister in order for the proposals to be considered for  
8       inclusion in the annual report.

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

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

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

16      (d) CONTENTS.—

17           (1) PROJECT REPORTS, PROPOSED PROJECT  
18      STUDIES, AND PROPOSED MODIFICATIONS.—

19                (A) CRITERIA FOR INCLUSION IN RE-  
20      PORT.—The Secretary shall include in the an-  
21      nual report only those project reports, proposed  
22      project studies, and proposed modifications to  
23      authorized projects and project studies that—

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

1 (ii) require specific congressional au-  
2 thorization, including by an Act of Con-  
3 gress;

4 (iii) have not been congressionally au-  
5 thorized;

6 (iv) have not been included in any  
7 previous annual report; and

8 (v) if authorized, could be carried out  
9 by the Department of the Interior or a  
10 non-Federal entity eligible to carry out a  
11 major federally assisted storage project  
12 under section 103.

13 (B) DESCRIPTION OF BENEFITS.—

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

22 (ii) BENEFITS.—The benefits (or ex-  
23 pected benefits, in the case of a proposed  
24 project study) described in this clause are  
25 benefits to—

1 (I) water supply and water man-  
2 agement;

3 (II) the environment, including  
4 fish and wildlife benefits estimated  
5 under section 103(g) for a project re-  
6 port or proposed modification to an  
7 authorized project;

8 (III) the protection of human life  
9 and property;

10 (IV) the national economy; or

11 (V) the national security inter-  
12 ests of the United States.

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

16 (i) for each proposed project study in-  
17 cluded in the annual report, the non-Fed-  
18 eral interest that submitted the proposed  
19 project study pursuant to subsection (c);  
20 and

21 (ii) for each proposed project study  
22 and proposed modification to a project or  
23 project study included in the annual re-  
24 port, whether the non-Federal interest has  
25 demonstrated—



1 (I) that local support exists for  
2 the proposed project study or pro-  
3 posed modification to an authorized  
4 project or project study (including the  
5 project that is the subject of the pro-  
6 posed project study or the proposed  
7 modification to an authorized project  
8 study); and

9 (II) the financial ability to pro-  
10 vide the required non-Federal cost  
11 share.

12 (2) TRANSPARENCY.—The Secretary shall in-  
13 clude in the annual report, for each project report,  
14 proposed project study, and proposed modification to  
15 a project or project study included under paragraph  
16 (1)(A)—

17 (A) the name of the associated non-Fed-  
18 eral interest, including the name of any non-  
19 Federal interest that has contributed, or is ex-  
20 pected to contribute, a non-Federal share of the  
21 cost of—

22 (i) the project report;  
23 (ii) the proposed project study;  
24 (iii) the authorized project study for  
25 which the modification is proposed; or

1 (iv) construction of—

2 (I) the project that is the subject  
3 of—

4 (aa) the project report;

5 (bb) the proposed project  
6 study; or

7 (cc) the authorized project  
8 study for which a modification is  
9 proposed; or

10 (II) the proposed modification to  
11 a project;

12 (B) a letter or statement of support for the  
13 project report, proposed project study, or pro-  
14 posed modification to a project or project study  
15 from each associated non-Federal interest;

16 (C) the purpose of the project report, pro-  
17 posed project study, or proposed modification to  
18 a project or project study;

19 (D) an estimate, to the extent practicable,  
20 of the Federal, non-Federal, and total costs  
21 of—

22 (i) the proposed modification to an  
23 authorized project study; and

24 (ii) construction of—

1 (I) the project that is the subject  
2 of—

3 (aa) the project report; or

4 (bb) the authorized project  
5 study for which a modification is  
6 proposed, with respect to the  
7 change in costs resulting from  
8 such modification; or

9 (II) the proposed modification to  
10 an authorized project; and

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

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

14 (I) the project report; or

15 (II) the authorized project study  
16 for which a modification is proposed,  
17 with respect to the benefits of such  
18 modification; or

19 (ii) the proposed modification to an  
20 authorized project.

21 (3) CERTIFICATION.—The Secretary shall in-  
22 clude in the annual report a certification stating  
23 that each project report, proposed project study, and  
24 proposed modification to a project or project study

1 included in the annual report meets the criteria es-  
2 tablished in paragraph (1)(A).

3 (4) APPENDIX.—The Secretary shall include in  
4 the annual report an appendix listing the proposals  
5 submitted under subsection (c) that were not in-  
6 cluded in the annual report under paragraph (1)(A)  
7 and a description of why the Secretary determined  
8 that those proposals did not meet the criteria for in-  
9 clusion under such paragraph.

10 (e) SPECIAL RULE FOR INITIAL ANNUAL REPORT.—  
11 Notwithstanding any other deadlines required by this sec-  
12 tion, the Secretary shall—

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

16 (2) include in such notice a requirement that  
17 non-Federal interests submit to the Secretary any  
18 proposals described in subsection (c)(1) by not later  
19 than 120 days after the date of publication of such  
20 notice in the Federal Register in order for such pro-  
21 posals to be considered for inclusion in the first an-  
22 nual report developed by the Secretary under this  
23 section.

24 (f) PUBLICATION.—Upon submission of an annual  
25 report to Congress, the Secretary shall make the annual

1 report publicly available, including through publication on  
2 the Internet.

3 (g) CONSULTATION.—The Secretary, acting through  
4 the Commissioner of Reclamation, shall confer with the  
5 relevant committees of Congress before submitting each  
6 annual report prepared under subsection (b).

7 (h) SUBMISSION OF INDIVIDUAL PROJECT RE-  
8 PORTS.—Upon completion, project reports, including all  
9 required documents and reports under subsection (b),  
10 shall—

11 (1) be submitted to the relevant committees of  
12 Congress; and

13 (2) include discussion of the following findings  
14 by the Secretary—

15 (A) whether the project is deemed to be  
16 feasible in accordance with the applicable feasi-  
17 bility standards under section 103 and the rec-  
18 lamation laws;

19 (B) the degree to which the project will  
20 provide benefits (or expected benefits, in the  
21 case of a proposed project study) as described  
22 in subsection (d)(1)(B)(ii) and other benefits  
23 under the reclamation laws; and

24 (C) whether the project complies with Fed-  
25 eral, State, and local laws.

1 **SEC. 103. FUNDING FOR STORAGE AND SUPPORTING**  
2 **PROJECTS.**

3 (a) DEFINITIONS.—In this section:

4 (1) DESIGN; STUDY.—

5 (A) IN GENERAL.—The terms “design”  
6 and “study” include any design, permitting,  
7 study (including a feasibility study), materials  
8 engineering or testing, surveying, or  
9 preconstruction activity relating to a Federal  
10 storage project, a major federally assisted stor-  
11 age project, a natural water storage project, or  
12 a standard federally assisted storage project as  
13 defined in this subsection.

14 (B) EXCLUSIONS.—The terms “design”  
15 and “study” do not include an appraisal study  
16 or other preliminary review intended to deter-  
17 mine whether further study is appropriate for a  
18 Federal storage project, a major federally as-  
19 sisted storage project, a natural water storage  
20 project, or a standard federally assisted storage  
21 project as defined in this subsection.

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

24 (A) any State, political subdivision of a  
25 State, department of a State, or public agency  
26 organized pursuant to State law;

1 (B) an Indian Tribe or an entity controlled  
2 by an Indian Tribe;

3 (C) a water users' association;

4 (D) an agency established by an interstate  
5 compact; and

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

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

10 (A) any project in a Reclamation State  
11 that involves the construction, expansion, up-  
12 grade, or capital repair of a water storage facil-  
13 ity or a facility conveying water to or from a  
14 surface or groundwater storage facility—

15 (i) to which the United States holds  
16 title; and

17 (ii) that was authorized to be con-  
18 structed, operated, and maintained pursu-  
19 ant to—

20 (I) the reclamation laws; or

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

1 (B) an ecosystem restoration project for  
2 watershed function, including a forest or water-  
3 shed restoration project, that, consistent with  
4 maintaining and enhancing long-term ecological  
5 and hydrological function and resilience, bene-  
6 fits the quality, timing, and other qualities of  
7 water available for release on a long-term basis  
8 from a water storage facility in a Reclamation  
9 State—

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.)).

20 (4) FISH AND WILDLIFE BENEFITS.—The term  
21 “fish and wildlife benefits” means overall benefits or  
22 improvements to aquatic ecosystems and native fish  
23 and wildlife within a Reclamation State, including  
24 benefits for a wildlife refuge, that are in excess of—



1 (A) existing fish and wildlife mitigation or  
2 compliance obligations under—

3 (i) the Federal Water Pollution Con-  
4 trol Act (33 U.S.C. 1251 et seq.);

5 (ii) the Fish and Wildlife Coordina-  
6 tion Act (16 U.S.C. 661 et seq.);

7 (iii) the Water Resources Develop-  
8 ment Act of 1986 (Public Law 99–662;  
9 100 Stat. 4082);

10 (iv) the Endangered Species Act of  
11 1973 (16 U.S.C. 1531 et seq.);

12 (v) the National Environmental Policy  
13 Act of 1969 (42 U.S.C. 4321 et seq.); and

14 (vi) any other Federal law, State law  
15 or other existing requirement in regula-  
16 tions, permits, contracts, licenses, grants,  
17 or orders and decisions from courts or  
18 State or Federal agencies; or

19 (B) existing environmental mitigation or  
20 compliance obligations as defined in section  
21 6001(a)(32) of title 23 of the California Code  
22 of Regulations, with respect to benefits and im-  
23 provements to aquatic ecosystems and native  
24 fish and wildlife within the State of California,  
25 in recognition of the State of California’s exist-

1 ing prohibitions against the use of public funds  
2 for environmental mitigation required under  
3 Federal and State law.

4 (5) MAJOR FEDERALLY ASSISTED STORAGE  
5 PROJECT.—The term “major federally assisted stor-  
6 age project” means any project in a Reclamation  
7 State that—

8 (A) involves the construction, expansion,  
9 upgrade, or capital repair by an eligible entity  
10 or qualified partner of—

11 (i) a surface or groundwater storage  
12 facility that is not federally owned; or

13 (ii) a facility that is not federally  
14 owned conveying water to or from a sur-  
15 face or groundwater storage facility;

16 (B) is an ecosystem restoration project for  
17 watershed function, including a forest or water-  
18 shed restoration project, that, on a long-term  
19 basis, benefits the quality, timing, and other  
20 qualities of water available for release from a  
21 project described in subparagraph (A) con-  
22 sistent with maintaining and enhancing long-  
23 term ecological and hydrological function and  
24 resilience in a Reclamation State;

1 (C) provides benefits described in section  
2 102(d)(1)(B)(ii); and

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

5 (6) NATURAL WATER STORAGE PROJECT.—The  
6 term “natural water storage project” means a single  
7 project, a number of distributed projects across a  
8 watershed, or the redesign and replacement, or re-  
9 moval, of built infrastructure to incorporate ele-  
10 ments, where the project or elements have the fol-  
11 lowing characteristics:

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

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

17 (C) Results in aquifer recharge, transient  
18 floodplain water retention, reconnection of his-  
19 toric floodplains to their stream channels with  
20 water retention benefits within a Reclamation  
21 State, or results in improved ecological forest  
22 watershed condition if it is a project located  
23 within the State of California.

24 (D) Is designed to produce two or more of  
25 the following environmental benefits:

1 (i) Stream flow changes beneficial to  
2 watershed health.

3 (ii) Fish and wildlife habitat or migra-  
4 tion corridor restoration.

5 (iii) Floodplain reconnection and inun-  
6 dation.

7 (iv) Riparian or wetland restoration  
8 and improvement.

9 (7) STANDARD FEDERALLY ASSISTED STORAGE  
10 PROJECT.—The term “standard federally assisted  
11 storage project” means any project in a Reclamation  
12 State 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;

21 (B) is an ecosystem restoration project for  
22 watershed function, including a forest or water-  
23 shed restoration project, that, on a long-term  
24 basis, benefits the quality, timing, and other  
25 qualities of water available for release from a

project described in subparagraph (A) consistent with maintaining and enhancing long-term ecological and hydrological function and resilience in a Reclamation State;

(C) provides benefits described in section 102(d)(1)(B)(ii); and

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

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

(9) RECLAMATION LAWS.—The term “reclamation laws” means Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388; chapter 1093)), and Acts supplemental to and amendatory of that Act.

(b) STORAGE PROJECT FUNDING.—There is authorized to be appropriated a total of \$750 million for use by the Secretary through fiscal year 2026 to advance—

(1) Federal storage projects within a Reclamation State in accordance with subsection (c);

(2) major federally assisted storage projects within a Reclamation State in accordance with subsection (d);

(3) natural water storage projects within a Reclamation State in accordance with subsection (e);

1           (4) standard federally assisted storage projects  
2       within a Reclamation State in accordance with sub-  
3       section (f); or

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

6       (c) FEDERAL STORAGE PROJECTS.—

7           (1) AGREEMENTS.—On request of an eligible  
8       entity or qualified partner and in accordance with  
9       this subsection, the Secretary may negotiate and  
10      enter into an agreement on behalf of the United  
11      States for the design, study, construction, expansion,  
12      upgrade, or capital repair of a Federal storage  
13      project located in a Reclamation State.

14          (2) FEDERAL SHARE.—Subject to the require-  
15      ments of this subsection, the Secretary may fund up  
16      to 50 percent of the design and study costs of a  
17      Federal storage project and up to 50 percent of the  
18      construction costs of a Federal storage project.

19          (3) CONDITIONS FOR FEDERAL DESIGN AND  
20      STUDY FUNDING.—Funding provided under this  
21      subsection may be made available for the design and  
22      study of a Federal storage project if—

23              (A) the Secretary secures a cost share  
24              agreement for design and study costs providing  
25              sufficient upfront funding to pay the non-Fed-

1           eral share of the design and study costs of the  
2           Federal storage project; and

3                   (B) the feasibility study for the Federal  
4           storage project is congressionally authorized by  
5           reference to the annual Report to Congress on  
6           Future Storage Project Development prepared  
7           under section 102.

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

12                   (A) the project has been authorized by  
13           name in a Federal statute;

14                   (B) the project is a multi-benefit project  
15           that would, at a minimum, provide water supply  
16           reliability benefits (including additional storage,  
17           conveyance, or new firm yield) and fish and  
18           wildlife benefits as determined by the final esti-  
19           mate prepared pursuant to subsection (g);

20                   (C) construction funding for the project is  
21           congressionally approved by reference to the an-  
22           nual Report to Congress on Future Storage  
23           Project Development prepared under section  
24           102;

1 (D) the Secretary secures an agreement  
2 providing sufficient upfront funding to pay the  
3 non-Federal share of the construction costs of  
4 the Federal storage project; and

5 (E) The Secretary determines—

6 (i) the project is technically and finan-  
7 cially feasible;

8 (ii) the project provides water supply  
9 reliability benefits for a State or local gov-  
10 ernment and fish and wildlife benefits; and

11 (iii) in return for the Federal cost-  
12 share investment in the project, at least a  
13 proportionate share of the project benefits  
14 are for—

15 (I) fish and wildlife benefits as  
16 determined under subsection (g); or

17 (II) non-reimbursable expenses  
18 authorized under the reclamation laws  
19 other than fish and wildlife expenses.

20 (5) 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 (3) and (4) by not later than 30 days after  
2       the date of the determinations.

3           (6) ENVIRONMENTAL LAWS.—In participating  
4       in a Federal storage project under this subsection,  
5       the Secretary shall comply with all applicable Fed-  
6       eral environmental laws, including the National En-  
7       vironmental Policy Act of 1969 (42 U.S.C. 4321 et  
8       seq.), and all State environmental laws of the Rec-  
9       lamation State in which the project is located involv-  
10      ing the construction, expansion or operation of a  
11      water storage project or fish and wildlife protection,  
12      provided that no law or regulation of a State or po-  
13      litical subdivision of a State relieve the Secretary of  
14      any Federal requirement otherwise applicable under  
15      this section.

16           (7) ADDITIONAL GUIDELINES FOR RESTORA-  
17      TION PROJECTS THAT REDUCE THE RISK OF WATER  
18      STORAGE LOSSES.—

19           (A) REQUIREMENTS.—A restoration  
20      project described in section 103(a)(3)(B) that  
21      receives funding under this subsection must—

22           (i) have the potential to reduce the  
23      risk of water storage losses for a Federal  
24      storage project described in subsection

1 (a)(3)(A) by reducing the risk of erosion or  
2 sediment loading; and

3 (ii) be designed to result in fish and  
4 wildlife benefits.

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

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

22 (D) FINAL FEASIBILITY STUDY REQUIRE-  
23 MENTS.—The Secretary shall finalize the feasi-  
24 bility study requirements under subparagraph

1 (C) by not later than 1 year after the date of  
2 the enactment of this Act.

3 (E) ELIGIBLE PARTNER.—The Secretary  
4 is authorized to participate in a restoration  
5 project described in subsection (a)(3)(B) with a  
6 partner that is—

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

9 (ii) a qualified partner as defined in  
10 subsection (a)(8).

11 (d) MAJOR FEDERALLY ASSISTED STORAGE  
12 PROJECTS.—

13 (1) IN GENERAL.—In accordance with this sub-  
14 section, the Secretary shall establish a competitive  
15 grant program to participate in the design, study,  
16 construction, expansion, upgrade, or capital repair of  
17 a major federally assisted storage project on request  
18 of an eligible entity or qualified partner. The com-  
19 petitive grant program established under this para-  
20 graph shall—

21 (A) allow any project sponsor of a major  
22 federally assisted storage project to apply for  
23 funding for the design, study, construction, ex-  
24 pansion, upgrade, or capital repair of a major  
25 federally assisted storage project;

1 (B) include the issuance of annual solicita-  
2 tions for major federally assisted storage  
3 project sponsors to apply for funding for the  
4 design, study, construction, expansion, upgrade,  
5 or capital repair of a major federally assisted  
6 storage project; and

7 (C) permit the Secretary to fund up to 25  
8 percent of the design and study costs of a  
9 major federally assisted storage project and up  
10 to 25 percent of the construction costs of a  
11 major federally assisted storage project.

12 (2) FUNDING PRIORITY FOR MULTI-BENEFIT  
13 PROJECTS.—In making grants under this subsection,  
14 the Secretary shall give funding priority to multi-  
15 benefit projects that provide greater—

16 (A) water supply reliability benefits for  
17 States and local governments; and

18 (B) fish and wildlife benefits.

19 (3) CONDITIONS FOR FEDERAL DESIGN AND  
20 STUDY FUNDING.—The Secretary may fund a design  
21 or study activity for a major federally assisted stor-  
22 age project under this subsection if—

23 (A) the Governor of the State in which the  
24 major federally assisted storage project is lo-

1 cated provides written concurrence for the de-  
2 sign and study activities;

3 (B) the Secretary secures an agreement for  
4 design and study costs providing sufficient up-  
5 front funding to pay the non-Federal share of  
6 the design and study costs of the major feder-  
7 ally assisted storage project; and

8 (C) the feasibility study for the major fed-  
9 erally assisted storage project is congressionally  
10 authorized by reference to the annual Report to  
11 Congress on Future Storage Project Develop-  
12 ment prepared under section 102.

13 (4) CONDITIONS FOR FEDERAL CONSTRUCTION  
14 FUNDING.—Funding provided under this subsection  
15 for the construction of a major federally assisted  
16 storage project may be made available to a project  
17 if—

18 (A) the project has been authorized by  
19 name in a Federal statute;

20 (B) the project is a multi-benefit project  
21 that would, at a minimum, provide water supply  
22 reliability benefits (including additional storage,  
23 conveyance, or new firm yield) and fish and  
24 wildlife benefits as determined by the estimate  
25 prepared pursuant to subsection (g);

1 (C) the Governor of the State in which the  
2 major federally assisted storage project is lo-  
3 cated has requested Federal participation at the  
4 time construction is initiated;

5 (D) the Secretary secures an agreement  
6 committing to pay the non-Federal share of the  
7 capital costs of the major federally assisted  
8 storage project; and

9 (E) the Secretary determines—

10 (i) the project is technically and finan-  
11 cially feasible;

12 (ii) the project provides water supply  
13 reliability benefits for a State or local gov-  
14 ernment and fish and wildlife benefits; and

15 (iii) in return for the Federal cost-  
16 share investment in the project, at least a  
17 proportionate share of the project benefits  
18 are for—

19 (I) fish and wildlife benefits as  
20 determined under subsection (g); or

21 (II) other non-reimbursable ex-  
22 penses authorized under the reclama-  
23 tion laws other than fish and wildlife  
24 expenses.

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

8           (6) ENVIRONMENTAL LAWS.—In participating  
9       in a major federally assisted storage project under  
10      this subsection, the Secretary shall comply with all  
11      applicable Federal environmental laws, including the  
12      National Environmental Policy Act of 1969 (42  
13      U.S.C. 4321 et seq.), and all State environmental  
14      laws of the Reclamation State in which the project  
15      is located involving the construction, expansion or  
16      operation of a water storage project or fish and wild-  
17      life protection, provided that no law or regulation of  
18      a State or political subdivision of a State relieve the  
19      Secretary of any Federal requirement otherwise ap-  
20      plicable under this section.

21          (7) INFORMATION.—

22                (A) IN GENERAL.—In participating in a  
23       major federally assisted storage project under  
24       this subsection, the Secretary—

1 (i) may consider the use of feasibility  
2 or equivalent studies prepared by the spon-  
3 sor of the major federally assisted storage  
4 project; but

5 (ii) shall retain responsibility for de-  
6 termining whether the feasibility or equiva-  
7 lent studies satisfy the requirements of re-  
8 ports prepared by the Secretary.

9 (B) GUIDELINES.—

10 (i) DRAFT.—Not later than 180 days  
11 after the date of the enactment of this Act,  
12 the Secretary shall issue draft guidelines  
13 for feasibility or equivalent studies for  
14 major federally assisted storage projects  
15 prepared by a project sponsor that shall be  
16 consistent with requirements for a title  
17 XVI Feasibility Study Report, including  
18 the economic analysis, contained in the  
19 Reclamation Manual Directives and Stand-  
20 ards numbered WTR 11–01, subject to—

21 (I) any additional requirements  
22 necessary to provide sufficient infor-  
23 mation for making any determinations  
24 or assessments under paragraphs (2),  
25 (3), and (4); and



1 (II) the condition that the Bu-  
2 reau of Reclamation shall not bear re-  
3 sponsibility for the technical adequacy  
4 of any design, cost estimate, or con-  
5 struction relating to a major federally  
6 assisted storage project.

7 (ii) FINAL.—The Secretary shall final-  
8 ize the guidelines under clause (i) by not  
9 later than 1 year after the date of the en-  
10 actment of this Act.

11 (C) TECHNICAL ASSISTANCE FOR FEASI-  
12 BILITY STUDIES.—

13 (i) TECHNICAL ASSISTANCE.—At the  
14 request of an eligible entity or qualified  
15 partner, the Secretary shall provide to the  
16 eligible entity or qualified partner technical  
17 assistance relating to any aspect of a feasi-  
18 bility study carried out by the eligible enti-  
19 ty or qualified partner under this sub-  
20 section if the eligible entity or qualified  
21 partner contracts with the Secretary to pay  
22 all costs of providing the technical assist-  
23 ance.

24 (ii) IMPARTIAL DECISIONMAKING.—In  
25 providing technical assistance under clause

(i), the Secretary shall ensure that the use of funds accepted from an eligible entity or qualified partner will not affect the impartial decisionmaking responsibilities of the Secretary, either substantively or procedurally.

(iii) EFFECT OF TECHNICAL ASSISTANCE.—The provision of technical assistance by the Secretary under clause (i) shall not be considered to be an approval or endorsement of a feasibility study.

(8) ELIGIBLE PARTNER.—The Secretary is authorized to participate in a restoration project described in subsection (a)(4)(B) with a partner that is—

(A) an eligible entity as defined in subsection (a)(2); or

(B) a qualified partner as defined in subsection (a)(8).

(e) NATURAL WATER STORAGE PROJECTS.—

(1) IN GENERAL.—In accordance with this subsection, the Secretary shall establish a competitive grant program to participate in the design, study, construction, expansion, upgrade, or capital repair of a natural water storage project in a Reclamation

1 State on request of an eligible entity or qualified  
 2 partner. The competitive grant program established  
 3 under this paragraph shall—

4 (A) allow any project sponsor of a natural  
 5 water storage project to apply for funding for  
 6 the design, study, construction, expansion, up-  
 7 grade, or capital repair of a natural water stor-  
 8 age project; and

9 (B) include the issuance of annual solicita-  
 10 tions for natural water storage project sponsors  
 11 to apply for funding for the design, study, con-  
 12 struction, expansion, upgrade, or capital repair  
 13 of a natural water storage project.

14 (2) FUNDING PRIORITY FOR MULTI-BENEFIT  
 15 PROJECTS.—In making grants under this subsection,  
 16 the Secretary shall give funding priority to multi-  
 17 benefit projects that provide greater—

18 (A) water supply reliability benefits for  
 19 States and local governments; and

20 (B) fish and wildlife benefits.

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 DESIGN AND  
4 STUDY FUNDING.—The Secretary may fund a design  
5 or study activity for a natural water storage project  
6 under this subsection if the Governor of the State in  
7 which the natural water storage project is located  
8 provides written concurrence for design and study  
9 activities.

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

14 (A) the Governor of the State in which the  
15 natural water storage project is located has re-  
16 quested Federal participation at the time con-  
17 struction was initiated;

18 (B) the Secretary determines or the appli-  
19 cable non-Federal sponsor determines through  
20 the preparation of a feasibility or equivalent  
21 study prepared in accordance to paragraph (9),  
22 and the Secretary concurs, that—

23 (i) the project is technically and finan-  
24 cially feasible;

1 (ii) the project provides water supply  
2 reliability benefits for a State or local gov-  
3 ernment and fish and wildlife benefits; and

4 (iii) in return for the Federal cost-  
5 share investment in the project, at least a  
6 proportionate share of the project benefits  
7 are for non-reimbursable expenses author-  
8 ized under the reclamation laws or for fish  
9 and wildlife benefits as defined in this sec-  
10 tion, which shall be considered a fully non-  
11 reimbursable Federal expenditure; and

12 (C) the Secretary secures an agreement  
13 committing to pay the non-Federal share of the  
14 construction costs of the project.

15 (6) ENVIRONMENTAL LAWS.—In participating  
16 in a natural water storage project under this sub-  
17 section, the Secretary shall comply with all applica-  
18 ble Federal environmental laws, including the Na-  
19 tional Environmental Policy Act of 1969 (42 U.S.C.  
20 4321 et seq.), and all State environmental laws of  
21 the Reclamation State in which the project is located  
22 involving the construction, expansion or operation of  
23 a water storage project or fish and wildlife protec-  
24 tion, provided that no law or regulation of a State  
25 or political subdivision of a State relieve the Sec-

1       retary of any Federal requirement otherwise applica-  
2       ble under this section.

3           (7) INFORMATION.—In participating in a nat-  
4       ural water storage project under this subsection, the  
5       Secretary—

6           (A) may consider the use of feasibility or  
7       equivalent studies prepared by the sponsor of  
8       the natural water storage project if the sponsor  
9       elects to prepare such reports; but

10          (B) shall retain responsibility for deter-  
11       mining whether the feasibility or equivalent  
12       studies satisfy the requirements of studies pre-  
13       pared by the Secretary.

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

21          (9) GUIDELINES.—

22           (A) DRAFT.—Not later than 180 days  
23       after the date of the enactment of this Act, the  
24       Secretary shall issue draft guidelines for feasi-  
25       bility or equivalent studies for natural water

1 storage projects prepared by a project sponsor  
2 that shall be consistent with this subsection,  
3 provided that the Department of the Interior  
4 shall not bear responsibility for the technical  
5 adequacy of any design, cost estimate, or con-  
6 struction relating to a natural water storage  
7 project.

8 (B) FINAL.—The Secretary shall finalize  
9 the guidelines under subparagraph (A) by not  
10 later than 1 year after the date of the enact-  
11 ment of this Act.

12 (C) TECHNICAL ASSISTANCE FOR FEASI-  
13 BILITY STUDIES.—

14 (i) TECHNICAL ASSISTANCE.—At the  
15 request of an eligible entity or qualified  
16 partner, the Secretary shall provide to the  
17 eligible entity or qualified partner technical  
18 assistance relating to any aspect of a feasi-  
19 bility study carried out by an eligible entity  
20 or qualified partner under this subsection  
21 if the eligible entity or qualified partner  
22 contracts with the Secretary to pay all  
23 costs of providing the technical assistance.

24 (ii) IMPARTIAL DECISIONMAKING.—In  
25 providing technical assistance under clause

(i), the Secretary shall ensure that the use of funds accepted from an eligible entity or qualified partner will not affect the impartial decisionmaking responsibilities of the Secretary, either substantively or procedurally.

(iii) EFFECT OF TECHNICAL ASSISTANCE.—The provision of technical assistance by the Secretary under clause (i) shall not be considered to be an approval or endorsement of a feasibility study.

(f) STANDARD FEDERALLY ASSISTED STORAGE PROJECTS.—

(1) IN GENERAL.—In accordance with this subsection, the Secretary shall establish a competitive grant program to participate in the design, study, construction, expansion, upgrade, or capital repair of a standard federally assisted storage project on request of an eligible entity or qualified partner. The competitive grant program established under this paragraph shall—

(A) allow any project sponsor of a standard federally assisted storage project to apply for funding for the design, study, construction,



1 expansion, upgrade, or capital repair of a feder-  
2 ally assisted storage project;

3 (B) include the issuance of annual solicita-  
4 tions for standard federally assisted storage  
5 project sponsors to apply for funding for the  
6 design, study, construction, expansion, upgrade  
7 or capital repair of a standard federally assisted  
8 storage project; and

9 (C) permit the Secretary to fund up to 25  
10 percent of the total cost of a federally assisted  
11 storage project.

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

15 (A) provide greater water supply reliability  
16 benefits for States and local governments, in-  
17 cluding through aquifer storage and recovery  
18 wells, in-lieu recharge activities that could be  
19 effectuated or expanded through additional in-  
20 frastructure investments including interties,  
21 and the establishment and use of recharge  
22 ponds, including in an urban environment;

23 (B) provide greater fish and wildlife bene-  
24 fits; and

1 (C) cost not more than \$30,000,000 to  
2 allow greater participation and wider distribu-  
3 tion of funds and program benefits.

4 (3) CONDITIONS FOR FEDERAL DESIGN AND  
5 STUDY FUNDING.—The Secretary may fund a design  
6 or study activity for a standard federally assisted  
7 storage project under this subsection if the Governor  
8 of the State in which the federally assisted storage  
9 project is located provides written concurrence for  
10 design and study activities.

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

16 (A) the Governor of the State in which the  
17 federally assisted storage project is located has  
18 requested Federal participation at the time con-  
19 struction was initiated; and

20 (B) the Secretary determines or the appli-  
21 cable non-Federal sponsor determines through  
22 the preparation of a feasibility or equivalent  
23 study prepared in accordance with paragraph  
24 (7), and the Secretary concurs, that—

1 (i) the standard federally assisted  
2 storage project is technically and finan-  
3 cially feasible;

4 (ii) the standard federally assisted  
5 storage project provides water supply reli-  
6 ability benefits for a State or local govern-  
7 ment and fish and wildlife benefits; and

8 (iii) in return for the Federal cost-  
9 share investment in the project, at least a  
10 proportionate share of the project benefits  
11 are for non-reimbursable expenses author-  
12 ized under the reclamation laws or for fish  
13 and wildlife benefits as defined in this sec-  
14 tion, which shall be considered a fully non-  
15 reimbursable Federal expenditure; and

16 (C) the Secretary secures an agreement  
17 committing to pay the non-Federal share of the  
18 construction costs of the project.

19 (5) NOTIFICATION.—The Secretary shall sub-  
20 mit to the relevant committees of Congress and  
21 make publicly available on the internet a written no-  
22 tification of the Secretary's determinations regarding  
23 the satisfaction of the requirements under para-  
24 graphs (3) and (4) by not later than 30 days after  
25 the date of the determinations.

1           (6) ENVIRONMENTAL LAWS.—In participating  
2       in a standard federally assisted storage project  
3       under this subsection, the Secretary shall comply  
4       with all applicable Federal environmental laws, in-  
5       cluding the National Environmental Policy Act of  
6       1969 (42 U.S.C. 4321 et seq.), and all State envi-  
7       ronmental laws of the Reclamation State in which  
8       the project is located involving the construction, ex-  
9       pansion or operation of a water storage project or  
10      fish and wildlife protection, provided that no law or  
11      regulation of a State or political subdivision of a  
12      State relieve the Secretary of any Federal require-  
13      ment otherwise applicable under this section.

14           (7) INFORMATION.—

15           (A) IN GENERAL.—In participating in a  
16      standard federally assisted storage project  
17      under this subsection, the Secretary—

18                   (i) may consider the use of feasibility  
19                   or equivalent studies prepared by the spon-  
20                   sor of the standard federally assisted stor-  
21                   age project; but

22                   (ii) shall retain responsibility for de-  
23                   termining whether the feasibility or equiva-  
24                   lent studies satisfy the requirements of re-  
25                   ports prepared by the Secretary.

(B) GUIDELINES.—

(i) DRAFT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall issue draft guidelines for feasibility or equivalent studies for standard federally assisted storage projects prepared by a project sponsor that shall be consistent with requirements for a title XVI Feasibility Study Report, including the economic analysis, contained in the Reclamation Manual Directives and Standards numbered WTR 11-01, subject to—

(I) any additional requirements necessary to provide sufficient information for making any determinations or assessments under paragraphs (2), (3) and (4); and

(II) the condition that the Department of the Interior shall not bear responsibility for the technical adequacy of any design, cost estimate, or construction relating to a standard federally assisted storage project.

(ii) FINAL.—The Secretary shall finalize the guidelines under clause (i) by not

1 later than 1 year after the date of the en-  
2 actment of this Act.

3 (C) TECHNICAL ASSISTANCE FOR FEASI-  
4 BILITY STUDIES.—

5 (i) TECHNICAL ASSISTANCE.—At the  
6 request of an eligible entity or qualified  
7 partner, the Secretary shall provide to the  
8 eligible entity or qualified partner technical  
9 assistance relating to any aspect of a feasi-  
10 bility study carried out by an eligible entity  
11 or qualified partner under this subsection  
12 if the eligible entity or qualified partner  
13 contracts with the Secretary to pay all  
14 costs of providing the technical assistance.

15 (ii) IMPARTIAL DECISIONMAKING.—In  
16 providing technical assistance under clause  
17 (i), the Secretary shall ensure that the use  
18 of funds accepted from an eligible entity or  
19 qualified partner will not affect the impar-  
20 tial decisionmaking responsibilities of the  
21 Secretary, either substantively or proce-  
22 durally.

23 (iii) EFFECT OF TECHNICAL ASSIST-  
24 ANCE.—The provision of technical assist-  
25 ance by the Secretary under clause (i) shall

1 not be considered to be an approval or en-  
2 dorsement of a feasibility study.

3 (8) COMMITTEE RESOLUTION PROCEDURE.—

4 (A) IN GENERAL.—No appropriation shall  
5 be made for a standard federally assisted stor-  
6 age project under this subsection, the total esti-  
7 mated cost of which exceeds \$100,000,000, if  
8 such project has not been approved by a resolu-  
9 tion adopted by the Committee on Natural Re-  
10 sources of the House of Representatives and the  
11 Committee on Energy and Natural Resources of  
12 the Senate.

13 (B) REQUIREMENTS FOR SECURING CON-  
14 sideration.—For the purposes of securing  
15 consideration of approval under subparagraph  
16 (A), the Secretary shall provide to a committee  
17 referred to in subparagraph (A) such informa-  
18 tion as the committee requests and the non-  
19 Federal sponsor shall provide to the committee  
20 information on the costs and relative needs for  
21 the federally assisted storage project.

22 (9) ELIGIBLE PARTNER.—The Secretary is au-  
23 thorized to participate in a restoration project de-  
24 scribed in subsection (a)(7)(B) with a partner that  
25 is—

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

3 (B) a qualified partner as defined in sub-  
4 section (a)(8).

5 (g) FISH AND WILDLIFE LOSSES AND BENEFITS.—

6 (1) DEFINITIONS.—In this subsection—

7 (A) The term “Best available scientific in-  
8 formation and data” means the use of the high-  
9 value information and data, specific to the deci-  
10 sion being made and the time frame available  
11 for making that decision, to inform and assist  
12 management and policy decisions;

13 (B) The term “Director” means—

14 (i) the Director of the United States  
15 Fish and Wildlife Service; or

16 (ii) the United States Secretary of  
17 Commerce, acting through the Assistant  
18 Administrator of the National Marine  
19 Fisheries Service, if a determination or  
20 fish and wildlife estimate made under this  
21 subsection is for an anadromous species or  
22 catadromous species.

23 (C) The term “major water storage  
24 project” means a major federally assisted stor-



1           age project or Federal storage project as de-  
2           fined under section 102.

3           (2) PURPOSES.—The purposes of this sub-  
4           section are the following:

5                   (A) To reverse widespread fish and wildlife  
6                   species decline in the Reclamation States.

7                   (B) To help fund and assist in the prepa-  
8                   ration of reports required under the Fish and  
9                   Wildlife Coordination Act for proposed water  
10                  development projects.

11                  (C) To instruct the Director to prepare a  
12                  report described in section 2(b) of the Fish and  
13                  Wildlife Coordination Act (16 U.S.C. 662(b))  
14                  for each major water storage project that in-  
15                  cludes an estimate of fish and wildlife losses  
16                  and fish and wildlife benefits derived from each  
17                  such project, based on the best available sci-  
18                  entific information and data.

19                  (D) To direct Federal funds to major  
20                  water storage projects that provide demon-  
21                  strable, measurable fish and wildlife benefits  
22                  and associated ecosystem services benefits for  
23                  taxpayers based on objective data and the ex-  
24                  pertise of the primary Federal agency with ju-

1 jurisdiction over the management of fish and  
2 wildlife resources.

3 (E) To ensure that Federal funds provided  
4 for fish and wildlife purposes under this section  
5 are used effectively in a manner that maximizes  
6 positive outcomes for fish and wildlife and asso-  
7 ciated ecosystem services benefits for taxpayers,  
8 including benefits related to the domestic sea-  
9 food supply and the enhancement and expan-  
10 sion of hunting, fishing, and other fish and  
11 wildlife related outdoor recreation opportunities  
12 within the Reclamation States.

13 (3) ESTIMATION OF FISH AND WILDLIFE BENE-  
14 FITS AND LOSSES UNDER THE FISH AND WILDLIFE  
15 COORDINATION ACT.—The Director shall prepare a  
16 report described in section 2(b) of the Fish and  
17 Wildlife Coordination Act (16 U.S.C. 662(b)), for  
18 each major water storage project that—

19 (A) is based on the best available scientific  
20 information and data available; and

21 (B) includes an estimate of fish and wild-  
22 life losses and fish and wildlife benefits derived  
23 from a major water storage project determined  
24 in accordance with this subsection.

25 (4) DRAFT ESTIMATE.—

1 (A) USE OF BEST AVAILABLE SCIENTIFIC  
2 INFORMATION AND DATA AVAILABLE.—The Di-  
3 rector shall include in the Fish and Wildlife Co-  
4 ordination Act report prepared under paragraph  
5 (3) a draft estimate of fish and wildlife losses  
6 and fish and wildlife benefits derived from a  
7 major water storage project.

8 (B) COORDINATION.—A draft estimate re-  
9 quired under subparagraph (A) shall be pre-  
10 pared in coordination with the head of the State  
11 agency with jurisdiction over the fish and wild-  
12 life resources of the State in which the major  
13 water storage project is proposed to be carried  
14 out.

15 (C) APPLICABLE LAW; REQUIREMENTS.—  
16 The draft estimate prepared under this para-  
17 graph shall—

18 (i) meet all the evaluation require-  
19 ments of section 2(b) of the Fish and  
20 Wildlife Coordination Act (16 U.S.C.  
21 662(b)) unless otherwise specified in this  
22 subsection;

23 (ii) quantify and estimate the fish and  
24 wildlife benefits and any losses to native

1 fish and wildlife from the proposed major  
2 water storage project; and

3 (iii) estimate whether the fish and  
4 wildlife benefits derived from the proposed  
5 major water storage project are likely to  
6 exceed the adverse fish and wildlife im-  
7 pacts.

8 (D) REVIEW; AVAILABILITY.—The Direc-  
9 tor shall ensure that any draft estimate pre-  
10 pared under this paragraph is—

11 (i) made available for peer review by  
12 an independent group of scientific experts;  
13 and

14 (ii) made available for a public review  
15 and comment period of not less than 30  
16 days.

17 (5) FINAL ESTIMATE.—Using the best available  
18 scientific information and data, the Director shall  
19 prepare a final estimate of fish and wildlife benefits  
20 for each proposed major water storage project based  
21 on the applicable draft estimate prepared under  
22 paragraph (4), after considering the results of the  
23 independent scientific peer review and public com-  
24 ment processes under paragraph (4)(D).

1           (6) TRANSMISSION; AVAILABILITY.—A final es-  
2       timate prepared under paragraph (5) shall be—

3           (A) transmitted to—

4               (i) the project applicant; and

5               (ii) the relevant State agency; and

6           (B) made available to the public.

7           (7) RECOMMENDATIONS.—If a final estimate  
8       under paragraph (5) determines that the proposed  
9       major water storage project fails to provide fish and  
10      wildlife benefits, the final estimate may identify po-  
11      tential recommendations to enable the project to  
12      provide fish and wildlife benefits or to reduce the  
13      project’s adverse fish and wildlife impacts.

14          (8) IMPORTATION OF REVIEW STANDARDS.—  
15      Sections 207(i) and 207(j) of the Reclamation  
16      Projects Authorization and Adjustment Act of 1992  
17      (Public Law 102–575; 106 Stat. 4709) shall apply  
18      to a final estimate prepared under paragraph (5),  
19      except that—

20           (A) any reference contained in those sec-  
21      tions to the Secretary shall be considered to be  
22      a reference to the Director as defined in this  
23      subsection;

24           (B) any reference contained in those sec-  
25      tions to determination or determinations shall

1           be considered to be a reference to estimate or  
2           estimates described in this subsection;

3           (C) any reference contained in those sec-  
4           tions to subsection (b), (f)(1), or (g) shall be  
5           considered to be a reference to paragraph (5) of  
6           this subsection; and

7           (D) any reference contained in those sec-  
8           tions to “this subsection” shall be considered to  
9           be a reference to section 103(g) of the FU-  
10          TURE Western Water Infrastructure and  
11          Drought Resiliency Act.

12          (9) FUNDING FOR ESTIMATES.—There is au-  
13          thorized to be appropriated \$10,000,000 through fis-  
14          cal year 2026 for the United States Fish and Wild-  
15          life Service to prepare draft estimates under para-  
16          graph (4) and final estimates under paragraph (5).

17          (10) ADDITIONAL FUNDING FOR ESTIMATES.—  
18          The authority under section 662(e) of the Fish and  
19          Wildlife Coordination Act (16 U.S.C. 662(b)) to  
20          transfer funds from the Bureau of Reclamation to  
21          the United States Fish and Wildlife Service for Fish  
22          and Wildlife Coordination Act reports for proposed  
23          water development projects shall be deemed to ex-  
24          tend to the preparation of a draft or final estimate  
25          prepared under paragraph (4) or (5), provided that

1 any transfer of funds generally adheres to the 1981  
2 Transfer Funding Agreement between the United  
3 States Fish and Wildlife Service and the Bureau of  
4 Reclamation or any successor agreement, to the ex-  
5 tent that any such agreement is consistent with the  
6 requirements of this subsection.

7 (11) AGENCY RESPONSIBILITIES.—The respon-  
8 sibility for preparing a draft and final estimate  
9 under this subsection shall reside with the United  
10 States Fish and Wildlife Service and may not be del-  
11 egated to another entity, including another Federal  
12 agency or bureau, except for the United States Sec-  
13 retary of Commerce, acting through the Assistant  
14 Administrator of the National Marine Fisheries  
15 Service, for the preparation of a draft or final esti-  
16 mate for anadromous species or catadromous spe-  
17 cies.

18 (12) USE OF FISH AND WILDLIFE ESTIMATES  
19 TO INFORM FEDERAL SPENDING FOR FISH AND  
20 WILDLIFE PURPOSES.—With respect to a major  
21 water storage project considered for Federal funding  
22 under this section, the Director shall determine costs  
23 allocated to the specific purpose of providing fish  
24 and wildlife benefits, based on the fish and wildlife  
25 benefits estimate for the applicable project or the

1 best available scientific information and data avail-  
2 able at the time a cost allocation determination is  
3 made. In determining a cost allocation under this  
4 paragraph, the Director shall consult with the Com-  
5 missioner of the Bureau of Reclamation and may  
6 make a cost allocation determination for fish and  
7 wildlife benefits in accordance with existing cost allo-  
8 cation procedures, to the extent that such proce-  
9 dures are consistent with the requirements of this  
10 subsection. Cost allocation determinations for all  
11 other non-reimbursable or reimbursable project pur-  
12 poses for a major water storage project advanced  
13 under this section shall be determined in accordance  
14 with existing cost allocation procedures under the  
15 reclamation laws.

16 (h) PRELIMINARY STUDIES.—Of the amounts made  
17 available under subsection (b), not more than 25 percent  
18 shall be provided for appraisal studies, feasibility studies,  
19 or other preliminary studies.

20 (i) PROVIDING GREATER FEDERAL FUNDING AND  
21 SUPPORT FOR MULTI-BENEFIT STORAGE PROJECTS.—  
22 Notwithstanding any non-Federal cost share requirement  
23 under the reclamation laws for water development  
24 projects, any cost allocated to a water storage project  
25 under this section for the sole purpose of providing fish



1 and wildlife benefits, determined in accordance with all ap-  
2 plicable requirements under this section, shall be consid-  
3 ered a 100 percent non-reimbursable Federal cost.

4 (j) CALFED REAUTHORIZATION.—

5 (1) REAUTHORIZATION.—Title I of Public Law  
6 108–361 (118 Stat. 1681; 123 Stat. 2860; 128 Stat.  
7 164; 128 Stat. 2312; 129 Stat. 2407; 130 Stat.  
8 1866; 133 Stat. 2669), as amended by section 204  
9 of the Energy and Water Development and Related  
10 Agencies Appropriations Act, 2021 (Public Law  
11 116–260), is amended by striking “2021” each place  
12 it appears and inserting “2026”.

13 (2) CALFED DESCRIPTION OF ACTIVITIES.—  
14 Subparagraph 103(f)(1)(A) of Public Law 108–361  
15 (118 Stat. 1694) is amended by striking “, except  
16 that” and all that follows through the end of the  
17 subparagraph.

18 (k) EFFECT.—Nothing in this section is intended to  
19 authorize Federal funds made available under subsection  
20 (b) for a project led by a non-profit organization, as de-  
21 scribed in subsection (a)(7), except for a project that is  
22 a natural water storage project or forest restoration, wa-  
23 tershed restoration or other restoration project that re-  
24 duces the risk of water storage loss described in subsection  
25 (a).

1 **SEC. 104. EXTENSION OF EXISTING REQUIREMENTS FOR**  
2 **GRANDFATHERED STORAGE PROJECTS.**

3 (a) PURPOSE; DEFINITION.—

4 (1) PURPOSE.—The purpose of this section is  
5 to establish an expedited project advancement proc-  
6 ess for certain water storage projects that have al-  
7 ready received some degree of evaluation under the  
8 Water Infrastructure Improvements for the Nation  
9 Act (Public Law 114–322) or under certain State  
10 water storage project evaluations.

11 (2) DEFINITION OF GRANDFATHERED STORAGE  
12 PROJECT.—In this section, the term “grandfathered  
13 storage project” means a storage project that has al-  
14 ready been recommended for funding made available  
15 under section 4007 of the Water Infrastructure Im-  
16 provements for the Nation Act (Public Law 114–  
17 322) by the Secretary or a State governor prior to  
18 June 1, 2020, except for any project within the  
19 State of California that—

20 (A) has been evaluated for State storage  
21 funding awards by the California Water Com-  
22 mission pursuant to the California Water Qual-  
23 ity, Supply, and Infrastructure Improvement  
24 Act, approved by California voters on November  
25 4, 2014, and failed to receive a maximum con-

1           ditional eligibility determination of at least  
2           \$200 million; or

3           (B) is an on-stream storage project that  
4           has not been evaluated for State storage fund-  
5           ing awards by the California Water Commission  
6           pursuant to the California Water Quality, Sup-  
7           ply, and Infrastructure Improvement Act, ap-  
8           proved by California voters on November 4,  
9           2014.

10       (b) IN GENERAL.—Notwithstanding any other re-  
11       quirements of this Act, grandfathered storage projects  
12       shall be eligible to receive funding authorized under sec-  
13       tion 103(b) of this Act in accordance with this section.

14       (c) REQUIREMENTS.—

15           (1) IMPORTATION OF WIIN ACT REQUIRE-  
16       MENTS.—The following requirements shall apply to  
17       grandfathered storage projects: sections 4007(c)(1)  
18       through 4007(c)(4), section 4007(f), and section  
19       4007(h)(2) of the Water Infrastructure Improve-  
20       ments for the Nation Act (Public Law 114–322), ex-  
21       cept that any reference contained in those sections  
22       to State-led storage projects shall be considered to  
23       be a reference to grandfathered storage projects.

24           (2) PRIORITIZATION.—The Secretary shall give  
25       funding priority among grandfathered storage

1 projects to those that provide greater and more reli-  
 2 able water supply benefits to wildlife refuges, species  
 3 listed under the Endangered Species Act of 1973  
 4 (16 U.S.C. 1531 et seq.), or to commercially har-  
 5 vested salmon species.

6 (d) APPLICABILITY OF WIIN ACT DEADLINES.—  
 7 Storage project deadlines described in section 4007(i) and  
 8 section 4013(2) of the Water Infrastructure Improve-  
 9 ments for the Nation Act (Public Law 114–322) shall not  
 10 apply to any grandfathered storage project under this sec-  
 11 tion.

12 **SEC. 105. DESALINATION PROJECT DEVELOPMENT.**

13 (a) DESALINATION PROJECTS AUTHORIZATION.—  
 14 Section 4(a) of the Water Desalination Act of 1996 (42  
 15 U.S.C. 10301 note; Public Law 104–298) is amended by  
 16 striking the second paragraph (1) (relating to projects)  
 17 and inserting the following:

18 “(2) PROJECTS.—

19 “(A) DEFINITIONS.—In this paragraph:

20 “(i) ELIGIBLE DESALINATION  
 21 PROJECT.—The term ‘eligible desalination  
 22 project’ means any project located in a  
 23 Reclamation State that—

24 “(I) involves an ocean or brack-  
 25 ish water desalination facility—

1 “(aa) constructed, operated,  
2 and maintained by a State, In-  
3 dian Tribe, municipality, irriga-  
4 tion district, water district, or  
5 other organization with water or  
6 power delivery authority; or

7 “(bb) sponsored or funded  
8 by a State, department of a  
9 State, political subdivision of a  
10 State, municipality or public  
11 agency organized pursuant to  
12 State law, including through—

13 “(AA) direct sponsor-  
14 ship or funding; or

15 “(BB) indirect sponsor-  
16 ship or funding, such as by  
17 paying for the water pro-  
18 vided by the facility; and

19 “(II) provides a Federal benefit  
20 in accordance with the reclamation  
21 laws.

22 “(ii) RURAL DESALINATION  
23 PROJECT.—The term ‘rural desalination  
24 project’ means an eligible desalination  
25 project that is designed to serve a commu-

1 nity or group of communities, each of  
2 which has a population of not more than  
3 40,000 inhabitants.

4 “(iii) DESIGNATED DESALINATION  
5 PROJECT.—The term ‘designated desalina-  
6 tion project’ means an eligible desalination  
7 project that—

8 “(I) is an ocean desalination  
9 project that uses a subsurface intake;

10 “(II) has a total estimated cost  
11 of \$80,000,000 or less; and

12 “(III) is designed to serve a com-  
13 munity or group of communities that  
14 collectively import more than 75 per-  
15 cent of their water supplies.

16 “(B) COST-SHARING REQUIREMENT.—

17 “(i) IN GENERAL.—Subject to the re-  
18 quirements of this subsection and notwith-  
19 standing section 7, the Federal share of an  
20 eligible desalination project carried out  
21 under this subsection shall be—

22 “(I) not more than 25 percent of  
23 the total cost of the eligible desalina-  
24 tion project; or

1 “(II) in the case of a rural de-  
2 salination project or a designated de-  
3 salination project, the applicable per-  
4 centage determined in accordance  
5 with clause (ii).

6 “(ii) RURAL DESALINATION PROJECTS  
7 AND DESIGNATED DESALINATION  
8 PROJECTS.—

9 “(I) COST-SHARING REQUIRE-  
10 MENT FOR APPRAISAL STUDIES.—In  
11 the case of a rural desalination project  
12 carried out under this subsection, the  
13 Federal share of the cost of appraisal  
14 studies for the rural desalination  
15 project shall be—

16 “(aa) 100 percent of the  
17 total costs of the appraisal stud-  
18 ies, up to \$200,000; and

19 “(bb) if the total costs of  
20 the appraisal studies are more  
21 than \$200,000, 50 percent of any  
22 amounts over \$200,000.

23 “(II) COST-SHARING REQUIRE-  
24 MENT FOR FEASIBILITY STUDIES.—In  
25 the case of a rural desalination project

1 carried out under this subsection, the  
2 Federal share of the cost of feasibility  
3 studies for the rural desalination  
4 project shall be not more than 50 per-  
5 cent.

6 “(III) COST-SHARING REQUIRE-  
7 MENT FOR CONSTRUCTION COSTS.—In  
8 the case of a rural desalination project  
9 or a designated desalination project  
10 carried out under this subsection, the  
11 Federal share of the cost of construc-  
12 tion of the rural desalination project  
13 shall not exceed the greater of—

14 “(aa) 35 percent of the total  
15 cost of construction, up to a Fed-  
16 eral cost of \$20,000,000; or

17 “(bb) 25 percent of the total  
18 cost of construction.

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

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

24 “(II) the participation has been  
25 requested by the Governor of the



1 State in which the eligible desalination  
2 project is located; and

3 “(ii) the State or local sponsor of the  
4 eligible desalination project determines,  
5 and the Secretary concurs, that—

6 “(I) the eligible desalination  
7 project—

8 “(aa) is technically and fi-  
9 nancially feasible;

10 “(bb) provides a Federal  
11 benefit in accordance with the  
12 reclamation laws; and

13 “(cc) is consistent with ap-  
14 plicable State laws, State regula-  
15 tions, State coastal zone manage-  
16 ment plans and other State plans  
17 such as California’s Water Qual-  
18 ity Control Plan for the Ocean  
19 Waters in California;

20 “(II) sufficient non-Federal fund-  
21 ing is available to complete the eligible  
22 desalination project; and

23 “(III) the eligible desalination  
24 project sponsors are financially sol-  
25 vent; and

1 “(iii) the Secretary submits to Con-  
2 gress a written notification of the deter-  
3 minations under clause (ii) by not later  
4 than 30 days after the date of the deter-  
5 minations.

6 “(D) ENVIRONMENTAL LAWS.—In partici-  
7 pating in an eligible desalination project under  
8 this paragraph, the Secretary shall comply with  
9 all applicable environmental laws, including, but  
10 not limited to, the National Environmental Pol-  
11 icy Act of 1969 (42 U.S.C. 4321 et seq.) and  
12 State laws implementing the Coastal Zone Man-  
13 agement Act.

14 “(E) INFORMATION.—In participating in  
15 an eligible desalination project under this sub-  
16 section, the Secretary—

17 “(i) may consider the use of reports  
18 prepared by the sponsor of the eligible de-  
19 salination project, including feasibility or  
20 equivalent studies, environmental analyses,  
21 and other pertinent reports and analyses;  
22 but

23 “(ii) shall retain responsibility for  
24 making the independent determinations de-  
25 scribed in subparagraph (C).

1 “(F) FUNDING.—

2 “(i) AUTHORIZATION OF APPROPRIA-  
3 TIONS.—There is authorized to be appro-  
4 priated to carry out this paragraph  
5 \$260,000,000 for the period of fiscal years  
6 2022 through 2026, to remain available  
7 until expended, of which not less than  
8 \$15,000,000 shall be made available dur-  
9 ing that period for rural desalination  
10 projects.

11 “(ii) CONGRESSIONAL APPROVAL INI-  
12 TIALY REQUIRED.—

13 “(I) IN GENERAL.—Each initial  
14 award under this paragraph for de-  
15 sign and study or for construction of  
16 an eligible desalination project shall  
17 be approved by an Act of Congress.

18 “(II) RECLAMATION REC-  
19 OMMENDATIONS.—The Commissioner  
20 of Reclamation shall submit rec-  
21 ommendations regarding the initial  
22 award of preconstruction and con-  
23 struction funding for consideration  
24 under subclause (I) to—

1                   “(aa) the Committee on Ap-  
2                   propriations of the Senate;

3                   “(bb) the Committee on En-  
4                   ergy and Natural Resources of  
5                   the Senate;

6                   “(cc) the Committee on Ap-  
7                   propriations of the House of Rep-  
8                   resentatives; and

9                   “(dd) the Committee on  
10                  Natural Resources of the House  
11                  of Representatives.

12               “(iii)       SUBSEQUENT       FUNDING  
13               AWARDS.—After approval by Congress of  
14               an initial award of preconstruction or con-  
15               struction funding for an eligible desalina-  
16               tion project under clause (ii), the Commis-  
17               sioner of Reclamation may award addi-  
18               tional preconstruction or construction  
19               funding, respectively, for the eligible desali-  
20               nation project without further congres-  
21               sional approval.

22               “(G) TOTAL DOLLAR CAP.—The Secretary  
23               shall not impose a total dollar cap on Federal  
24               contributions for individual desalination

1           projects receiving funding under this para-  
2           graph.”.

3           (b) PRIORITIZATION FOR PROJECTS.—Section 4 of  
4 the Water Desalination Act of 1996 (42 U.S.C. 10301  
5 note; Public Law 104–298) is amended by striking sub-  
6 section (c) and inserting the following:

7           “(c) PRIORITIZATION.—In carrying out demonstra-  
8 tion and development activities under this section, the Sec-  
9 retary and the Commissioner of Reclamation shall each  
10 prioritize projects—

11           “(1) for the benefit of drought-stricken States  
12           and communities;

13           “(2) for the benefit of States that have author-  
14 ized funding for research and development of desali-  
15 nation technologies and projects;

16           “(3) that demonstrably reduce a reliance on im-  
17 ported water supplies that have an impact on species  
18 listed under the Endangered Species Act of 1973  
19 (16 U.S.C. 1531 et seq.);

20           “(4) that, in a measurable and verifiable man-  
21 ner, reduce a reliance on imported water supplies  
22 from imperiled ecosystems such as the Sacramento-  
23 San Joaquin River Delta;

1           “(5) that demonstrably leverage the experience  
2           of international partners with considerable expertise  
3           in desalination, such as the State of Israel;

4           “(6) that maximize use of renewable energy to  
5           power desalination facilities;

6           “(7) that maximize energy efficiency so that the  
7           lifecycle energy demands of desalination are mini-  
8           mized;

9           “(8) located in regions that have employed  
10          strategies to increase water conservation and the  
11          capture and recycling of wastewater and stormwater;  
12          and

13          “(9) that meet the following criteria if they are  
14          ocean desalination facilities—

15               “(A) utilize a subsurface intake or, if a  
16               subsurface intake is not technologically feasible,  
17               an intake that uses the best available site, de-  
18               sign, technology, and mitigation measures to  
19               minimize the mortality of all forms of marine  
20               life and impacts to coastal dependent resources;

21               “(B) are sited and designed to ensure that  
22               the disposal of wastewaters including brine  
23               from the desalination process—

24                       “(i) are not discharged in a manner  
25                       that increases salinity levels in impaired

1                   bodies of water, or State or Federal Ma-  
2                   rine Protected Areas; and

3                   “(ii) achieve ambient salinity levels  
4                   within a reasonable distance from the dis-  
5                   charge point;

6                   “(C) are sited, designed, and operated in a  
7                   manner that maintains indigenous marine life  
8                   and a healthy and diverse marine community;

9                   “(D) do not cause significant unmitigated  
10                  harm to aquatic life; and

11                  “(E) include a construction and operation  
12                  plan designed to minimize loss of coastal habi-  
13                  tat as well as aesthetic, noise, and air quality  
14                  impacts.”.

15           (c) RECOMMENDATIONS TO CONGRESS.—In deter-  
16 mining project recommendations to Congress under sec-  
17 tion 4(a)(2)(F)(ii)(II) of the Water Desalination Act of  
18 1996, the Commissioner of Reclamation shall establish a  
19 priority scoring system that assigns priority scores to each  
20 project evaluated based on the prioritization criteria of  
21 section 4(c) of the Water Desalination Act of 1996 (42  
22 U.S.C. 10301 note; Public Law 104–298).

1 **SEC. 106. ASSISTANCE FOR DISADVANTAGED COMMU-**  
2 **NITIES WITHOUT ADEQUATE DRINKING**  
3 **WATER.**

4 (a) IN GENERAL.—The Secretary shall provide  
5 grants within the Reclamation States to assist eligible ap-  
6 plicants in planning, designing, or carrying out projects  
7 to help disadvantaged communities address a significant  
8 decline in the quantity or quality of drinking water.

9 (b) ELIGIBLE APPLICANTS.—To be eligible to receive  
10 a grant under this section, an applicant shall submit an  
11 application to the Secretary that includes a proposal of  
12 the project or activity in subsection (c) to be planned, de-  
13 signed, constructed, or implemented, the service area of  
14 which—

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

17 (2) has a median household income of less than  
18 100 percent of the nonmetropolitan median house-  
19 hold income of the State.

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

22 (1) emergency water supplies;

23 (2) distributed treatment facilities;

24 (3) construction of new wells and connections to  
25 existing water source systems;

26 (4) water distribution facilities;



1           (5) connection fees to existing systems;

2           (6) assistance to households to connect to water  
3 facilities;

4           (7) local resource sharing, including voluntary  
5 agreements between water systems to jointly con-  
6 tract for services or equipment, or to study or imple-  
7 ment the physical consolidation of two or more water  
8 systems;

9           (8) technical assistance, planning, and design  
10 for any of the activities described in paragraphs (1)  
11 through (7); or

12           (9) any combination of activities described in  
13 paragraphs (1) through (8).

14       (d) PRIORITIZATION.—In determining priorities for  
15 funding projects, the Secretary shall take into consider-  
16 ation—

17           (1) where the decline in the quantity or quality  
18 of water poses the greatest threat to public health  
19 and safety;

20           (2) the degree to which the project provides a  
21 long-term solution to the water needs of the commu-  
22 nity; and

23           (3) whether the applicant has the ability to  
24 qualify for alternative funding sources.

1 (e) MAXIMUM AMOUNT.—The amount of a grant pro-  
2 vided under this section may be up to 100 percent of costs,  
3 including—

4 (1) initial operation costs incurred for startup  
5 and testing of project facilities;

6 (2) costs of components to ensure such facilities  
7 and components are properly operational; and

8 (3) costs of operation or maintenance incurred  
9 subsequent to placing the facilities or components  
10 into service.

11 (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
12 authorized to be appropriated to carry out this section  
13 \$100,000,000, to remain available until expended.

14 (g) COORDINATION REQUIRED.—In carrying out this  
15 section, the Secretary shall consult with the Secretary of  
16 Agriculture and the Administrator of the Environmental  
17 Protection Agency to identify opportunities to improve the  
18 efficiency, effectiveness, and impact of activities carried  
19 out under this section to help disadvantaged communities  
20 address a significant decline in the quantity or quality of  
21 drinking water.

22 **SEC. 107. WATER INFRASTRUCTURE FUND.**

23 (a) ESTABLISHMENT.—There is established in the  
24 Treasury of the United States a fund, to be known as the

1 Bureau of Reclamation Infrastructure Fund (referred to  
2 in this section as the “Fund”), consisting of—

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

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

7 (b) DEPOSITS TO FUND.—

8 (1) IN GENERAL.—For each of fiscal years  
9 2032 through 2062, the Secretary of the Treasury  
10 shall deposit in the Fund \$300,000,000 of the reve-  
11 nues that would otherwise be deposited for the fiscal  
12 year in the reclamation fund established by the first  
13 section of the Act of June 17, 1902 (32 Stat. 388;  
14 chapter 1093), of which—

15 (A) \$100,000,000 shall be expended by the  
16 Secretary for water reclamation and reuse  
17 projects authorized under title XVI of Public  
18 Law 102–575 or section 4009 of Public Law  
19 114–322;

20 (B) \$100,000,000 shall be expended by the  
21 Secretary for grants authorized under sections  
22 6002 and 9504 of the Omnibus Public Land  
23 Management Act of 2009 (16 U.S.C. 1015a  
24 and 42 U.S.C. 10364); and

1 (C) \$100,000,000 shall be expended by the  
2 Secretary to perform modifications to preserve  
3 the structural safety of Bureau of Reclamation  
4 dams and related facilities to ensure that Rec-  
5 lamation facilities do not present unreasonable  
6 risks to public safety, property, or the environ-  
7 ment, provided that Federal expenditures made  
8 under this section—

9 (i) account for no more than 85 per-  
10 cent of the total costs for any dam safety  
11 project; and

12 (ii) are made in accordance with sec-  
13 tion 3 of the Reclamation Safety of Dams  
14 Act of 1978.

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

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

19 (B) be in addition to amounts appropriated  
20 for such purposes under any other provision of  
21 law.

22 (c) EXPENDITURES FROM FUND.—

23 (1) IN GENERAL.—Subject to subsection (b),  
24 for each of fiscal years 2032 through 2062, the Sec-  
25 retary may expend from the Fund, in accordance

1 with this section, not more than an amount equal to  
2 the sum of—

3 (A) the amounts deposited in the Fund  
4 that year under subsection (b); and

5 (B) the amount of interest accrued in the  
6 Fund for the fiscal year in which the expendi-  
7 tures are made.

8 (2) ADDITIONAL EXPENDITURES.—

9 (A) IN GENERAL.—The Secretary may ex-  
10 pend more in any fiscal year than the amounts  
11 described in subsection (a) if the additional  
12 amounts are available in the Fund as a result  
13 of a failure of the Secretary to expend all of the  
14 amounts available under subsection (a) in 1 or  
15 more prior fiscal years.

16 (B) RETENTION IN ACCOUNTS.—Any addi-  
17 tional amounts referred to in paragraph (1)  
18 shall—

19 (i) accrue interest in accordance with  
20 this section; and

21 (ii) only be expended for the purposes  
22 for which expenditures from the Fund are  
23 authorized.

**TITLE II—IMPROVED  
TECHNOLOGY AND DATA**

**SEC. 201. REAUTHORIZATION OF WATER AVAILABILITY  
AND USE ASSESSMENT PROGRAM.**

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

(1) in subsection (b)—

(A) by striking “and” at the end of paragraph (2)(A)(ii)(VII);

(B) in paragraph (2)(A)(iii), by adding “and” at the end;

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

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

(D) by adding at the end the following:

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

“(A) integrate available data from new technologies where appropriate including data made available from drones and emerging remote sensing technologies; and

1 “(B) coordinate with relevant Federal  
2 agencies and bureaus to develop common data  
3 requirements for—

4 “(i) Federal water data programs and  
5 efforts; and

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

10 (2) in subsection (c)—

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

14 (B) in the heading of paragraph (2), by  
15 striking “CRITERIA” and inserting “STATE CRI-  
16 TERIA”;

17 (C) by inserting after paragraph (2) the  
18 following (and redesignating the succeeding  
19 paragraph accordingly):

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

1           “(A) is in compliance with each quality  
2           and conformity standard established by the Sec-  
3           retary to ensure that the data will be capable  
4           of integration with any national dataset; and

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

9           “(4) TRIBAL WATER RESOURCE AGENCY DEFINI-  
10          TION.—For the purposes of this subsection, the  
11          term ‘Tribal water resource agency’ means any  
12          agency of an Indian Tribe responsible for water re-  
13          source 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 “2022 through 2026”.



1 **SEC. 202. MODIFICATIONS TO INCOME EXCLUSION FOR**  
2 **CONSERVATION SUBSIDIES.**

3 (a) IN GENERAL.—Section 136(a) of the Internal  
4 Revenue Code of 1986 is amended—

5 (1) by striking “any subsidy provided” and in-  
6 serting any subsidy—

7 “(1) provided”;

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

10 (3) by adding at the end the following new  
11 paragraphs:

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

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

22 “(4) provided (directly or indirectly) by a State  
23 or local government to a resident of such State or  
24 locality for the purchase or installation of any waste-  
25 water management measure, but only if such meas-

1       ure is with respect to the taxpayer’s principal resi-  
2       dence.”.

3       (b) CONFORMING AMENDMENTS.—

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

8               (A) by striking “ENERGY CONSERVATION  
9       MEASURE” in the heading thereof and inserting  
10       “DEFINITIONS”;

11              (B) by striking “IN GENERAL” in the  
12       heading of paragraph (1) and inserting “EN-  
13       ERGY CONSERVATION MEASURE”; and

14              (C) by redesignating paragraph (2) as  
15       paragraph (5) and by inserting after paragraph  
16       (1) the following:

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

1           “(3) STORM WATER MANAGEMENT MEASURE.—

2           For purposes of this section, the term ‘storm water  
3           management measure’ means any installation or  
4           modification of property primarily designed to re-  
5           duce or manage amounts of storm water with re-  
6           spect to one or more dwelling units.

7           “(4) WASTEWATER MANAGEMENT MEASURE.—

8           For purposes of this section, the term ‘wastewater  
9           management measure’ means any installation or  
10          modification of property primarily designed to man-  
11          age wastewater (including septic tanks and cess-  
12          pools) with respect to one or more dwelling units.”.

13          (2) DEFINITIONS.—Section 136(c)(5) of the In-  
14          ternal Revenue Code of 1986 (as redesignated by  
15          paragraph (1)(C)) is amended by striking subpara-  
16          graph (B) and inserting the following:

17               “(B) PUBLIC UTILITY.—The term ‘public  
18               utility’ means a person engaged in the sale of  
19               electricity, natural gas, or water to residential,  
20               commercial, or industrial customers for use by  
21               such customers.

22               “(C) STORM WATER MANAGEMENT PRO-  
23               VIDER.—The term ‘storm water management  
24               provider’ means a person engaged in the provi-

sion of storm water management measures to the public.

“(D) PERSON.—For purposes of subparagraphs (B) and (C), the term ‘person’ includes the Federal Government, a State or local government or any political subdivision thereof, or any instrumentality of any of the foregoing.”.

(3) CLERICAL AMENDMENTS.—

(A) The heading for section 136 of the Internal Revenue Code of 1986 is amended—

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

(ii) by striking “**PROVIDED BY PUBLIC UTILITIES**”.

(B) The item relating to section 136 in the table of sections of part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended—

(i) by inserting “and water” after “Energy”; and

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

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts received after December 31, 2018.

1 (d) NO INFERENCE.—Nothing in this Act or the  
2 amendments made by this Act shall be construed to create  
3 any inference with respect to the proper tax treatment of  
4 any subsidy received directly or indirectly from a public  
5 utility, a storm water management provider, or a State  
6 or local government for any water conservation measure  
7 or storm water management measure before January 1,  
8 2022.

9 **SEC. 203. X-PRIZE FOR WATER TECHNOLOGY BREAK-**  
10 **THROUGHS.**

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

17 (1) Demonstration of wastewater and industrial  
18 process water purification for reuse or desalination  
19 of brackish water or seawater with significantly less  
20 energy than current municipally and commercially  
21 adopted technologies.

22 (2) Demonstration of portable or modular de-  
23 salination units that can process 1 to 5,000,000 gal-  
24 lons per day that could be deployed for temporary

1 emergency uses in coastal communities or commu-  
2 nities with brackish groundwater supplies.

3 (3) Demonstration of significant advantages  
4 over current municipally and commercially adopted  
5 reverse osmosis technologies as determined by the  
6 board established under subsection (c).

7 (4) Demonstration of significant improvements  
8 in the recovery of residual or waste energy from the  
9 desalination process.

10 (5) Reducing open water evaporation.

11 (b) ELIGIBLE PERSON.—An eligible person described  
12 in this subsection is—

13 (1) an individual who is—

14 (A) a citizen or legal resident of the  
15 United States; or

16 (B) a member of a group that includes  
17 citizens or legal residents of the United States;

18 (2) an entity that is incorporated and maintains  
19 its primary place of business in the United States;  
20 or

21 (3) a public water agency.

22 (c) ESTABLISHMENT OF BOARD.—

23 (1) IN GENERAL.—The Secretary shall establish  
24 a board to administer the program established under  
25 subsection (a).

1           (2) MEMBERSHIP.—The board shall be com-  
2       posed of not less than 15 and not more than 21  
3       members appointed by the Secretary, of whom not  
4       less than 2 shall—

5           (A) be a representative of the interests of  
6       public water districts or other public organiza-  
7       tions with water delivery authority;

8           (B) be a representative of the interests of  
9       academic organizations with expertise in the  
10      field of water technology, including desalination  
11      or water reuse;

12          (C) be representative of a non-profit con-  
13      servation organization;

14          (D) have expertise in administering award  
15      competitions; and

16          (E) be a representative of the Bureau of  
17      Reclamation of the Department of the Interior  
18      with expertise in the deployment of desalination  
19      or water reuse.

20      (d) AWARDS.—Subject to the availability of appro-  
21      priations, the board established under subsection (c) may  
22      make awards under the program established under sub-  
23      section (a) as follows:

24          (1) FINANCIAL PRIZE.—The board may hold a  
25      financial award competition and award a financial

1 award in an amount determined before the com-  
2 mencement of the competition to the first competitor  
3 to meet such criteria as the board shall establish.

4 (2) RECOGNITION PRIZE.—

5 (A) IN GENERAL.—The board may recog-  
6 nize an eligible person for superlative achieve-  
7 ment in 1 or more applications described in  
8 subsection (a).

9 (B) NO FINANCIAL REMUNERATION.—An  
10 award under this paragraph shall not include  
11 any financial remuneration.

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 who is a pri-  
25 vate person described in paragraph (2) to participate



1 in the determination of criteria for an award under  
2 subsection (d), but such donor may not solely deter-  
3 mine the criteria for such award.

4 (4) NO ADVANTAGE FOR DONATION.—A donor  
5 who is a private person described in paragraph (3)  
6 shall not be entitled to any special consideration or  
7 advantage with respect to participation in a financial  
8 award competition under subsection (d)(1).

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

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

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

23 (i) AUTHORIZATION OF APPROPRIATIONS.—

1           (1) IN GENERAL.—There are authorized to be  
2       appropriated sums for the program established  
3       under subsection (a) as follows:

4           (A) For administration of prize competi-  
5       tions under subsection (d), \$750,000 for each  
6       fiscal year through fiscal year 2026.

7           (B) For the awarding of a financial prize  
8       award under subsection (d)(1), in addition to  
9       any amounts received under subsection (e)(2),  
10      \$5,000,000 for each fiscal year through fiscal  
11      year 2026.

12          (2) AVAILABILITY.—Amounts appropriated  
13      under paragraph (1) shall remain available until ex-  
14      pended.

15      (j) WATER TECHNOLOGY INVESTMENT PROGRAM  
16      ESTABLISHED.—The Secretary, acting through the Bu-  
17      reau of Reclamation, shall establish a program, pursuant  
18      to the Reclamation Wastewater and Groundwater Study  
19      and Facilities Act (Public Law 102–575, title XVI), the  
20      Water Desalination Act of 1996 (Public Law 104–298),  
21      and other applicable laws, to promote the expanded use  
22      of technology for improving availability and resiliency of  
23      water supplies and power deliveries, which shall include—

24           (1) investments to enable expanded and acceler-  
25      ated deployment of desalination technology; and

1           (2) investments to enable expanded and acceler-  
2       ated use of recycled water.

3       (k) AUTHORIZATION OF APPROPRIATIONS.—There  
4       are authorized to be appropriated \$5,000,000 for each fis-  
5       cal year through fiscal year 2026 for the Secretary to  
6       carry out the purposes and provisions of subsection (j).

7       **SEC. 204. STUDY EXAMINING SEDIMENT TRANSPORT.**

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

14           (1) examines existing science and management  
15      guidance related to methods for managing sediment  
16      transport from dam removal;

17           (2) includes case studies where diverse inter-  
18      ests, including hydroelectric, agricultural, conserva-  
19      tion, and industry stakeholders work jointly with  
20      Tribal, State, and Federal government agencies to  
21      implement collaborative projects requiring sediment  
22      transport; and

23           (3) identifies future research opportunities, re-  
24      quirements, and recommendations related to the  
25      science and management guidance examined under

1 paragraph (1), including research opportunities, re-  
2 quirements, and recommendations related to mod-  
3 eling and quantifying sediment flows.

4 (b) REPORT.—In entering into an arrangement under  
5 subsection (a), the Secretary shall request that the Na-  
6 tional Academies transmit to the Secretary and to Con-  
7 gress a report not later than 36 months after the date  
8 of the enactment of this Act that—

9 (1) includes the results of the study and rel-  
10 evant interpretations of the results;

11 (2) provides recommendations for applying  
12 science in management and mitigation decisions re-  
13 lating to dam removal; and

14 (3) provides recommendations for improving fu-  
15 ture research on the beneficial and adverse environ-  
16 mental impacts of sediment transport from dam re-  
17 moval and appropriate actions to mitigate such im-  
18 pacts.

19 **SEC. 205. FEDERAL PRIORITY STREAMGAGES.**

20 (a) FEDERAL PRIORITY STREAMGAGES.—The Sec-  
21 retary shall make every reasonable effort to make oper-  
22 ational all streamgages identified as Federal Priority  
23 Streamgages by the United States Geological Survey not  
24 later than 10 years after the date of the enactment of this  
25 Act.

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

8 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
9 are authorized to be appropriated \$45,000,000 to carry  
10 out this section for each fiscal year through fiscal year  
11 2026.

12 **SEC. 206. STUDY EXAMINING CLIMATE VULNERABILITIES**  
13 **AT FEDERAL DAMS.**

14 (a) IN GENERAL.—Not later than 2 years after the  
15 date of the enactment of this Act, the Secretary shall  
16 make appropriate arrangements with the National Acad-  
17 emies of Sciences, Engineering, and Medicine (referred to  
18 in this section as the “National Academies”) under which  
19 the National Academies shall conduct an independent  
20 study to—

21 (1) examine the projected impact of climate  
22 change on the safety of Bureau of Reclamation  
23 dams; and

24 (2) evaluate and list the Bureau of Reclamation  
25 dams that are most vulnerable to climate change re-

1       lated safety risks based on an assessment of climate  
2       change related impacts on—

3               (A) the frequency of heavy precipitation  
4       events; and

5               (B) other factors that influence the mag-  
6       nitude and severity of flooding events including  
7       snow cover and snowmelt, vegetation, and soil  
8       moisture.

9       (b) REPORT.—In entering into an arrangement under  
10      subsection (a), the Secretary shall request that the Na-  
11      tional Academies—

12              (1) transmit to the Secretary and to the rel-  
13      evant committees of Congress a report not later  
14      than 24 months after the date of the enactment of  
15      this Act that includes the results of the study; and

16              (2) consider any previous studies or evaluations  
17      conducted or completed by the Bureau of Reclama-  
18      tion or local water agencies on climate change im-  
19      pacts to dams, facilities, and watersheds as a ref-  
20      erence and source of information during the develop-  
21      ment of the independent study.

22      **SEC. 207. INNOVATIVE TECHNOLOGY ADOPTION.**

23       The Secretary is directed to include as a priority for  
24      grants authorized under section 9504 of the Omnibus  
25      Public Land Management Act of 2009 (42 U.S.C. 10364),

1 the Water Conservation Field Services Program, and  
2 other water conservation grant programs, as appropriate,  
3 that help foster the adoption of technologies that can—

4 (1) identify losses from water conveyance facili-  
5 ties in a non-destructive manner that—

6 (A) does not disrupt the conveyance of  
7 water supplies; and

8 (B) provides comprehensive data on pipe-  
9 line integrity, including leak and gas pocket de-  
10 tection, for all pipeline materials;

11 (2) provide real-time monitoring of weather pat-  
12 terns and reservoir operations to improve flexibility,  
13 protect natural resources, increase resiliency, main-  
14 tain temperature control, and ensure water supply  
15 reliability;

16 (3) provide real-time data acquisition and anal-  
17 ysis to improve predictive aquifer management, in-  
18 cluding the improvement of recharge, storage, and  
19 stormwater management capabilities;

20 (4) implement the use of real time sensors and  
21 forecast data to improve the management of other  
22 water infrastructure assets, including the identifica-  
23 tion and prevention of impairments from inad-  
24 equately treated agricultural or municipal  
25 wastewaters or stormwater; or

1           (5) improve water use efficiency and conserva-  
2           tion, including through behavioral water efficiency,  
3           supervisory control and data acquisition systems, or  
4           other system modernizations.

5   **SEC. 208. FORECAST-INFORMED WATER CONTROL MANUAL**  
6                   **UPDATES.**

7           Not less than \$10,000,000 annually shall be used by  
8   the Army Corps of Engineers out of appropriated Oper-  
9   ations and Maintenance funds to prepare for and process  
10   Water Control Manual Updates for forecast-informed  
11   water operations projects prioritizing regions impacted by  
12   Atmospheric Rivers and where improved forecast skill can  
13   improve water operations. Funds shall also be used to  
14   operationalize a forecast-informed water operations com-  
15   patible component of the Corps Water Management Sys-  
16   tem to process ensemble and synthetic forecasts to ensure  
17   continuous implementation of improvements in forecast  
18   skill for water operations.

19   **TITLE III—ECOSYSTEM PROTEC-**  
20                   **TION AND RESTORATION**

21   **SEC. 301. WATERBIRD HABITAT CREATION PROGRAM.**

22           (a) AUTHORIZATION OF HABITAT CREATION PRO-  
23   GRAM.—The Secretary shall establish a program to  
24   incentivize farmers to keep fields flooded during appro-  
25   priate time periods for the purposes of waterbird habitat



1 creation and maintenance, including waterfowl and  
2 shorebird habitat creation and maintenance, provided  
3 that—

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

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

11 (3) the Secretary determines that habitat cre-  
12 ation activities receiving financial support under this  
13 section will create new habitat that is not likely to  
14 be created without the financial incentives provided  
15 under this section.

16 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
17 authorized to be appropriated to the Secretary \$3,500,000  
18 for each fiscal year through fiscal year 2026 to carry out  
19 this section, to remain available until expended.

20 (c) REPORT.—Not later than October 1, 2022, and  
21 every 2 years thereafter, the Secretary shall submit to  
22 Congress a report summarizing the environmental per-  
23 formance of activities that are receiving, or have received,  
24 assistance under the program authorized by this section.

1 **SEC. 302. COMPETITIVE GRANT PROGRAM FOR THE FUND-**  
2 **ING OF WATERSHED HEALTH PROJECTS.**

3 (a) IN GENERAL.—Not later than 1 year after the  
4 date of the enactment of this Act and in accordance with  
5 this section, the Secretary, in consultation with the heads  
6 of relevant agencies, shall establish a competitive grant  
7 program to award grants to an eligible entity for habitat  
8 restoration projects that improve watershed health in a  
9 Reclamation State and accomplish one or more of the fol-  
10 lowing benefits:

11 (1) Ecosystem benefits.

12 (2) Restoration of native species beyond exist-  
13 ing or planned measures necessary to meet State or  
14 Federal laws for species recovery.

15 (3) Protection against invasive species.

16 (4) Restoration of aspects of the natural eco-  
17 system.

18 (5) Enhancement of commercial and rec-  
19 reational fishing.

20 (6) Enhancement of river-based recreation such  
21 as kayaking, canoeing, and rafting.

22 (7) Mitigate against the impacts of climate  
23 change to fish and wildlife habitats.

24 (b) REQUIREMENTS.—

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

1 (A) shall give priority to a project that  
2 achieves more than one of the benefits listed in  
3 subsection (a); and

4 (B) may not provide a grant for a project  
5 that is for the purpose of meeting existing envi-  
6 ronmental mitigation or compliance obligations  
7 under State or Federal law.

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

11 (c) DEFINITION OF ELIGIBLE ENTITY.—In this sec-  
12 tion, the term “eligible entity” means a State, Indian  
13 Tribe, nonprofit conservation organization operating in a  
14 Reclamation State, irrigation district, water district, or  
15 other organization with water or power delivery authority.

16 (d) PUBLIC PARTICIPATION.—Before the establish-  
17 ment of the program under subsection (a), the Secretary  
18 shall—

19 (1) provide notice of and, for a period of not  
20 less than 90 days, an opportunity for public com-  
21 ment on, any draft or proposed version of the pro-  
22 gram requirements in accordance with this section;  
23 and

24 (2) consider public comments received in devel-  
25 oping the final program requirements.

1 (e) REPORT.—Not later than October 1, 2023, and  
2 every 2 years thereafter, the Secretary shall submit to  
3 Congress a report summarizing the environmental per-  
4 formance of activities that are receiving, or have received,  
5 assistance under the program authorized by this section.

6 (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
7 authorized to be appropriated to carry out this section  
8 \$150,000,000 for each fiscal year through fiscal year  
9 2026, to remain available until expended.

10 **SEC. 303. SUPPORT FOR REFUGE WATER DELIVERIES.**

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

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

23 (2) The difference between the mandated quan-  
24 tity of water to be delivered to each wetland habitat  
25 area described in section 3406(d)(2) and the actual

1 quantity of water delivered since October 30, 1992,  
2 including a listing of every year in which the full de-  
3 livery of water to wetland habitat areas was achieved  
4 in accordance with Level 4 of the “Dependable  
5 Water Supply Needs” table, described in section  
6 3406(d)(2) of the Central Valley Project Improve-  
7 ment Act (title XXXIV of Public Law 102–575).

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

18 (4) An assessment of the degree to which the  
19 elimination of water transaction fees for the dona-  
20 tion of water rights to wildlife refuges would help  
21 advance the goals of the Central Valley Project Im-  
22 provement Act (title XXXIV of Public Law 102–  
23 575).

24 (b) PRIORITY CONSTRUCTION LIST.—The Secretary  
25 shall establish, through a public process and in consulta-

1 tion with the Interagency Refuge Water Management  
2 Team, a priority list for the completion of the conveyance  
3 construction projects at the wildlife habitat areas de-  
4 scribed in section 3406(d)(2) of the Central Valley Project  
5 Improvement Act (title XXXIV of Public Law 102–575),  
6 including the Mendota Wildlife Area, Pixley National  
7 Wildlife Refuge and Sutter National Wildlife Refuge.

8 (c) ECOLOGICAL MONITORING AND EVALUATION  
9 PROGRAM.—Not later than 1 year after the date of the  
10 enactment of this Act, the Secretary, acting through the  
11 Director of the United States Fish and Wildlife Service,  
12 shall design and implement an ecological monitoring and  
13 evaluation program, for all Central Valley wildlife refuges,  
14 that produces an annual report based on existing and  
15 newly collected information, including—

- 16 (1) the United States Fish and Wildlife Service  
17 Animal Health Lab disease reports;
- 18 (2) mid-winter waterfowl inventories;
- 19 (3) nesting and brood surveys;
- 20 (4) additional data collected regularly by the  
21 refuges, such as herptile distribution and abundance;
- 22 (5) a new coordinated systemwide monitoring  
23 effort for at least one key migrant species and two  
24 resident species listed as threatened and endangered  
25 pursuant to the Endangered Species Act of 1973

1 (16 U.S.C. 1531 et seq.) (including one warm-blood-  
2 ed and one cold-blooded), that identifies population  
3 numbers and survival rates for the 3 previous years;  
4 and

5 (6) an estimate of the bioenergetic food produc-  
6 tion benefits to migrant waterfowl, consistent with  
7 the methodology used by the Central Valley Joint  
8 Venture, to compliment and inform the Central Val-  
9 ley Joint Venture implementation plan.

10 (d) ADEQUATE STAFFING FOR REFUGE WATER DE-  
11 LIVERY OBJECTIVES.—The Secretary shall ensure that  
12 adequate staffing is provided to advance the refuge water  
13 supply delivery objectives under the Central Valley Project  
14 Improvement Act (title XXXIV of Public Law 102–575).

15 (e) FUNDING.—There is authorized to be appro-  
16 priated \$25,000,000 to carry out subsections (a) through  
17 (d), which shall remain available until expended.

18 (f) EFFECT ON OTHER FUNDS.—Amounts author-  
19 ized under this section shall be in addition to amounts col-  
20 lected or appropriated under the Central Valley Project  
21 Improvement Act (title XXXIV of Public Law 102–575).

22 **SEC. 304. DROUGHT PLANNING AND PREPAREDNESS FOR**  
23 **CRITICALLY IMPORTANT FISHERIES.**

24 (a) DEFINITIONS.—In this section:

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

3 (A) commercially and recreationally impor-  
4 tant fisheries located within the Reclamation  
5 States;

6 (B) fisheries containing fish species that  
7 are listed as threatened or endangered pursuant  
8 to the Endangered Species Act of 1973 (16  
9 U.S.C. 1531 et seq.) within the Reclamation  
10 States; or

11 (C) fisheries used by Indian Tribes within  
12 the Reclamation States for ceremonial, subsist-  
13 ence, or commercial purposes.

14 (2) QUALIFIED TRIBAL GOVERNMENT.—The  
15 term “qualified Tribal Government” means any gov-  
16 ernment of an Indian Tribe that the Secretary deter-  
17 mines—

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

22 (B) has the management and organiza-  
23 tional capability to maximize the benefits of as-  
24 sistance provided under this section.



1       (b) DROUGHT PLAN FOR CRITICALLY IMPORTANT  
2 FISHERIES.—Not later than January 1, 2022, and every  
3 three years thereafter, the Secretary, acting through the  
4 Director of the United States Fish and Wildlife Service  
5 shall, in consultation with the National Marine Fisheries  
6 Service, the Bureau of Reclamation, the Army Corps of  
7 Engineers, State fish and wildlife agencies, and affected  
8 Indian Tribes, prepare a plan to sustain the survival of  
9 critically important fisheries within the Reclamation  
10 States during future periods of extended drought. The  
11 plan shall focus on actions that can aid the survival of  
12 critically important fisheries during the driest years. In  
13 preparing such plan, the Director shall consider—

14           (1) habitat restoration efforts designed to pro-  
15       vide drought refugia and increased fisheries resil-  
16       ience during droughts;

17           (2) relocating the release location and timing of  
18       hatchery fish to avoid predation and temperature  
19       impacts;

20           (3) barging of hatchery release fish to improve  
21       survival and reduce straying;

22           (4) coordination with water users, the Bureau  
23       of Reclamation, State fish and wildlife agencies, and  
24       interested public water agencies regarding voluntary  
25       water transfers, including through groundwater sub-

1       stitution activities, to determine if water releases can  
2       be collaboratively managed in a way that provides  
3       additional benefits for critically important fisheries  
4       without negatively impacting wildlife habitat;

5               (5) hatchery management modifications, such  
6       as expanding hatchery production of fish during the  
7       driest years, if appropriate for a particular river  
8       basin;

9               (6) hatchery retrofit projects, such as the in-  
10      stallation and operation of filtration equipment and  
11      chillers, to reduce disease outbreaks, egg mortality  
12      and other impacts of droughts and high water tem-  
13      peratures;

14              (7) increasing rescue operations of upstream  
15      migrating fish;

16              (8) improving temperature modeling and related  
17      forecasted information to predict water management  
18      impacts to the habitat of critically important fish-  
19      eries with a higher degree of accuracy than current  
20      models;

21              (9) testing the potential for parentage-based  
22      tagging and other genetic testing technologies to im-  
23      prove the management of hatcheries;

24              (10) programs to reduce predation losses at ar-  
25      tificially created predation hot spots; and

1           (11) retrofitting existing water facilities to pro-  
2       vide improved temperature conditions for fish.

3       (c) PUBLIC COMMENT.—The Director of the United  
4 States Fish and Wildlife Service shall provide for a public  
5 comment period of not less than 90 days before finalizing  
6 a plan under subsection (a).

7       (d) AUTHORIZATION OF APPROPRIATIONS FOR FISH  
8 RECOVERY EFFORTS.—There is authorized to be appro-  
9 priated \$25,000,000 for the United States Fish and Wild-  
10 life Service for fiscal year 2022 for fish, stream, and  
11 hatchery activities related to fish recovery efforts, includ-  
12 ing work with the National Marine Fisheries Service, the  
13 Bureau of Reclamation, the Army Corps of Engineers,  
14 State fish and wildlife agencies, or a qualified Tribal Gov-  
15 ernment.

16       (e) EFFECT.—Nothing in this section is intended to  
17 expand, diminish, or affect any obligation under Federal  
18 or State environmental law.

19 **SEC. 305. REAUTHORIZATION OF THE FISHERIES RESTORA-**  
20 **TION AND IRRIGATION MITIGATION ACT OF**  
21 **2000.**

22       Section 10(a) of the Fisheries Restoration and Irriga-  
23 tion Mitigation Act of 2000 (16 U.S.C. 777 note; Public  
24 Law 106–502) is amended by striking “\$15 million

1 through 2021” and inserting “\$25,000,000 through  
2 2028”.

3 **SEC. 306. COMBATING WATER THEFT FOR ILLEGAL MARI-**  
4 **JUANA CULTIVATION.**

5 (a) POLICY DIRECTIVE ON ILLEGAL WATER DIVER-  
6 SION FOR MARIJUANA CULTIVATION.—Not later than 90  
7 days after the date of the enactment of this Act, the Direc-  
8 tor of National Drug Control Policy, in collaboration with  
9 the Secretary and the Administrator of the Environmental  
10 Protection Agency, shall use the best available information  
11 to determine the amount of water diverted for marijuana  
12 cultivation in each of the high intensity drug trafficking  
13 areas (as designated under section 707 of the Office of  
14 National Drug Control Policy Reauthorization Act of 1998  
15 (21 U.S.C. 1706)) within the State of California and other  
16 States frequently affected by water shortages.

17 (b) ENVIRONMENTAL REPORTING REQUIREMENTS  
18 FOR DOMESTIC CANNABIS ERADICATION PROGRAM.—Not  
19 later than 1 year after the date of the enactment of this  
20 Act, and annually thereafter, the Attorney General shall  
21 require, as a condition of the receipt of any funds under  
22 the Domestic Cannabis Eradication/Suppression program  
23 of the Drug Enforcement Administration, or any successor  
24 program, a report from any participant in such program  
25 containing information on the environmental consequences

1 of actions taken pursuant to program participation. The  
2 Attorney General, in making any determination to provide  
3 funding under the program, shall take into account the  
4 information so reported.

5 (c) TRESPASS MARIJUANA LOCATION REGISTRY.—  
6 Not later than 180 days after the date of the enactment  
7 of this Act, the Attorney General shall establish and main-  
8 tain a registry, in which reports received by the Attorney  
9 General of incidents of cultivation of marijuana on Federal  
10 or State property or while intentionally trespassing on the  
11 property of another shall be recorded and, to the extent  
12 feasible, made available to the public.

13 (d) FUNDING FOR REMEDIATION OF TRESPASS  
14 MARIJUANA SITES.—

15 (1) FROM FORFEITURE FUND.—Section  
16 524(c)(1)(E)(ii) of title 28, United States Code, is  
17 amended—

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

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

22 (C) by inserting after subclause (II) the  
23 following:

24 “(III) costs incurred by or on be-  
25 half of any State, local, or Tribal gov-

1                   ernment in connection with the reme-  
 2                   diation of any area formerly used for  
 3                   the production or cultivation of mari-  
 4                   juana, including the removal of any  
 5                   hazardous substance or pollutant or  
 6                   contaminant, in which such State,  
 7                   local, or Tribal government has as-  
 8                   sisted in a Federal prosecution related  
 9                   to marijuana;”.

10                   (2) FROM RESTITUTION IN CRIMINAL CASES.—

11                   Section 413(q) of the Controlled Substances Act (21  
 12                   U.S.C. 853(q)) is amended—

13                   (A) in the matter preceding paragraph

14                   (1)—

15                   (i) by inserting after “manufacture”  
 16                   the following: “or cultivation”; and

17                   (ii) by striking “or methamphet-  
 18                   amine” and inserting “, methamphet-  
 19                   amine, or marihuana”; and

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

21                   “or methamphetamine” the following: “, or cul-  
 22                   tivation of marihuana,”.

23                   (e) VOLUNTARY GUIDELINES.—

24                   (1) ESTABLISHMENT OF VOLUNTARY GUIDE-  
 25                   LINES.—Not later than 6 months after the date of

1 the enactment of this Act, the Secretary of Agri-  
2 culture, in consultation with other appropriate Fed-  
3 eral agencies, including the Environmental Protec-  
4 tion Agency, and experts in the field, shall establish  
5 voluntary guidelines, based on the best available sci-  
6 entific knowledge—

7 (A) for the remediation of former indoor  
8 and outdoor marijuana cultivation and proc-  
9 essing sites, including guidelines regarding pre-  
10 liminary site assessment and the remediation of  
11 residual contaminants and ecosystems; and

12 (B) for State, local, and Tribal govern-  
13 ments to use in developing and implementing  
14 laws, regulations, guidelines, and other policies  
15 that apply the best available research and tech-  
16 nology to the remediation of former indoor and  
17 outdoor marijuana cultivation and processing  
18 sites.

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

22 (A) relevant standards, guidelines, and re-  
23 quirements found in Federal, State, Tribal, and  
24 local laws and regulations;

1 (B) the various types and locations of  
2 former marijuana cultivation or processing  
3 sites, including both indoor and outdoor sites;  
4 and

5 (C) the estimated costs of carrying out any  
6 such guidelines.

7 (3) CONSULTATION.—The Secretary of Agri-  
8 culture shall work with State, local, and Tribal gov-  
9 ernments and other non-Federal agencies and orga-  
10 nizations the Secretary determines relevant to pro-  
11 mote and encourage the adoption of the voluntary  
12 guidelines established under paragraph (1).

13 (4) REVISIONS TO THE GUIDELINES.—

14 (A) IN GENERAL.—The Secretary of Agri-  
15 culture shall periodically review and revise the  
16 voluntary guidelines to incorporate findings of  
17 the research conducted pursuant to subsection  
18 (f) and other new knowledge.

19 (B) CONSULTATION.—In carrying out sub-  
20 paragraph (A), the Secretary of Agriculture  
21 may consult with State, local, Tribal govern-  
22 ments, and non-profits engaged in scientific re-  
23 search and reclamation, and other interested  
24 parties.



1 (f) RESEARCH PROGRAM.—The Secretary of Agri-  
2 culture, in consultation with other appropriate Federal  
3 agencies, including the Environmental Protection Agency,  
4 shall establish a program of research to support the devel-  
5 opment and revision of the voluntary guidelines estab-  
6 lished under subsection (e). Such program shall—

7 (1) identify marijuana cultivation or processing-  
8 related chemicals of concern;

9 (2) assess the types and levels of exposure to  
10 chemicals of concern identified under paragraph (1)  
11 that may present significant adverse biological ef-  
12 fects, and identify actions and additional research  
13 necessary to remediate such biological effects;

14 (3) assess the impacts of marijuana cultivation  
15 and processing on waterways and bodies of water,  
16 and identify actions and additional research nec-  
17 essary to remediate such impacts;

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

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

23 (A) the impacts of indoor and outdoor  
24 marijuana cultivation and processing, including  
25 biological and hydrological effects and impacts

1 to soil and landscape, such as the potential for  
2 erosion; and

3 (B) the remediation of former indoor or  
4 outdoor marijuana cultivation or processing  
5 sites;

6 (6) support other research priorities identified  
7 by the Secretary of Agriculture, in consultation with  
8 State, local, Tribal governments, non-profits engaged  
9 in scientific research and reclamation, and other in-  
10 terested parties; and

11 (7) include collaboration with institutions of  
12 higher education engaged in research on any matter  
13 described in this subsection or additional research  
14 priorities determined appropriate by the Secretary of  
15 Agriculture.

16 **SEC. 307. SUSTAINING BIODIVERSITY DURING DROUGHTS.**

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

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

21 (2) in paragraph (4)(B), by inserting “and  
22 drought biodiversity plans to address sustaining na-  
23 tive biodiversity during periods of drought” after  
24 “restoration plans”.

1 **TITLE IV—WATER JOB TRAINING**  
2 **AND EDUCATION**

3 **SEC. 401. WATER RESOURCE EDUCATION.**

4 (a) GENERAL AUTHORITY.—In accordance with this  
5 section, the Secretary may enter into a cooperative agree-  
6 ment or contract or provide financial assistance in the  
7 form of a grant, to support activities related to education  
8 on water resources.

9 (b) ELIGIBLE ACTIVITIES.—The Secretary may enter  
10 into a cooperative agreement or contract or provide finan-  
11 cial assistance for activities that improve water resources  
12 education, including through tours, publications or other  
13 activities that—

14 (1) disseminate information on water resources  
15 via educational tools, materials or programs;

16 (2) publish relevant information on water re-  
17 source issues, including environmental and ecological  
18 conditions;

19 (3) advance projects that improve public under-  
20 standing of water resource issues or management  
21 challenges, including education on drought, drought  
22 awareness, and drought resiliency;

23 (4) provide training or related education for  
24 teachers, faculty, or related personnel, including in  
25 a specific geographic area or region; or

1           (5) enable tours, conferences, or other activities  
2           to foster cooperation in addressing water resources  
3           or management challenges, including cooperation re-  
4           lating to water resources shared by the United  
5           States and Canada or Mexico.

6           (c) GRANT PRIORITY.—In making grants under this  
7           section, the Secretary shall give priority to activities  
8           that—

9           (1) provide training for the professional devel-  
10          opment of legal and technical experts in the field of  
11          water resources management; or

12          (2) help educate the public, teachers or key  
13          stakeholders on—

14                (A) a new or significantly improved water  
15                resource management practice, method, or tech-  
16                nique;

17                (B) the existence of a water resource man-  
18                agement practice, method, or technique that  
19                may have wide application;

20                (C) a water resource management practice,  
21                method, or technique related to a scientific field  
22                or skill identified as a priority by the Secretary;  
23                or

24                (D) general water resource issues or man-  
25                agement challenges, including as part of a

1 science curricula in elementary or secondary  
2 education setting.

3 **SEC. 402. WATER SECTOR CAREER GRANT PROGRAMS.**

4 (a) COORDINATION WITH INNOVATIVE WATER IN-  
5 FRASTRUCTURE WORKFORCE DEVELOPMENT PRO-  
6 GRAM.—

7 (1) IN GENERAL.—The Secretary shall develop  
8 a grant program to improve job placement and re-  
9 tention in the water and wastewater utilities sector,  
10 to be administered in coordination with the Innova-  
11 tive Water Infrastructure Workforce Development  
12 Program.

13 (2) CONFORMING AMENDMENT.—Section  
14 4304(b) of Public Law 115–270 (42 U.S.C. 300j–  
15 19e) is amended by inserting “and the Secretary of  
16 the Interior” after “Agriculture”.

17 (3) AUTHORIZATION OF APPROPRIATIONS.—  
18 There is authorized to be appropriated for purposes  
19 of this section \$10,000,000 for each fiscal year  
20 through fiscal year 2026, to remain available until  
21 expended.

22 (b) GRANTS AUTHORIZED.—Beginning 360 days  
23 after the date of the enactment of this section, the Sec-  
24 retary may award grants to eligible entities for the pur-  
25 pose of developing, offering, or improving programs that

1 increase the job placement and retention of skilled and di-  
2 verse workers in the water and wastewater sector.

3 (c) ALLOCATION OF GRANTS.—

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

6 (A) more than 1 grant under this section  
7 for which the eligible entity is the lead appli-  
8 cant; or

9 (B) a grant under this section in excess of  
10 \$2,500,000.

11 (2) ALLOCATION TO COMMUNITY COLLEGES.—

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

16 (d) PARTNERSHIPS.—An eligible entity seeking to re-  
17 ceive a grant under this section may partner with 1 or  
18 more of the following:

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

21 (2) A water district or other organization with  
22 water delivery authority.

23 (3) A State or local government.

24 (4) A nonprofit organization.

1       (e) USE OF GRANT.—An eligible entity may use a  
2 grant awarded under this section for the following activi-  
3 ties:

4           (1) Assessment of water workforce needs and  
5 priorities.

6           (2) Development of a water workforce plan.

7           (3) Design and implementation of formalized  
8 mentorship or registered apprenticeship programs.

9           (4) Design and implementation of bridge pro-  
10 grams, work-study opportunities, or other strategies  
11 to connect jobseekers with employment opportuni-  
12 ties.

13           (5) Development of outreach strategies to re-  
14 cruit a more diverse workforce.

15           (6) Incumbent worker and career ladder train-  
16 ing and skill upgrading and retraining.

17           (7) Identification and removal of barriers pre-  
18 venting qualified individuals from securing and re-  
19 taining a job.

20           (8) Curriculum development at the under-  
21 graduate and postgraduate levels.

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

24           (10) Outreach, recruitment, career guidance,  
25 and case management services.

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

3       (f) GRANT PROPOSALS.—

4           (1) SUBMISSION PROCEDURE FOR GRANT PRO-  
5       POSALS.—An eligible entity seeking to receive a  
6       grant under this section shall submit a grant pro-  
7       posal to the Secretary at such time, in such manner,  
8       and containing such information as the Secretary  
9       may require.

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

13               (A) the specific project for which the grant  
14       proposal is submitted, including the manner in  
15       which the grant will be used to develop, offer,  
16       or improve a program to improve recruitment  
17       and retention in the water or wastewater utility  
18       sector;

19               (B) any previous experience of the eligible  
20       entity in providing such programs; and

21               (C) the extent to which such project will  
22       meet the needs identified under subsection (i).

23       (g) CRITERIA FOR AWARD OF GRANTS.—



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

4                   (A) the merits of the grant proposal;

5                   (B) the likely improvement to job recruit-  
6           ment and retention as a result of the grant pro-  
7           posal; and

8                   (C) the availability and capacity of existing  
9           educational programs in the community to meet  
10          future demand for such programs.

11          (2) PRIORITY.—Priority in awarding grants  
12          under this section shall be given to an eligible entity  
13          that—

14                   (A) includes the equal participation of in-  
15          dustry and labor organizations, including joint  
16          labor-management training programs and work-  
17          force investment boards;

18                   (B) has entered into a memorandum of un-  
19          derstanding with an employer that is a water  
20          district or organization with water delivery au-  
21          thority to foster workforce development, recruit-  
22          ment, and retention, and can leverage addi-  
23          tional public and private resources to fund ac-  
24          tivities that further the purposes of the grant;

25                   (C) focuses on individuals who are—

1 (i) veterans, members of the reserve  
2 components of the Armed Forces, or  
3 former members of such reserve compo-  
4 nents;

5 (ii) unemployed;

6 (iii) seeking employment pathways out  
7 of poverty and into economic self-suffi-  
8 ciency;

9 (iv) at-risk youth;

10 (v) formerly incarcerated, adjudicated,  
11 nonviolent offenders; or

12 (vi) from populations that are tradi-  
13 tionally underrepresented in the infrastruc-  
14 ture workforce; or

15 (D) with respect to an eligible entity that  
16 is an institution of higher education, has a high  
17 percentage or number of minority or low-income  
18 students.

19 (3) GEOGRAPHIC DISTRIBUTION.—The Sec-  
20 retary shall, to the extent practicable, award grants  
21 under this section in a manner that provides for a  
22 reasonable geographic distribution, except that the  
23 Secretary shall prioritize grants to institutions fo-  
24 cused on the water management challenges of the  
25 Reclamation States.

1 (h) DATA COLLECTION AND REPORTING.—

2 (1) IN GENERAL.—A grantee under this section  
3 shall collect and report to the Secretary on an an-  
4 nual basis the following:

5 (A) The number of participants enrolled in  
6 the program.

7 (B) The number of participants that have  
8 completed the program.

9 (C) The services received by such partici-  
10 pants, including a description of training, edu-  
11 cation, and supportive services.

12 (D) The amount spent by the grantee per  
13 participant.

14 (E) The rate of job placement of partici-  
15 pants with a water district or other entity in  
16 the water and wastewater utilities sector.

17 (F) The rate of employment retention 1  
18 year after completion of the program or 1 year  
19 after the participant is no longer enrolled in  
20 such institution of higher education, whichever  
21 is later.

22 (G) The average wage at placement, in-  
23 cluding any benefits, and the rate of average  
24 wage increase after 1 year.

1 (H) Any factors determined as signifi-  
2 cantly interfering with recruitment and reten-  
3 tion.

4 (2) DISAGGREGATION OF DATA.—The data col-  
5 lected and reported under this subsection shall be  
6 disaggregated by—

7 (A) race;

8 (B) gender;

9 (C) low-income status;

10 (D) disability; and

11 (E) English language proficiency.

12 (3) ASSISTANCE FROM SECRETARY.—The Sec-  
13 retary shall assist grantees in the collection of data  
14 under this subsection by making available, where  
15 practicable, low-cost means of tracking the labor  
16 market outcomes of participants and by providing  
17 standardized reporting forms, where appropriate.

18 (i) INTERAGENCY RESEARCH PROGRAM AND Co-  
19 ORDINATION.—

20 (1) INTERAGENCY LABOR MARKET RESEARCH  
21 PROGRAM.—

22 (A) MEMORANDUM OF UNDERSTANDING.—

23 Not later than 120 days after the date of the  
24 enactment of this section, the Secretary shall  
25 enter into a memorandum of understanding

1 with the Administrator of the Environmental  
2 Protection Agency, the Secretary of Agriculture,  
3 and the Secretary of Labor, acting through the  
4 Bureau of Labor Statistics, on a program to—

5 (i) collect and analyze labor market  
6 data in the water and wastewater utilities  
7 sector, including the data collected in sub-  
8 section (h);

9 (ii) track workforce trends, including  
10 those affecting recruitment and retention;  
11 and

12 (iii) identify the educational and ca-  
13 reer training needs for current and future  
14 jobs in the water and wastewater utilities  
15 sector, including those related to construc-  
16 tion and installation, engineering, oper-  
17 ation, and maintenance.

18 (B) COLLABORATION.—Activities carried  
19 out under this paragraph shall include collabo-  
20 ration with State and local governments, work-  
21 force investment boards, industry, labor organi-  
22 zations, water districts, and nonprofit organiza-  
23 tions.

24 (2) COORDINATION BETWEEN FEDERAL WATER  
25 CAREER TRAINING PROGRAMS.—Not later than 180

1 days after the date of the enactment of this section,  
2 the Secretary shall enter into a memorandum of un-  
3 derstanding with the Administrator of the Environ-  
4 mental Protection Agency to facilitate coordination  
5 and collaboration between the career training pro-  
6 gram established by this section and the Innovative  
7 Water Infrastructure Workforce Development Pro-  
8 gram, including the improvement of such career  
9 training programs over time to reflect the needs  
10 identified by the interagency research program es-  
11 tablished in paragraph (1).

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

14 (1) promulgate guidelines for the submission of  
15 grant proposals under this section, including a list of  
16 the needs identified under subsection (i); and

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

19 (k) REPORTING REQUIREMENT.—Not later than 18  
20 months after the date of the enactment of this section,  
21 and every 2 years thereafter, the Secretary shall submit  
22 a report to the Committee on Natural Resources of the  
23 House of Representatives and the Committee on Energy  
24 and Natural Resources of the Senate on the grant pro-  
25 grams established by this section and the Innovative

1 Water Infrastructure Workforce Development Program.  
2 The report shall include a description of the grantees and  
3 the activities for which grantees used a grant awarded  
4 under this section.

5 (l) DEFINITIONS.—In this section:

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

10 (2) ELIGIBLE ENTITY.—The term “eligible enti-  
11 ty” means a nonprofit entity or partnership that  
12 demonstrates experience in implementing and oper-  
13 ating worker skills training and education programs  
14 such as a labor organization or an institution of  
15 higher education, as such term is defined in section  
16 101 of the Higher Education Act of 1965 (20  
17 U.S.C. 1001).

18 (3) GRANTEE.—The term “grantee” means an  
19 eligible entity that has received a grant under this  
20 section.

21 (4) INNOVATIVE WATER INFRASTRUCTURE  
22 WORKFORCE DEVELOPMENT PROGRAM.—The term  
23 “Innovative Water Infrastructure Workforce Devel-  
24 opment Program” means the program authorized by  
25 section 4304(b) of Public Law 115–270.

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

6           (6) LOW-INCOME STUDENT.—The term “low-in-  
 7           come student” means a student whose income (ad-  
 8           justed for family size) does not exceed—

9                   (A) for metropolitan areas, 80 percent of  
 10           the area median income; and

11                   (B) for nonmetropolitan areas, the greater  
 12           of—

13                           (i) 80 percent of the area median in-  
 14           come; or

15                           (ii) 80 percent of the statewide non-  
 16           metropolitan area median income.

## 17           **TITLE V—MISCELLANEOUS**

### 18           **SEC. 501. OFFSET.**

19           (a) PURPOSE; DEFINITION.—

20                   (1) PURPOSE.—The purpose of this section is  
 21           to establish an efficient and transparent 1-time proc-  
 22           ess for deauthorizing Bureau of Reclamation  
 23           projects that have failed—

24                           (A) to receive a minimum level of Federal  
 25           investment; or



1 (B) to initiate construction.

2 (2) DEFINITION OF RECLAMATION PROJECT.—

3 In this section, the term “Reclamation project”  
4 means a surface water storage project or project  
5 under the purview of title XVI of Public Law 102–  
6 575 that is to be carried out, funded or operated in  
7 whole or in part by the Secretary pursuant to the  
8 Act of June 17, 1902 (32 Stat. 388, chapter 1093),  
9 and Acts supplemental to and amendatory of that  
10 Act (43 U.S.C. 371 et seq.).

11 (b) BACKLOG LIST.—Not later than 180 days after  
12 the date of the enactment of this Act, the Secretary shall  
13 submit to the Committee on Energy and Natural Re-  
14 sources of the Senate and the Committee on Natural Re-  
15 sources of the House of Representatives, and make avail-  
16 able on a publicly accessible internet website in a manner  
17 that is downloadable, searchable, and sortable, a list of—

18 (1) Reclamation projects—

19 (A) that are authorized; and

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

23 (i) no application for Federal funding  
24 has been received; and

25 (ii) no construction has occurred; and

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

3           (A) the date of authorization of the Rec-  
4 lamation project, including any subsequent  
5 modifications to the original authorization;

6           (B) a brief description of the Reclamation  
7 project; and

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

10       (c) INTERIM DEAUTHORIZATION LIST.—

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

15           (2) PUBLIC COMMENT AND CONSULTATION.—

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

20                   (i) the public; and

21                   (ii) the Governor of each applicable  
22 State.

23           (B) PROJECT SPONSORS.—As part of the  
24 public comment period under subparagraph (A),  
25 the Secretary shall provide to project sponsors

1 the opportunity to provide to the Secretary a  
 2 notice of the intent to initiate construction of  
 3 the project by not later than the date that is 2  
 4 years after the date of publication of the pre-  
 5 liminary final deauthorization list under sub-  
 6 section (d).

7 (3) SUBMISSION TO CONGRESS; PUBLICA-  
 8 TION.—Not later than 90 days after the date of sub-  
 9 mission of the backlog list under subsection (b), the  
 10 Secretary shall—

11 (A) submit the interim deauthorization list  
 12 under paragraph (1) to the Committee on En-  
 13 ergy and Natural Resources of the Senate and  
 14 the Committee on Natural Resources of the  
 15 House of Representatives; and

16 (B) publish the interim deauthorization list  
 17 in the Federal Register.

18 (d) PRELIMINARY FINAL DEAUTHORIZATION LIST.—

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

22 (2) IDENTIFICATION OF PROJECTS.—

23 (A) EXCLUSIONS.—The Secretary may  
 24 identify a Reclamation project described in sub-  
 25 section (b)(1) for exclusion from the prelimi-

1 nary final deauthorization list if the Secretary  
2 determines, on a case-by-case basis following re-  
3 ceipt of public comments, that the project is  
4 critical for interests of the United States, based  
5 on the practicable impact of the project on—

6 (i) public health and safety;

7 (ii) the national economy; or

8 (iii) the environment.

9 (B) SUBJECT TO DEAUTHORIZATION DES-  
10 IGNATION.—Any Reclamation project the spon-  
11 sor of which has provided to the Secretary a no-  
12 tice of the intent to initiate construction by not  
13 later than 2 years after the date of publication  
14 of the preliminary final deauthorization list  
15 under this subsection shall be designated on  
16 that list as “subject to deauthorization”.

17 (C) APPENDIX.—The Secretary shall in-  
18 clude as part of the preliminary final deauthor-  
19 ization list under this subsection an appendix  
20 that—

21 (i) identifies each Reclamation project  
22 included on the interim deauthorization list  
23 under subsection (c) that is not included  
24 on the preliminary final deauthorization  
25 list; and

1 (ii) describes the reasons why each  
2 Reclamation project identified under clause  
3 (i) is not included on the preliminary final  
4 deauthorization list.

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

9 (A) submit to the Committee on Energy  
10 and Natural Resources of the Senate and the  
11 Committee on Natural Resources of the House  
12 of Representatives the preliminary final de-  
13 authorization list and the appendix required  
14 under this subsection; and

15 (B) publish the preliminary final deauthor-  
16 ization list and appendix in the Federal Reg-  
17 ister.

18 (e) DEAUTHORIZATION; CONGRESSIONAL REVIEW.—  
19 Effective beginning on the date that is 180 days after the  
20 date of submission to Congress of the preliminary final  
21 deauthorization list under subsection (d)(3)(A), each Rec-  
22 lamation project included on that list is deauthorized, un-  
23 less—

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

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

6       (f) UPDATED FINAL DEAUTHORIZATION LIST.—

7           (1) PUBLICATION.—Not later than the date  
8       that is 2 years after the date of publication of the  
9       preliminary final deauthorization list under sub-  
10      section (d)(3)(B), the Secretary shall publish an up-  
11      dated final deauthorization list.

12          (2) PROJECTS SUBJECT TO DEAUTHORIZA-  
13      TION.—On the updated final deauthorization list  
14      under this subsection, the Secretary shall describe  
15      any Reclamation project designated as “subject to  
16      deauthorization” on the preliminary final deauthor-  
17      ization list pursuant to subsection (d)(2)(B) as—

18           (A) authorized, if the Secretary has re-  
19      ceived evidence that the sponsor of the Rec-  
20      lamation project has substantially initiated con-  
21      struction on the Reclamation project; or

22           (B) deauthorized, if the Secretary has not  
23      received the evidence described in subparagraph  
24      (A).

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

8       (g) TREATMENT OF PROJECT MODIFICATIONS.—For  
9       purposes of this section, if an authorized Reclamation  
10      project has been modified by an Act of Congress, the date  
11      of authorization of the project shall be considered to be  
12      the date of the most recent modification.

○