



**AGENDA
COMMUNITY AND LEGISLATIVE AFFAIRS
COMMITTEE MEETING
OF THE BOARD OF DIRECTORS
INLAND EMPIRE UTILITIES AGENCY***

**WEDNESDAY, JUNE 9, 2021
9:00 A.M.**

**INLAND EMPIRE UTILITIES AGENCY*
VIEW THE MEETING LIVE ONLINE AT IEUA.ORG
TELEPHONE ACCESS: (415) 856-9169 / Conf Code: 635 663 326#**

PURSUANT TO THE PROVISIONS OF EXECUTIVE ORDERS N-25-20 AND N-29-20 ISSUED BY GOVERNOR GAVIN NEWSOM IN MARCH 2020 AND IN AN EFFORT TO PROTECT PUBLIC HEALTH AND PREVENT THE SPREAD OF COVID-19, THERE WILL BE NO PUBLIC LOCATION AVAILABLE FOR IN-PERSON ATTENDANCE.

The public may participate and provide public comment during the meeting by dialing into the number provided above. Alternatively, public comments may be emailed to the Board Secretary/Office Manager Denise Garzaro at dgarzaro@ieua.org no later than 24 hours prior to the scheduled meeting time. Comments will be read into the record during the meeting.

CALL TO ORDER

PUBLIC COMMENT

Members of the public may address the Board on any item that is within the jurisdiction of the Board; however, no action may be taken on any item not appearing on the agenda unless the action is otherwise authorized by Subdivision (b) of Section 54954.2 of the Government Code. Those persons wishing to address the Board on any matter, whether or not it appears on the agenda, are requested to email the Board Secretary/Office Manager no later than 24 hours prior to the scheduled meeting time or address the Board during the public comments section of the meeting. Comments will be limited to three minutes per speaker. Thank you.

ADDITIONS TO THE AGENDA

In accordance with Section 54954.2 of the Government Code (Brown Act), additions to the agenda require two-thirds vote of the legislative body, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted.

*A Municipal Water District

1. ACTION ITEMS

A. MINUTES

Approve Minutes of the May 12, 2021 Community and Legislative Affairs Committee meeting.

B. ADOPT POSITION ON S. 914 DRINKING WATER AND WASTEWATER INFRASTRUCTURE ACT OF 2021

Staff recommends that the Committee/Board adopt a position of “Support” for S. 914 (Duckworth) – Drinking Water and Wastewater Infrastructure Act of 2021.

C. ADOPT POSITION ON H.R. 3404 FUTURE WESTERN WATER INFRASTRUCTURE AND DROUGHT RESILIENCY ACT

Staff recommends that the Committee/Board adopt a position of “Support” for H.R. 3404 (Huffman) – the FUTURE Western Water Infrastructure and Drought Resiliency Act.

D. ADOPT POSITION ON SB 372 PURCHASING ASSISTANCE PROGRAM: ZERO EMISSION VEHICLES

Staff recommends that the Committee/Board adopt a position of “Support” for SB 372 (Leyva) – Purchasing Assistance Program: Zero Emission Vehicles.

E. CONTRACT AMENDMENTS FOR FEDERAL AND STATE LEGISLATIVE SERVICES AND REGIONAL STRATEGY CONSULTANTS

Staff recommends that the Committee/Board:

1. Amend the contract with Innovative Federal Strategies for federal legislative services for \$86,400 for one additional year, extending the contract to June 30, 2022;
2. Amend the contract with West Coast Advisors for state legislative services for \$114,000 for one additional year, extending the contract to June 30, 2022;
3. Amend the contract with California Strategies for regional strategy services for \$90,000 for one additional year, extending the contract to June 30, 2022; and
4. Authorize the General Manager to execute the contract amendments, subject to non-substantive changes.

2. INFORMATION ITEMS

A. FEDERAL LEGISLATIVE REPORT AND MATRIX – INNOVATIVE FEDERAL STRATEGIES (WRITTEN)

- B. **STATE LEGISLATIVE REPORT AND MATRIX – WEST COAST ADVISORS (WRITTEN)**
- C. **CALIFORNIA STRATEGIES MONTHLY REPORT (WRITTEN)**
- D. **PUBLIC OUTREACH AND COMMUNICATION (WRITTEN)**
- 3. **GENERAL MANAGER’S COMMENTS**
- 4. **COMMITTEE MEMBER COMMENTS**
- 5. **COMMITTEE MEMBER REQUESTED FUTURE AGENDA ITEMS**

ADJOURN

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Board Secretary/Office Manager (909-993-1736), 48 hours prior to the scheduled meeting so that the Agency can make reasonable arrangements.

DECLARATION OF POSTING

I, Denise Garzaro, Board Secretary/Office Manager of the Inland Empire Utilities Agency, A Municipal Water District, hereby certify that a copy of this agenda has been posted by 5:30 p.m. to the IEUA Website at www.ieua.org and outside the Agency's main office, 6075 Kimball Avenue, Building A, Chino on Thursday, June 3, 2021.



Denise Garzaro, CMC

ACTION
ITEM
1A



**MINUTES
COMMUNITY AND LEGISLATIVE AFFAIRS
COMMITTEE MEETING
INLAND EMPIRE UTILITIES AGENCY*
AGENCY HEADQUARTERS, CHINO, CA**

**WEDNESDAY, MAY 12, 2021
9:00 A.M.**

COMMITTEE MEMBERS PRESENT via Video/Teleconference

Jasmin A. Hall, Chair
Steven J. Elie

STAFF PRESENT

Shivaji Deshmukh, General Manager
Christiana Daisy, Deputy General Manager
Christina Valencia, Executive Manager of Finance & Administration/AGM
Denise Garzaro, Board Secretary/Office Manager
Daniel Solorzano, Technology Specialist I

STAFF PRESENT via Video/Teleconference

Kathy Besser, Executive Manager of External & Government Affairs/AGM
Randy Lee, Executive Manager of Operations
Jerry Burke, Manager of Engineering
Pietro Cambiaso, Deputy Manager of Strategic Planning & Resources
Andrea Carruthers, Manager of External Affairs
Javier Chagoyen-Lazaro, Manager of Finance & Accounting
Don Hamlett, Acting Deputy Manager of Integrated System Services
Jennifer Hy-Luk, Administrative Assistant II
Cathleen Pieroni, Manager of Inter-Agency Relations
Jesse Pompa, Manager of Grants
Sushmitha Reddy, Manager of Laboratories
Jeanina Romero, Executive Assistant
Wilson To, Technology Specialist II

OTHERS PRESENT via Video/Teleconference

Beth Olhasso, West Coast Advisors
Sarah Persichetti, Innovative Federal Strategies
Drew Tatum, Innovative Federal Strategies
Letitia White, Innovative Federal Strategies

CALL TO ORDER

Committee Chair Jasmin A. Hall called the meeting to order at 9:00 a.m. She gave the public the opportunity to comment and provided instructions for unmuting the conference line. There were no public comments received or additions to the agenda.

1A. ACTION ITEM

The Committee:

- ◆ Approved Minutes of the April 14, 2021 Community and Legislative Affairs Committee meeting.

2A – 2E. INFORMATION ITEMS

The following information items were presented or received and filed by the Committee:

- ◆ Federal Legislative Report and Matrix – Innovative Federal Strategies
- ◆ State Legislative Report and Matrix – West Coast Advisors
- ◆ Legislative and Regional Contracts
- ◆ California Strategies Monthly Report
- ◆ Public Outreach and Communication

3. GENERAL MANAGER'S COMMENTS

General Manager Shivaji Deshmukh stated that presentations regarding the proposed biennial budget for Fiscal Years 2021/22 and 2022/23 for the Regional Wastewater and Recycled Water programs and the proposed Ten Year Forecast for fiscal years 2022-2031 were shared with the Regional Committees. Representatives were asked to provide input by Friday, May 7. No comments have been received as of the time of this meeting.

4. COMMITTEE MEMBER COMMENTS

There were no Committee member comments.

5. COMMITTEE MEMBER REQUESTED FUTURE AGENDA ITEMS

There were no Committee member requests for future agenda items.

ADJOURNMENT

With no further business, Committee Chair Hall adjourned the meeting at 9:46 a.m.

Respectfully submitted,

Denise Garzaro
Board Secretary/Office Manager

*A Municipal Water District

APPROVED: JUNE 9, 2021

ACTION
ITEM
1B

Date: June 16, 2021

To: The Honorable Board of Directors

ADD
From: Shivaji Deshmukh, General Manager

Committee: Community & Legislative Affairs

06/09/21

Executive Contact: Kathy Besser, Executive Manager of Government & Ext. Affairs/AGM

Subject: Adopt Position on S. 914 Drinking Water and Wastewater Infrastructure Act of 2021

Executive Summary:

In March, Senator Tammy Duckworth (IL) introduced S. 914 - Drinking Water and Wastewater Infrastructure Act of 2021. This legislation would authorize \$35 billion through Fiscal Year (FY) 2026 to fund water infrastructure programs through the U.S. Environmental Protection Agency. The authorized funds would be directed to support the State Revolving Fund (SRF) and Water Infrastructure Finance and Innovation Act (WIFIA) loan programs, as well as grant programs for water use efficiency, storm water capture, and wastewater infrastructure implementation.

Through FY 2026, this legislation would reauthorize the Clean Water SRF fund at a total of \$11.4 billion and the WIFIA program would be renewed at \$50 million each year. Metropolitan Water District (MWD) recognizes the benefits that S. 914 offers to water agencies and has taken a position of support for the legislation.

In consideration of the reauthorized funding for the SRF and WIFIA programs that the Agency has successfully utilized in the past, staff recommends a position of support for S. 914.

Staff's Recommendation:

Adopt a position of "Support" for S. 914 (Duckworth) - Drinking Water and Wastewater Infrastructure Act of 2021.

Budget Impact *Budgeted (Y/N): Y Amendment (Y/N): Y Amount for Requested Approval:*

Account/Project Name:

N/A

Fiscal Impact (explain if not budgeted):

N/A

Prior Board Action:

Adoption of 2021 Legislative Policy Principles

Environmental Determination:

Not Applicable

Business Goal:

Taking legislative positions is in line with IEUA's business practices goal of advocating for the development of policies, legislation and regulations that benefit the region.

Attachments:

1. S. 914 (Duckworth) - Bill Text

117TH CONGRESS
1ST SESSION

S. 914

AN ACT

To amend the Safe Drinking Water Act and the Federal Water Pollution Control Act to reauthorize programs under those Acts, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
 3 “Drinking Water and Wastewater Infrastructure Act of
 4 2021”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Definition of Administrator.

TITLE I—DRINKING WATER

Sec. 101. Technical assistance and grants for emergencies affecting public water systems.

Sec. 102. Drinking water State revolving loan funds.

Sec. 103. Source water petition program.

Sec. 104. Assistance for small and disadvantaged communities.

Sec. 105. Reducing lead in drinking water.

Sec. 106. Operational sustainability of small public water systems.

Sec. 107. Midsize and large drinking water system infrastructure resilience and sustainability program.

Sec. 108. Needs assessment for nationwide rural and urban low-income community water assistance.

Sec. 109. Rural and low-income water assistance pilot program.

Sec. 110. Lead contamination in school drinking water.

Sec. 111. Indian reservation drinking water program.

Sec. 112. Advanced drinking water technologies.

Sec. 113. Cybersecurity support for public water systems.

Sec. 114. State response to contaminants.

Sec. 115. Annual study on boil water advisories.

TITLE II—CLEAN WATER

Sec. 201. Research, investigations, training, and information.

Sec. 202. Wastewater efficiency grant pilot program.

Sec. 203. Pilot program for alternative water source projects.

Sec. 204. Sewer overflow and stormwater reuse municipal grants.

Sec. 205. Clean water infrastructure resiliency and sustainability program.

Sec. 206. Small and medium publicly owned treatment works circuit rider program.

Sec. 207. Small publicly owned treatment works efficiency grant program.

Sec. 208. Grants for construction and refurbishing of individual household decentralized wastewater systems for individuals with low or moderate income.

Sec. 209. Connection to publicly owned treatment works.

Sec. 210. Clean water State revolving funds.

Sec. 211. Water infrastructure and workforce investment.

Sec. 212. Grants to Alaska to improve sanitation in rural and Native villages.

Sec. 213. Water data sharing pilot program.

Sec. 214. Final rating opinion letters.

Sec. 215. Water infrastructure financing reauthorization.
 Sec. 216. Small and disadvantaged community analysis.
 Sec. 217. Stormwater infrastructure technology.
 Sec. 218. Water Reuse Interagency Working Group.
 Sec. 219. Advanced clean water technologies study.
 Sec. 220. Clean watersheds needs survey.
 Sec. 221. Water Resources Research Act amendments.
 Sec. 222. Enhanced aquifer use and recharge.

1 **SEC. 2. DEFINITION OF ADMINISTRATOR.**

2 In this Act, the term “Administrator” means the Ad-
 3 ministrator of the Environmental Protection Agency.

4 **TITLE I—DRINKING WATER**

5 **SEC. 101. TECHNICAL ASSISTANCE AND GRANTS FOR EMER-**
 6 **GENCIES AFFECTING PUBLIC WATER SYS-**
 7 **TEMS.**

8 Section 1442 of the Safe Drinking Water Act (42
 9 U.S.C. 300j–1) is amended—

10 (1) in subsection (a), by adding at the end the
 11 following:

12 “(11) COMPLIANCE EVALUATION.—

13 “(A) IN GENERAL.—Not later than 1 year after
 14 the date of enactment of the Drinking Water and
 15 Wastewater Infrastructure Act of 2021, the Admin-
 16 istrator shall—

17 “(i) evaluate, based on the compliance data
 18 found in the Safe Drinking Water Information
 19 System of the Administrator, the compliance of
 20 community water systems and wastewater sys-
 21 tems with environmental, health, and safety re-

quirements under this title, including water quality sampling, testing, and reporting requirements; and

“(ii) submit to Congress a report describing trends seen as a result of the evaluation under clause (i), including trends that demonstrate how the characteristics of community water systems and wastewater systems correlate to trends in compliance or noncompliance with the requirements described in that clause.

“(B) REQUIREMENT.—To the extent practicable, in carrying out subparagraph (A), the Administrator shall determine whether, in aggregate, community water systems and wastewater systems maintain asset management plans.”;

(2) in subsection (b), in the first sentence—

(A) by inserting “(including an emergency situation resulting from a cybersecurity event)” after “emergency situation”; and

(B) by inserting “, including a threat to public health resulting from contaminants, such as, but not limited to, heightened exposure to lead in drinking water” after “public health”;

(3) by striking subsection (d) and inserting the following:

1 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
 2 is authorized to be appropriated to carry out subsection
 3 (b) \$35,000,000 for each of fiscal years 2022 through
 4 2026.”;

5 (4) in subsection (e), by striking paragraph (5)
 6 and inserting the following:

7 “(5) AUTHORIZATION OF APPROPRIATIONS.—
 8 There is authorized to be appropriated to the Ad-
 9 ministrator to carry out this subsection \$15,000,000
 10 for each of fiscal years 2022 through 2026.”;

11 (5) by redesignating subsection (f) as sub-
 12 section (g); and

13 (6) by inserting after subsection (e) the fol-
 14 lowing:

15 “(f) STATE-BASED NONPROFIT ORGANIZATIONS.—

16 “(1) IN GENERAL.—The Administrator may
 17 provide technical assistance consistent with the au-
 18 thority provided under subsection (e) to State-based
 19 nonprofit organizations that are governed by com-
 20 munity water systems.

21 “(2) COMMUNICATION.—Each State-based non-
 22 profit organization that receives funding under para-
 23 graph (1) shall, before using that funding to under-
 24 take activities to carry out this subsection, consult

1 with the State in which the assistance is to be ex-
 2 pended or otherwise made available.”.

3 **SEC. 102. DRINKING WATER STATE REVOLVING LOAN**
 4 **FUNDS.**

5 (a) DRINKING WATER STATE REVOLVING FUNDS
 6 CAPITALIZATION GRANT REAUTHORIZATION.—Section
 7 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–
 8 12) is amended—

9 (1) in subsection (a)(4)(A), by striking “During
 10 fiscal years 2019 through 2023, funds” and insert-
 11 ing “Funds”;

12 (2) in subsection (m)(1) —

13 (A) in subparagraph (B), by striking
 14 “and”;

15 (B) in subparagraph (C), by striking the
 16 period at the end and inserting a semicolon;
 17 and

18 (C) by adding at the end the following:

19 “(D) \$2,400,000,000 for fiscal year 2022;

20 “(E) \$2,750,000,000 for fiscal year 2023;

21 “(F) \$3,000,000,000 for fiscal year 2024;

22 and

23 “(G) \$3,250,000,000 for each of fiscal
 24 years 2025 and 2026.”; and

1 (3) in subsection (q), by striking “2016 through
2 2021” and inserting “2022 through 2026”.

3 (b) ASSISTANCE FOR DISADVANTAGED COMMU-
4 NITIES.—Section 1452(d) of the Safe Drinking Water Act
5 (42 U.S.C. 300j–12(d)) is amended—

6 (1) in paragraph (1)—

7 (A) by striking “Notwithstanding any” and
8 inserting the following:

9 “(A) IN GENERAL.—Notwithstanding
10 any”;

11 (B) in subparagraph (A) (as so des-
12 ignated), by inserting “, grants, negative inter-
13 est loans, other loan forgiveness, and through
14 buying, refinancing, or restructuring debt”
15 after “forgiveness of principal”; and

16 (C) by adding at the end the following:

17 “(B) EXCLUSION.—A loan from a State
18 loan fund with an interest rate equal to or
19 greater than 0 percent shall not be considered
20 additional subsidization for purposes of this
21 subsection.”; and

22 (2) in paragraph (2), by striking subparagraph
23 (B) and inserting the following:

24 “(B) to the extent that there are sufficient
25 applications for loans to communities described

1 in paragraph (1), may not be less than 12 per-
2 cent.”.

3 **SEC. 103. SOURCE WATER PETITION PROGRAM.**

4 Section 1454 of the Safe Drinking Water Act (42
5 U.S.C. 300j-14) is amended—

6 (1) in subsection (a)—

7 (A) in paragraph (1)(A), in the matter
8 preceding clause (i), by striking “political sub-
9 division of a State,” and inserting “political
10 subdivision of a State (including a county that
11 is designated by the State to act on behalf of
12 an unincorporated area within that county, with
13 the agreement of that unincorporated area),”;

14 (B) in paragraph (4)(D)(i), by inserting
15 “(including a county that is designated by the
16 State to act on behalf of an unincorporated
17 area within that county)” after “of the State”;
18 and

19 (C) by adding at the end the following:

20 “(5) SAVINGS PROVISION.—Unless otherwise
21 provided within the agreement, an agreement be-
22 tween an unincorporated area and a county for the
23 county to submit a petition under paragraph (1)(A)
24 on behalf of the unincorporated area shall not au-
25 thorize the county to act on behalf of the unincor-

1 porated area in any matter not within a program
2 under this section.”; and

3 (2) in subsection (e), in the first sentence, by
4 striking “2021” and inserting “2026”.

5 **SEC. 104. ASSISTANCE FOR SMALL AND DISADVANTAGED**
6 **COMMUNITIES.**

7 (a) EXISTING PROGRAMS.—Section 1459A of the
8 Safe Drinking Water Act (42 U.S.C. 300j–19a) is amend-
9 ed—

10 (1) in subsection (b)(2)—

11 (A) in subparagraph (B), by striking
12 “and” at the end;

13 (B) in subparagraph (C), by striking the
14 period at the end and inserting a semicolon;
15 and

16 (C) by adding at the end the following:

17 “(D) the purchase of point-of-entry or
18 point-of-use filters and filtration systems that
19 are certified by a third party using science-
20 based test methods for the removal of contami-
21 nants of concern;

22 “(E) investments necessary for providing
23 accurate and current information about—

1 “(i) the need for filtration and filter
 2 safety, including proper use and mainte-
 3 nance practices; and

4 “(ii) the options for replacing lead
 5 service lines (as defined section 1459B(a))
 6 and removing other sources of lead in
 7 water; and

8 “(F) entering into contracts, including con-
 9 tracts with nonprofit organizations that have
 10 water system technical expertise, to assist—

11 “(i) an eligible entity; or

12 “(ii) the State of an eligible entity, on
 13 behalf of that eligible entity.”;

14 (2) in subsection (c), in the matter preceding
 15 paragraph (1), by striking “An eligible entity” and
 16 inserting “Except for purposes of subsections (j) and
 17 (m), an eligible entity”;

18 (3) in subsection (g)(1), by striking “to pay not
 19 less than 45 percent” and inserting “except as pro-
 20 vided in subsection (l)(5) and subject to subsection
 21 (h), to pay not less than 10 percent”;

22 (4) by striking subsection (k) and inserting the
 23 following:

1 “(k) AUTHORIZATION OF APPROPRIATIONS.—There
 2 are authorized to be appropriated to carry out subsections
 3 (a) through (j)—

4 “(1) \$70,000,000 for fiscal year 2022;

5 “(2) \$80,000,000 for fiscal year 2023;

6 “(3) \$100,000,000 for fiscal year 2024;

7 “(4) \$120,000,000 for fiscal year 2025; and

8 “(5) \$140,000,000 for fiscal year 2026.”; and

9 (5) in subsection (l)—

10 (A) in paragraph (2)—

11 (i) by striking “The Administrator
 12 may” and inserting “The Administrator
 13 shall”; and

14 (ii) by striking “fiscal years 2019 and
 15 2020” and inserting “fiscal years 2022
 16 through 2026”;

17 (B) in paragraph (5), by striking
 18 “\$4,000,000 for each of fiscal years 2019 and
 19 2020” and inserting “\$25,000,000 for each of
 20 fiscal years 2022 through 2026”;

21 (C) by redesignating paragraph (5) as
 22 paragraph (6); and

23 (D) by inserting after paragraph (4) the
 24 following:

1 “(5) FEDERAL SHARE FOR SMALL, RURAL, AND
2 DISADVANTAGED COMMUNITIES.—

3 “(A) IN GENERAL.—Subject to subpara-
4 graph (B), with respect to a program or project
5 that serves an eligible entity and is carried out
6 using a grant under this subsection, the Fed-
7 eral share of the cost of the program or project
8 shall be 90 percent.

9 “(B) WAIVER.—The Administrator may
10 increase the Federal share under subparagraph
11 (A) to 100 percent if the Administrator deter-
12 mines that an eligible entity is unable to pay,
13 or would experience significant financial hard-
14 ship if required to pay, the non-Federal share.”.

15 (b) CONNECTION TO PUBLIC WATER SYSTEMS.—
16 Section 1459A of the Safe Drinking Water Act (42 U.S.C.
17 300j–19a) is amended by adding at the end the following:

18 “(m) CONNECTION TO PUBLIC WATER SYSTEMS.—

19 “(1) DEFINITIONS.—In this subsection:

20 “(A) ELIGIBLE ENTITY.—The term ‘eligi-
21 ble entity’ means—

22 “(i) an owner or operator of a public
23 water system that assists or is seeking to
24 assist eligible individuals with connecting

1 the household of the eligible individual to
2 the public water system; or

3 “(ii) a nonprofit entity that assists or
4 is seeking to assist eligible individuals with
5 the costs associated with connecting the
6 household of the eligible individual to a
7 public water system.

8 “(B) ELIGIBLE INDIVIDUAL.—The term
9 ‘eligible individual’ has the meaning given the
10 term in section 603(j) of the Federal Water
11 Pollution Control Act (33 U.S.C. 1383(j)).

12 “(C) PROGRAM.—The term ‘program’
13 means the competitive grant program estab-
14 lished under paragraph (2).

15 “(2) ESTABLISHMENT.—Subject to the avail-
16 ability of appropriations, the Administrator shall es-
17 tablish a competitive grant program for the purpose
18 of improving the general welfare under which the
19 Administrator awards grants to eligible entities to
20 provide funds to assist eligible individuals in cov-
21 ering the costs incurred by the eligible individual in
22 connecting the household of the eligible individual to
23 a public water system.

24 “(3) APPLICATION.—An eligible entity seeking
25 a grant under the program shall submit to the Ad-

1 administrator an application at such time, in such
2 manner, and containing such information as the Ad-
3 ministrator may require.

4 “(4) VOLUNTARY CONNECTION.—Before pro-
5 viding funds to an eligible individual for the costs
6 described in paragraph (2), an eligible entity shall
7 ensure and certify to the Administrator that—

8 “(A) the eligible individual is voluntarily
9 seeking connection to the public water system;

10 “(B) if the eligible entity is not the owner
11 or operator of the public water system to which
12 the eligible individual seeks to connect, the pub-
13 lic water system to which the eligible individual
14 seeks to connect has agreed to the connection;
15 and

16 “(C) the connection of the household of the
17 eligible individual to the public water system
18 meets all applicable local and State regulations,
19 requirements, and codes.

20 “(5) REPORT.—Not later than 3 years after the
21 date of enactment of the Drinking Water and
22 Wastewater Infrastructure Act of 2021, the Admin-
23 istrator shall submit to Congress a report that de-
24 scribes the implementation of the program, which

1 shall include a description of the use and deployment
 2 of amounts made available under the program.

3 “(6) AUTHORIZATION OF APPROPRIATIONS.—

4 There is authorized to be appropriated to carry out
 5 the program \$20,000,000 for each of fiscal years
 6 2022 through 2026.”.

7 (c) COMPETITIVE GRANT PILOT PROGRAM.—Section
 8 1459A of the Safe Drinking Water Act (42 U.S.C. 300j–
 9 19a) (as amended by subsection (b)) is amended by adding
 10 at the end the following:

11 “(n) STATE COMPETITIVE GRANTS FOR UNDER-
 12 SERVED COMMUNITIES.—

13 “(1) IN GENERAL.—In addition to amounts au-
 14 thorized to be appropriated under subsection (k),
 15 there is authorized to be appropriated to carry out
 16 subsections (a) through (j) \$50,000,000 for each of
 17 fiscal years 2022 through 2026 in accordance with
 18 paragraph (2).

19 “(2) COMPETITIVE GRANTS.—

20 “(A) IN GENERAL.—Notwithstanding any
 21 other provision of this section, the Adminis-
 22 trator shall distribute amounts made available
 23 under paragraph (1) to States through a com-
 24 petitive grant program.

1 “(B) APPLICATIONS.—To seek a grant
2 under the competitive grant program under
3 subparagraph (A), a State shall submit to the
4 Administrator an application at such time, in
5 such manner, and containing such information
6 as the Administrator may require.

7 “(C) CRITERIA.—In selecting recipients of
8 grants under the competitive grant program
9 under subparagraph (A), the Administrator
10 shall establish criteria that give priority to
11 States with a high proportion of underserved
12 communities that meet the condition described
13 in subsection (a)(2)(A).

14 “(3) REPORT.—Not later than 2 years after the
15 date of enactment of the Drinking Water and
16 Wastewater Infrastructure Act of 2021, the Admin-
17 istrator shall submit to Congress a report that de-
18 scribes the implementation of the competitive grant
19 program under paragraph (2)(A), which shall in-
20 clude a description of the use and deployment of
21 amounts made available under the competitive grant
22 program.

23 “(4) SAVINGS PROVISION.—Nothing in this
24 paragraph affects the distribution of amounts made
25 available under subsection (k), including any meth-

1 ods used by the Administrator for distribution of
 2 amounts made available under that subsection as in
 3 effect on the day before the date of enactment of
 4 this subsection.”.

5 **SEC. 105. REDUCING LEAD IN DRINKING WATER.**

6 Section 1459B of the Safe Drinking Water Act (42
 7 U.S.C. 300j–19b) is amended—

8 (1) in subsection (a)—

9 (A) in paragraph (1), by striking subpara-
 10 graph (D) and inserting the following:

11 “(D) a qualified nonprofit organization
 12 with experience in lead reduction, as determined
 13 by the Administrator; and”;

14 (B) in paragraph (2)(A)—

15 (i) in clause (i), by striking “publicly
 16 owned”; and

17 (ii) by striking clause (iii) and insert-
 18 ing the following:

19 “(iii) providing assistance to eligible
 20 entities to replace lead service lines, with
 21 priority for disadvantaged communities
 22 based on the affordability criteria estab-
 23 lished by the applicable State under section
 24 1452(d)(3), low-income homeowners, and

1 landlords or property owners providing
 2 housing to low-income renters.”; and

3 (C) in paragraph (3), by striking “an indi-
 4 vidual provided”;

5 (2) in subsection (b)—

6 (A) in paragraph (5)—

7 (i) in subparagraph (A), by striking
 8 “to provide assistance” and all that follows
 9 through the period at the end and insert-
 10 ing “to replace lead service lines, with first
 11 priority given to assisting disadvantaged
 12 communities based on the affordability cri-
 13 teria established by the applicable State
 14 under section 1452(d)(3), low-income
 15 homeowners, and landlords or property
 16 owners providing housing to low-income
 17 renters.”; and

18 (ii) in subparagraph (B), by striking
 19 “line” and inserting “lines”; and

20 (B) in paragraph (6)—

21 (i) in subparagraph (A), by striking
 22 “any publicly owned portion of”;

23 (ii) in subparagraph (C), in the mat-
 24 ter preceding clause (i)—

1 (I) by striking “may” and insert-
 2 ing “shall”;

3 (II) by inserting “and may, for
 4 other homeowners,” after “low-income
 5 homeowner,”; and

6 (III) by striking “a cost that”
 7 and all that follows through the semi-
 8 colon at the end of clause (ii) and in-
 9 serting “no cost to the homeowner,”;
 10 (iii) in subparagraph (D), by striking
 11 “and” at the end;

12 (iv) in subparagraph (E), by striking
 13 “other options” and all that follows
 14 through the period at the end and insert-
 15 ing “feasible alternatives for reducing the
 16 concentration of lead in drinking water,
 17 such as corrosion control; and”;

18 (v) by adding at the end the following:

19 “(F) shall notify the State of any planned
 20 replacement of lead service lines under this pro-
 21 gram and coordinate, where practicable, with
 22 other relevant infrastructure projects.”;

23 (3) in subsection (d)—

24 (A) by inserting “(except for subsection
 25 (d))” after “this section”; and

1 (B) by striking “\$60,000,000 for each of
 2 fiscal years 2017 through 2021” and inserting
 3 “\$100,000,000 for each of fiscal years 2022
 4 through 2026”;

5 (4) by redesignating subsections (d) and (e) as
 6 subsections (e) and (f), respectively; and

7 (5) by inserting after subsection (c) the fol-
 8 lowing:

9 “(d) LEAD INVENTORYING UTILIZATION GRANT
 10 PILOT PROGRAM.—

11 “(1) DEFINITIONS.—In this subsection:

12 “(A) ELIGIBLE ENTITY.—The term ‘eligi-
 13 ble entity’ means a municipality that is served
 14 by a community water system or a nontransient
 15 noncommunity water system in which not less
 16 than 30 percent of the service lines are known,
 17 or suspected, to contain lead, based on available
 18 data, information, or resources, including exist-
 19 ing lead inventorying.

20 “(B) PILOT PROGRAM.—The term ‘pilot
 21 program’ means the pilot program established
 22 under paragraph (2).

23 “(2) ESTABLISHMENT.—The Administrator
 24 shall establish a pilot program under which the Ad-
 25 ministrator shall provide grants to eligible entities to

1 carry out lead reduction projects that are dem-
2 onstrated to exist or are suspected to exist, based on
3 available data, information, or resources, including
4 existing lead inventorying of those eligible entities.

5 “(3) SELECTION.—

6 “(A) APPLICATION.—To be eligible to re-
7 ceive a grant under the pilot program, an eligi-
8 ble entity shall submit to the Administrator an
9 application at such time, in such manner, and
10 containing such information as the Adminis-
11 trator may require.

12 “(B) PRIORITIZATION.—In selecting recipi-
13 ents under the pilot program, the Administrator
14 shall give priority to—

15 “(i) an eligible entity that meets the
16 affordability criteria of the applicable State
17 established under section 1452(d)(3); and

18 “(ii) an eligible entity that is located
19 in an area other than a State that has es-
20 tablished affordability criteria under sec-
21 tion 1452(d)(3).

22 “(4) REPORT.—Not later 2 years after the Ad-
23 ministrator first awards a grant under the pilot pro-
24 gram, the Administrator shall submit to the Com-
25 mittee on Environment and Public Works of the

1 Senate and the Committee on Energy and Com-
 2 merce of the House of Representatives a report de-
 3 scribing—

4 “(A) the recipients of grants under the
 5 pilot program;

6 “(B) the existing lead inventorying that
 7 was available to recipients of grants under the
 8 pilot program; and

9 “(C) how useful and accurate the lead
 10 inventorying described in subparagraph (B) was
 11 in locating lead service lines of the eligible enti-
 12 ty.

13 “(5) AUTHORIZATION OF APPROPRIATIONS.—
 14 There is authorized to be appropriated to carry out
 15 the pilot program \$10,000,000, to remain available
 16 until expended.”.

17 **SEC. 106. OPERATIONAL SUSTAINABILITY OF SMALL PUB-**
 18 **LIC WATER SYSTEMS.**

19 Part E of the Safe Drinking Water Act (42 U.S.C.
 20 300j et seq.) is amended by adding at the end the fol-
 21 lowing:

22 **“SEC. 1459E. OPERATIONAL SUSTAINABILITY OF SMALL**
 23 **PUBLIC WATER SYSTEMS.**

24 “(a) DEFINITIONS.—In this section:

1 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
2 tity’ means—

3 “(A) a State;

4 “(B) a unit of local government;

5 “(C) a public corporation established by a
6 unit of local government to provide water serv-
7 ice;

8 “(D) a nonprofit corporation, public trust,
9 or cooperative association that owns or operates
10 a public water system;

11 “(E) an Indian Tribe that owns or oper-
12 ates a public water system;

13 “(F) a nonprofit organization that provides
14 technical assistance to public water systems;
15 and

16 “(G) a Tribal consortium.

17 “(2) OPERATIONAL SUSTAINABILITY.—The
18 term ‘operational sustainability’ means the ability to
19 improve the operation of a small system through the
20 identification and prevention of potable water loss
21 due to leaks, breaks, and other metering or infra-
22 structure failures.

23 “(3) PROGRAM.—The term ‘program’ means
24 the grant program established under subsection (b).

1 “(4) SMALL SYSTEM.—The term ‘small system’,
 2 for the purposes of this section, means a public
 3 water system that—

4 “(A) serves fewer than 10,000 people; and

5 “(B) is owned or operated by—

6 “(i) a unit of local government;

7 “(ii) a public corporation;

8 “(iii) a nonprofit corporation;

9 “(iv) a public trust;

10 “(v) a cooperative association; or

11 “(vi) an Indian Tribe.

12 “(b) ESTABLISHMENT.—Subject to the availability of
 13 appropriations, the Administrator shall establish a pro-
 14 gram to award grants to eligible entities for the purpose
 15 of improving the operational sustainability of 1 or more
 16 small systems.

17 “(c) APPLICATIONS.—To be eligible to receive a grant
 18 under the program, an eligible entity shall submit to the
 19 Administrator an application at such time, in such man-
 20 ner, and containing such information as the Administrator
 21 may require, including—

22 “(1) a proposal of the project to be carried out
 23 using grant funds under the program;

24 “(2) documentation provided by the eligible en-
 25 tity describing the deficiencies or suspected defi-

1 ciencies in operational sustainability of 1 or more
2 small systems that are to be addressed through the
3 proposed project;

4 “(3) a description of how the proposed project
5 will improve the operational sustainability of 1 or
6 more small systems;

7 “(4) a description of how the improvements de-
8 scribed in paragraph (3) will be maintained beyond
9 the life of the proposed project, including a plan to
10 maintain and update any asset data collected as a
11 result of the proposed project; and

12 “(5) any additional information the Adminis-
13 trator may require.

14 “(d) ADDITIONAL REQUIRED INFORMATION.—Before
15 the award of funds for a grant under the program to a
16 grant recipient, the grant recipient shall submit to the Ad-
17 ministrators—

18 “(1) if the grant recipient is located in a State
19 that has established a State drinking water treat-
20 ment revolving loan fund under section 1452, a copy
21 of a written agreement between the grant recipient
22 and the State in which the grant recipient agrees to
23 provide a copy of any data collected under the pro-
24 posed project to the State agency administering the

1 State drinking water treatment revolving loan fund
2 (or a designee); or

3 “(2) if the grant recipient is located in an area
4 other than a State that has established a State
5 drinking water treatment revolving loan fund under
6 section 1452, a copy of a written agreement between
7 the grant recipient and the Administrator in which
8 the eligible entity agrees to provide a copy of any
9 data collected under the proposed project to the Ad-
10 ministrator (or a designee).

11 “(e) USE OF FUNDS.—An eligible entity that receives
12 a grant under the program shall use the grant funds to
13 carry out projects that improve the operational sustain-
14 ability of 1 or more small systems through—

15 “(1) the development of a detailed asset inven-
16 tory, which may include drinking water sources,
17 wells, storage, valves, treatment systems, distribu-
18 tion lines, hydrants, pumps, controls, and other es-
19 sential infrastructure;

20 “(2) the development of an infrastructure asset
21 map, including a map that uses technology such
22 as—

23 “(A) geographic information system soft-
24 ware; and

25 “(B) global positioning system software;

1 “(3) the deployment of leak detection tech-
2 nology;

3 “(4) the deployment of metering technology;

4 “(5) training in asset management strategies,
5 techniques, and technologies for appropriate staff
6 employed by—

7 “(A) the eligible entity; or

8 “(B) the small systems for which the grant
9 was received;

10 “(6) the deployment of strategies, techniques,
11 and technologies to enhance the operational sustain-
12 ability and effective use of water resources through
13 water reuse; and

14 “(7) the development or deployment of other
15 strategies, techniques, or technologies that the Ad-
16 ministrator may determine to be appropriate under
17 the program.

18 “(f) COST SHARE.—

19 “(1) IN GENERAL.—Subject to paragraph (2),
20 the Federal share of the cost of a project carried out
21 using a grant under the program shall be 90 percent
22 of the total cost of the project.

23 “(2) WAIVER.—The Administrator may in-
24 crease the Federal share under paragraph (1) to 100
25 percent.

1 “(g) REPORT.—Not later than 2 years after the date
 2 of enactment of the Drinking Water and Wastewater In-
 3 frastructure Act of 2021, the Administrator shall submit
 4 to Congress a report that describes the implementation of
 5 the program, which shall include a description of the use
 6 and deployment of amounts made available under the pro-
 7 gram.

8 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
 9 is authorized to be appropriated to carry out this section
 10 \$50,000,000 for each of fiscal years 2022 through 2026.”.

11 **SEC. 107. MIDSIZE AND LARGE DRINKING WATER SYSTEM**
 12 **INFRASTRUCTURE RESILIENCE AND SUS-**
 13 **TAINABILITY PROGRAM.**

14 Part E of the Safe Drinking Water Act (42 U.S.C.
 15 300j et seq.) (as amended by section 106) is amended by
 16 adding at the end the following:

17 **“SEC. 1459F. MIDSIZE AND LARGE DRINKING WATER SYS-**
 18 **TEM INFRASTRUCTURE RESILIENCE AND**
 19 **SUSTAINABILITY PROGRAM.**

20 “(a) DEFINITIONS.—In this section:

21 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
 22 tity’ means a public water system that serves a com-
 23 munity with a population of 10,000 or more.

1 “(2) NATURAL HAZARD; RESILIENCE.—The
 2 terms ‘resilience’ and ‘natural hazard’ have the
 3 meanings given those terms in section 1433(h).

4 “(3) RESILIENCE AND SUSTAINABILITY PRO-
 5 GRAM.—The term ‘resilience and sustainability pro-
 6 gram’ means the Midsize and Large Drinking Water
 7 System Infrastructure Resilience and Sustainability
 8 Program established under subsection (b).

9 “(b) ESTABLISHMENT.—The Administrator shall es-
 10 tablish and carry out a program, to be known as the
 11 ‘Midsize and Large Drinking Water System Infrastruc-
 12 ture Resilience and Sustainability Program’, under which
 13 the Administrator, subject to the availability of appropria-
 14 tions for the resilience and sustainability program, shall
 15 award grants to eligible entities for the purpose of—

16 “(1) increasing resilience to natural hazards
 17 and extreme weather events; and

18 “(2) reducing cybersecurity vulnerabilities.

19 “(c) USE OF FUNDS.—An eligible entity may only
 20 use grant funds received under the resilience and sustain-
 21 ability program to assist in the planning, design, construc-
 22 tion, implementation, operation, or maintenance of a pro-
 23 gram or project that increases resilience to natural haz-
 24 ards and extreme weather events, or reduces cybersecurity
 25 vulnerabilities, through—

1 “(1) the conservation of water or the enhance-
2 ment of water-use efficiency;

3 “(2) the modification or relocation of existing
4 drinking water system infrastructure made, or that
5 is at risk of being, significantly impaired by natural
6 hazards or extreme weather events, including risks
7 to drinking water from flooding;

8 “(3) the design or construction of new or modi-
9 fied desalination facilities to serve existing commu-
10 nities;

11 “(4) the enhancement of water supply through
12 the use of watershed management and source water
13 protection;

14 “(5) the enhancement of energy efficiency or
15 the use and generation of renewable energy in the
16 conveyance or treatment of drinking water;

17 “(6) the development and implementation of
18 measures—

19 “(A) to increase the resilience of the eligi-
20 ble entity to natural hazards and extreme
21 weather events; or

22 “(B) to reduce cybersecurity
23 vulnerabilities;

1 “(7) the conservation of water or the enhance-
2 ment of a water supply through the implementation
3 of water reuse measures; or

4 “(8) the formation of regional water partner-
5 ships to collaboratively address documented water
6 shortages.

7 “(d) APPLICATION.—To seek a grant under the resil-
8 ience and sustainability program, an eligible entity shall
9 submit to the Administrator an application at such time,
10 in such manner, and containing such information as the
11 Administrator may require, including—

12 “(1) a proposal of the program or project to be
13 planned, designed, constructed, implemented, oper-
14 ated, or maintained by the eligible entity;

15 “(2) an identification of the natural hazard
16 risks, extreme weather events, or potential cyberse-
17 curity vulnerabilities, as applicable, to be addressed
18 by the proposed program or project;

19 “(3) documentation prepared by a Federal,
20 State, regional, or local government agency of the
21 natural hazard risk, potential cybersecurity vulner-
22 ability, or risk for extreme weather events to the
23 area where the proposed program or project is to be
24 located;

1 “(4) a description of any recent natural haz-
2 ards, cybersecurity events, or extreme weather
3 events that have affected the community water sys-
4 tem of the eligible entity;

5 “(5) a description of how the proposed program
6 or project would improve the performance of the
7 community water system of the eligible entity under
8 the anticipated natural hazards, cybersecurity
9 vulnerabilities, or extreme weather events; and

10 “(6) an explanation of how the proposed pro-
11 gram or project is expected—

12 “(A) to enhance the resilience of the com-
13 munity water system of the eligible entity to the
14 anticipated natural hazards or extreme weather
15 events; or

16 “(B) to reduce cybersecurity
17 vulnerabilities.

18 “(e) REPORT.—Not later than 2 years after the date
19 of enactment of the Drinking Water and Wastewater In-
20 frastructure Act of 2021, the Administrator shall submit
21 to Congress a report that describes the implementation of
22 the resilience and sustainability program, which shall in-
23 clude a description of the use and deployment of amounts
24 made available to carry out the resilience and sustain-
25 ability program.

1 “(f) AUTHORIZATION OF APPROPRIATIONS.—

2 “(1) IN GENERAL.—There is authorized to be
3 appropriated to carry out the resilience and sustain-
4 ability program \$50,000,000 for each of fiscal years
5 2022 through 2026.

6 “(2) USE OF FUNDS.—Of the amounts made
7 available under paragraph (1) for grants to eligible
8 entities under the resilience and sustainability pro-
9 gram—

10 “(A) 50 percent shall be used to provide
11 grants to eligible entities that serve a popu-
12 lation of—

13 “(i) equal to or greater than 10,000;
14 and

15 “(ii) fewer than 100,000; and

16 “(B) 50 percent shall be used to provide
17 grants to eligible entities that serve a popu-
18 lation equal to or greater than 100,000.

19 “(3) ADMINISTRATIVE COSTS.—Of the amounts
20 made available under paragraph (1), not more than
21 2 percent may be used by the Administrator for the
22 administrative costs of carrying out the resilience
23 and sustainability program.”.

1 **SEC. 108. NEEDS ASSESSMENT FOR NATIONWIDE RURAL**
 2 **AND URBAN LOW-INCOME COMMUNITY**
 3 **WATER ASSISTANCE.**

4 (a) DEFINITIONS.—In this section and section 109:

5 (1) COMMUNITY WATER SYSTEM.—The term
 6 “community water system” has the meaning given
 7 the term in section 1401 of the Safe Drinking Water
 8 Act (42 U.S.C. 300f).

9 (2) LARGE WATER SERVICE PROVIDER.—The
 10 term “large water service provider” means a commu-
 11 nity water system, treatment works, or municipal
 12 separate storm sewer system that serves more than
 13 100,000 people.

14 (3) MEDIUM WATER SERVICE PROVIDER.—The
 15 term “medium water service provider” means a com-
 16 munity water system, treatment works, or municipal
 17 separate storm sewer system that serves more than
 18 10,000 people and not more than 100,000 people.

19 (4) NEED.—The term “need”, with respect to
 20 a qualifying household, means the expenditure of a
 21 disproportionate amount of household income on ac-
 22 cess to public drinking water or wastewater services.

23 (5) QUALIFYING HOUSEHOLD.—The term
 24 “qualifying household” means a household that—

25 (A) includes an individual who is—

1 (i) the holder of an account for drink-
 2 ing water or wastewater service that is
 3 provided to that household by a large
 4 water service provider, a medium water
 5 service provider, or a rural water service
 6 provider; or

7 (ii) separately billed by a landlord
 8 that holds an account with a large water
 9 service provider, a medium water service
 10 provider, or a rural water service provider
 11 for the cost of drinking water or waste-
 12 water service provided to that household by
 13 the respective large water service provider,
 14 medium water service provider, or rural
 15 water service provider; and

16 (B) is determined—

17 (i) by a large water service provider,
 18 a medium water service provider, or a
 19 rural water service provider to be eligible
 20 for assistance through a low-income rate-
 21 payer assistance program;

22 (ii) by the Governor of the State in
 23 which the household is located to be low-
 24 income, based on the affordability criteria
 25 established by the State under section

1 1452(d)(3) of the Safe Drinking Water
 2 Act (42 U.S.C. 300j–12(d)(3));

3 (iii) by the Administrator to experi-
 4 ence drinking water and wastewater service
 5 costs that exceed the metrics of afford-
 6 ability established in the most recent guid-
 7 ance of the Administrator entitled “Finan-
 8 cial Capability Assessment Guidance”; or

9 (iv) in the case of a household serv-
 10 iced by a rural water service provider, by
 11 the State in which the household is located
 12 to have an annual income that does not ex-
 13 ceed the greater of—

14 (I) an amount equal to 150 per-
 15 cent of the poverty level of that State;
 16 and

17 (II) an amount equal to 60 per-
 18 cent of the State median income for
 19 that State.

20 (6) RURAL WATER SERVICE PROVIDER.—The
 21 term “rural water service provider” means a com-
 22 munity water system, treatment works, or municipal
 23 separate storm sewer system that serves not more
 24 than 10,000 people.

1 (7) TREATMENT WORKS.—The term “treatment
2 works” has the meaning given the term in section
3 212 of the Federal Water Pollution Control Act (33
4 U.S.C. 1292).

5 (b) STUDY; REPORT.—

6 (1) IN GENERAL.—The Administrator shall con-
7 duct, and submit to Congress a report describing the
8 results of, a study that examines the prevalence
9 throughout the United States of municipalities, pub-
10 lic entities, or Tribal governments that—

11 (A) are serviced by rural water service pro-
12 viders, medium water service providers, or large
13 water service providers that service a dispropor-
14 tionate percentage, as determined by the Ad-
15 ministrator, of qualifying households with need;
16 or

17 (B) as determined by the Administrator,
18 have taken on an unsustainable level of debt
19 due to customer nonpayment for the services
20 provided by a large water service provider, a
21 medium water service provider, or a rural water
22 service provider.

23 (2) AFFORDABILITY INCLUSIONS.—The report
24 under paragraph (1) shall include—

1 (A) a definition of the term “affordable ac-
2 cess to water services”;

3 (B) a description of the criteria used in de-
4 fining “affordable access to water services”
5 under subparagraph (A);

6 (C) a definition of the term “lack of af-
7 fordable access to water services”;

8 (D) a description of the methodology and
9 criteria used in defining “lack of affordable ac-
10 cess to water services” under subparagraph (C);

11 (E) a determination of the prevalence of a
12 lack of affordable access to water services, as
13 defined under subparagraph (C);

14 (F) the methodology and criteria used to
15 determine the prevalence of a lack of affordable
16 access to water services under subparagraph
17 (E);

18 (G) any additional information with re-
19 spect to the affordable access to water services,
20 as defined under subparagraph (A), provided by
21 rural water service providers, medium water
22 service providers, and large water service pro-
23 viders;

1 (H) with respect to the development of the
 2 report, a consultation with all relevant stake-
 3 holders, including rural advocacy associations;

4 (I) recommendations of the Administrator
 5 regarding the best methods to reduce the preva-
 6 lence of a lack of affordable access to water
 7 services, as defined under subparagraph (C);
 8 and

9 (J) a description of the cost of each meth-
 10 od described in subparagraph (I).

11 (3) AGREEMENTS.—The Administrator may
 12 enter into an agreement with another Federal agen-
 13 cy to carry out the study under paragraph (1).

14 **SEC. 109. RURAL AND LOW-INCOME WATER ASSISTANCE**
 15 **PILOT PROGRAM.**

16 (a) DEFINITIONS.—In this section:

17 (1) ELIGIBLE ENTITY.—The term “eligible enti-
 18 ty” means—

19 (A) a municipality, Tribal government, or
 20 other entity that—

21 (i) owns or operates a community
 22 water system, treatment works, or munic-
 23 ipal separate storm sewer system; or

24 (ii) as determined by the Adminis-
 25 trator, has taken on an unsustainable level

1 of debt due to customer nonpayment for
 2 the services provided by a community
 3 water system, treatment works, or munic-
 4 ipal separate storm sewer system; and

5 (B) a State exercising primary enforce-
 6 ment responsibility over a rural water service
 7 provider under the Safe Drinking Water Act
 8 (42 U.S.C. 300f et seq.) or the Federal Water
 9 Pollution Control Act (33 U.S.C. 1251 et seq.),
 10 as applicable.

11 (2) PILOT PROGRAM.—The term “pilot pro-
 12 gram” means the pilot program established by the
 13 Administrator under subsection (b)(1).

14 (3) WATER SERVICES NEEDS ASSESSMENT.—
 15 The term “water services needs assessment” means
 16 the report required under section 108(b)(1).

17 (b) ESTABLISHMENT.—

18 (1) IN GENERAL.—Not later than 2 years after
 19 the date of enactment of this Act, the Administrator
 20 shall establish a pilot program to award grants to el-
 21 igible entities to develop and implement programs to
 22 assist qualifying households with need in maintain-
 23 ing access to drinking water and wastewater treat-
 24 ment.

1 (2) REQUIREMENT.—In establishing the pilot
 2 program, the Administrator shall ensure that data
 3 from the water services needs assessment directly
 4 contributes to the structure of the pilot program by
 5 informing the types of assistance and criteria used
 6 for priority consideration with the demonstrated
 7 need from the study conducted under section
 8 108(b)(1) and the water services needs assessment.

9 (3) USE OF FUNDS LIMITATIONS.—A grant
 10 under the pilot program—

11 (A) shall not be used to replace funds for
 12 any existing similar program; but

13 (B) may be used to supplement or enhance
 14 an existing program, including a program that
 15 receives assistance from other Federal grants.

16 (4) TERM.—The term of a grant awarded
 17 under the pilot program shall be subject to the avail-
 18 ability of appropriations.

19 (5) TYPES OF ASSISTANCE.—In establishing the
 20 pilot program, the Administrator may include provi-
 21 sions for—

22 (A) direct financial assistance;

23 (B) a lifeline rate;

24 (C) bill discounting;

25 (D) special hardship provisions;

1 (E) a percentage-of-income payment plan;
 2 or

3 (F) debt relief for the eligible entity or the
 4 community water system owned by the eligible
 5 entity for debt that is due to customer non-
 6 payment for the services provided by the eligible
 7 entity or the community water system that is
 8 determined by the Administrator to be in the
 9 interest of public health.

10 (6) REQUIREMENT.—The Administrator shall
 11 award not more than 40 grants under the pilot pro-
 12 gram, of which—

13 (A) not more than 8 shall be to eligible en-
 14 tities that own, operate, or exercise primary en-
 15 forcement responsibility over a rural water serv-
 16 ice provider under the Safe Drinking Water Act
 17 (42 U.S.C. 300f et seq.) or the Federal Water
 18 Pollution Control Act (33 U.S.C. 1251 et seq.),
 19 as applicable;

20 (B) not more than 8 shall be to eligible en-
 21 tities that own or operate a medium water serv-
 22 ice provider;

23 (C) not more than 8 shall be to eligible en-
 24 tities that own or operate a large water service

1 provider that serves not more than 500,000
 2 people;

3 (D) not more than 8 shall be to eligible en-
 4 tities that own or operate a large water service
 5 provider that serves more than 500,000 people;
 6 and

7 (E) not more than 8 shall be to eligible en-
 8 tities that own or operate a community water
 9 system, treatment works, or municipal separate
 10 storm sewer system that services a disadvan-
 11 tagged community (consistent with the afford-
 12 ability criteria established by the applicable
 13 State under section 1452(d)(3) of the Safe
 14 Drinking Water Act (42 U.S.C. 300j-12(d)(3))
 15 or section 603(i)(2) of the Federal Water Pollu-
 16 tion Control Act (33 U.S.C. 1383(i)(2)), as ap-
 17 plicable).

18 (7) CRITERIA.—In addition to any priority cri-
 19 teria established by the Administrator in response to
 20 the findings in the water services needs assessment,
 21 in awarding grants under the pilot program, the Ad-
 22 ministrator shall give priority consideration to eligi-
 23 ble entities that—

24 (A) serve a disproportionate percentage, as
 25 determined by the Administrator, of qualifying

households with need, as identified in the water services needs assessment;

(B) are subject to State or Federal enforcement actions relating to compliance with the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) or the Safe Drinking Water Act (42 U.S.C. 300f et seq.); or

(C) maintain or participate in an existing community assistance program with objectives similar to the objectives of the pilot program, as determined by the Administrator.

(8) REPORTING REQUIREMENTS.—

(A) IN GENERAL.—In addition to any other applicable Federal or agency-specific grant reporting requirements, as a condition of receiving a grant under the pilot program, an eligible entity (or a State, on behalf of an eligible entity) shall submit to the Administrator an annual report that summarizes, in a manner determined by the Administrator, the use of grant funds by the eligible entity, including—

(i) key features of the assistance provided by the eligible entity;

(ii) sources of funding used to supplement Federal funds; and

1 (iii) eligibility criteria.

2 (B) PUBLICATION.—The Administrator
3 shall publish each report submitted under sub-
4 paragraph (A).

5 (c) TECHNICAL ASSISTANCE.—The Administrator
6 shall provide technical assistance to each eligible entity,
7 and each State, on behalf of an eligible entity, that re-
8 ceives a grant under the pilot program to support imple-
9 mentation of the program.

10 (d) REPORT.—Not later than 2 years after the date
11 on which grant funds are first disbursed to an eligible enti-
12 ty (or a State, on behalf of an eligible entity) under the
13 program, and every year thereafter for the duration of the
14 terms of the grants, the Administrator shall submit to
15 Congress a report on the results of the pilot program.

16 **SEC. 110. LEAD CONTAMINATION IN SCHOOL DRINKING**
17 **WATER.**

18 Section 1464 of the Safe Drinking Water Act (42
19 U.S.C. 300j–24) is amended—

20 (1) in subsection (b)—

21 (A) in the first sentence, by inserting
22 “public water systems and” after “to assist”;
23 and

24 (B) in the third sentence, by inserting
25 “public water systems,” after “schools,”; and

1 (2) in subsection (d)—

2 (A) in the subsection heading, by inserting
3 “AND REDUCTION” after “LEAD TESTING”;

4 (B) in paragraph (2)—

5 (i) in subparagraph (A), by striking
6 “the Administrator” and all that follows
7 through the period at the end and insert-
8 ing the following: “the Administrator shall
9 establish a voluntary school and child care
10 program lead testing, compliance moni-
11 toring, and lead reduction grant program
12 to make grants available to—

13 “(i) States to assist local educational
14 agencies, public water systems that serve
15 schools and child care programs under the
16 jurisdiction of those local educational agen-
17 cies, and qualified nonprofit organizations
18 in voluntary testing or compliance moni-
19 toring for and remediation of lead contami-
20 nation in drinking water at schools and
21 child care programs under the jurisdiction
22 of those local educational agencies; and

23 “(ii) tribal consortia to assist tribal
24 education agencies (as defined in section 3
25 of the National Environmental Education

Act (20 U.S.C. 5502)), public water systems that serve schools and child care programs under the jurisdiction of those tribal education agencies, and qualified nonprofit organizations in voluntary testing or compliance monitoring for and remediation of lead contamination in drinking water at schools and child care programs under the jurisdiction of those tribal education agencies.”; and

(ii) in subparagraph (B)—

(I) in the matter preceding clause

(i), by inserting “or compliance monitoring for or remediation of lead contamination” after “voluntary testing”;

(II) in clause (i), by striking “or” at the end;

(III) in clause (ii), by striking the period at the end and inserting a semicolon; and

(IV) by adding at the end the following:

“(iii) any public water system that is located in a State that does not participate

1 in the voluntary grant program established
 2 under subparagraph (A) that—

3 “(I) assists schools or child care
 4 programs in lead testing;

5 “(II) assists schools or child care
 6 programs with compliance monitoring;

7 “(III) assists schools with car-
 8 rying out projects to remediate lead
 9 contamination in drinking water; or

10 “(IV) provides technical assist-
 11 ance to schools or child care programs
 12 in carrying out lead testing; or

13 “(iv) a qualified nonprofit organiza-
 14 tion, as determined by the Administrator.”;

15 (C) in paragraphs (3), (5), (6), and (7), by
 16 striking “State or local educational agency”
 17 each place it appears and inserting “State, local
 18 educational agency, public water system, tribal
 19 consortium, or qualified nonprofit organiza-
 20 tion”;

21 (D) in paragraph (4)—

22 (i) by striking “States and local edu-
 23 cational agencies” and inserting “States,
 24 local educational agencies, public water

1 systems, tribal consortia, and qualified
 2 nonprofit organizations”; and

3 (ii) by inserting “or the remediation
 4 of” after “testing for”;

5 (E) in paragraph (6)—

6 (i) in the matter preceding subpara-
 7 graph (A)—

8 (I) by striking “State or local
 9 educational agency” and inserting
 10 “State, local educational agency, pub-
 11 lic water system, tribal consortium, or
 12 qualified nonprofit agency”; and

13 (II) by inserting “, public water
 14 system, tribal consortium, or qualified
 15 nonprofit organization” after “each
 16 local educational agency”;

17 (ii) in subparagraph (A)(ii)—

18 (I) by inserting “or tribal” after
 19 “applicable State”; and

20 (II) by striking “reducing lead”
 21 and inserting “voluntary testing or
 22 compliance monitoring for and reme-
 23 diation of lead contamination”; and

1 (iii) in subparagraph (B)(i), by insert-
 2 ing “applicable” before “local educational
 3 agency”;

4 (F) in paragraph (7), by striking “testing
 5 for” and inserting “testing or compliance moni-
 6 toring for or remediation of”; and

7 (G) by striking paragraph (8) and insert-
 8 ing the following:

9 “(8) AUTHORIZATION OF APPROPRIATIONS.—

10 There are authorized to be appropriated to carry out
 11 this subsection—

12 “(A) \$30,000,000 for fiscal year 2022;

13 “(B) \$35,000,000 for fiscal year 2023;

14 “(C) \$40,000,000 for fiscal year 2024;

15 “(D) \$45,000,000 for fiscal year 2025;

16 and

17 “(E) \$50,000,000 for fiscal year 2026.”.

18 **SEC. 111. INDIAN RESERVATION DRINKING WATER PRO-**
 19 **GRAM.**

20 Section 2001 of the America’s Water Infrastructure
 21 Act of 2018 (42 U.S.C. 300j–3c note; Public Law 115–
 22 270) is amended—

23 (1) in subsection (a)—

24 (A) in the matter preceding paragraph (1),

25 by striking “Subject to the availability of appro-

priations, the Administrator of the Environmental Protection Agency” and inserting “The Administrator of the Environmental Protection Agency (referred to in this section as the ‘Administrator’);” and

(B) by striking “to implement” in the matter preceding paragraph (1) and all that follows through the period at the end of paragraph (2) and inserting “to implement eligible projects described in subsection (b).”;

(2) in subsection (b), by striking paragraph (2) and inserting the following:

“(2) that will—

“(A) improve water quality, water pressure, or water services through means such as connecting to, expanding, repairing, improving, or obtaining water from a public water system (as defined in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f)); or

“(B) improve water quality or sanitation or wastewater services at a treatment works (as defined in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292)).”;

(3) by redesignating subsection (d) as subsection (g);

1 (4) by striking subsection (c) and inserting the
 2 following:

3 “(c) REQUIRED PROJECTS.—

4 “(1) IN GENERAL.—If sufficient projects exist,
 5 of the funds made available to carry out this section,
 6 the Administrator shall use 50 percent to carry
 7 out—

8 “(A) 10 eligible projects described in sub-
 9 section (b) that are within the Upper Missouri
 10 River Basin;

11 “(B) 10 eligible projects described in sub-
 12 section (b) that are within the Upper Rio
 13 Grande Basin;

14 “(C) 10 eligible projects described in sub-
 15 section (b) that are within the Columbia River
 16 Basin;

17 “(D) 10 eligible projects described in sub-
 18 section (b) that are within the Lower Colorado
 19 River Basin; and

20 “(E) 10 eligible projects described in sub-
 21 section (b) that are within the Arkansas-White-
 22 Red River Basin.

23 “(2) REQUIREMENT.—In carrying out para-
 24 graph (1)(A), the Administrator shall select not
 25 fewer than 2 eligible projects for a reservation that

1 serves more than 1 federally recognized Indian
2 Tribe.

3 “(d) PRIORITY.—In selecting projects to carry out
4 under this section, the Administrator shall give priority
5 to projects that—

6 “(1) respond to emergency situations occurring
7 due to or resulting in a lack of access to clean drink-
8 ing water that threatens the health of Tribal popu-
9 lations;

10 “(2) would serve a Tribal population that would
11 qualify as a disadvantaged community based on the
12 affordability criteria established by the applicable
13 State under section 1452(d)(3) of the Safe Drinking
14 Water Act (42 U.S.C. 300j–12(d)(3)); or

15 “(3) would address the underlying factors con-
16 tributing to—

17 “(A) an enforcement action commenced
18 pursuant to the Safe Drinking Water Act (42
19 U.S.C. 300f et seq.) against the applicable pub-
20 lic water system (as defined in section 1401 of
21 that Act (42 U.S.C. 300f)) as of the date of en-
22 actment of the Drinking Water and Wastewater
23 Infrastructure Act of 2021; or

24 “(B) an enforcement action commenced
25 pursuant to the Federal Water Pollution Con-

1 trol Act (33 U.S.C. 1251 et seq.) against the
 2 applicable treatment works (as defined in sec-
 3 tion 212 of that Act (33 U.S.C. 1292)) as of
 4 the date of enactment of the Drinking Water
 5 and Wastewater Infrastructure Act of 2021.

6 “(e) FEDERAL SHARE.—The Federal share of the
 7 cost of a project carried out under this section shall be
 8 100 percent.

9 “(f) REPORT.—Not later than 2 years after the date
 10 of enactment of the Drinking Water and Wastewater In-
 11 frastructure Act of 2021, the Administrator shall submit
 12 to Congress a report that describes the implementation of
 13 the program established under subsection (a), which shall
 14 include a description of the use and deployment of
 15 amounts made available under that program.”; and

16 (5) in subsection (g) (as so redesignated)—

17 (A) by striking “There is” and inserting
 18 “There are”;

19 (B) by striking “subsection (a)
 20 \$20,000,000” and inserting the following: “sub-
 21 section (a)—

22 “(1) \$20,000,000”;

23 (C) in paragraph (1) (as so designated), by
 24 striking “2022.” and inserting “2021; and”;
 25 and

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

2 “(2) \$50,000,000 for each of fiscal years 2022
3 through 2026.”.

4 **SEC. 112. ADVANCED DRINKING WATER TECHNOLOGIES.**

5 Part E of the Safe Drinking Water Act (42 U.S.C.
6 300j et seq.) (as amended by section 107) is amended by
7 adding at the end the following:

8 **“SEC. 1459G. ADVANCED DRINKING WATER TECHNOLOGIES.**

9 “(a) STUDY.—

10 “(1) IN GENERAL.—Subject to the availability
11 of appropriations, not later than 1 year after the
12 date of enactment of the Drinking Water and
13 Wastewater Infrastructure Act of 2021, the Admin-
14 istrator shall carry out a study that examines the
15 state of existing and potential future technology, in-
16 cluding technology that could address cybersecurity
17 vulnerabilities, that enhances or could enhance the
18 treatment, monitoring, affordability, efficiency, and
19 safety of drinking water provided by a public water
20 system.

21 “(2) REPORT.—The Administrator shall submit
22 to the Committee on Environment and Public Works
23 of the Senate and the Committee on Energy and
24 Commerce of the House of Representatives a report

1 that describes the results of the study under para-
2 graph (1).

3 “(b) ADVANCED DRINKING WATER TECHNOLOGY
4 GRANT PROGRAM.—

5 “(1) DEFINITIONS.—In this subsection:

6 “(A) ELIGIBLE ENTITY.—The term ‘eligi-
7 ble entity’ means the owner or operator of a
8 public water system that—

9 “(i) serves—

10 “(I) a population of not more
11 than 100,000 people; or

12 “(II) a community described in
13 section 1459A(c)(2);

14 “(ii) has plans to identify or has iden-
15 tified opportunities in the operations of the
16 public water system to employ new, exist-
17 ing, or emerging, yet proven, technologies,
18 including technology that could address cy-
19 bersecurity vulnerabilities, as determined
20 by the Administrator, that enhance treat-
21 ment, monitoring, affordability, efficiency,
22 or safety of the drinking water provided by
23 the public water system, including tech-
24 nologies not identified in the study con-
25 ducted under subsection (a)(1); and

1 “(iii) has expressed an interest in the
2 opportunities in the operation of the public
3 water system to employ new, existing, or
4 emerging, yet proven, technologies, includ-
5 ing technology that could address cyberse-
6 curity vulnerabilities, as determined by the
7 Administrator, that enhance treatment,
8 monitoring, affordability, efficiency, or
9 safety of the drinking water provided by
10 the public water system, including tech-
11 nologies not identified in the study con-
12 ducted under subsection (a)(1).

13 “(B) PROGRAM.—The term ‘program’
14 means the competitive grant program estab-
15 lished under paragraph (2).

16 “(C) UNDERSERVED COMMUNITY.—The
17 term ‘underserved community’ means a political
18 subdivision of a State that, as determined by
19 the Administrator, has an inadequate system
20 for obtaining drinking water.

21 “(2) ESTABLISHMENT.—The Administrator
22 shall establish a competitive grant program under
23 which the Administrator shall award grants to eligi-
24 ble entities for the purpose of identifying, deploying,

1 or identifying and deploying technologies described
2 in paragraph (1)(A)(ii).

3 “(3) REQUIREMENTS.—

4 “(A) APPLICATIONS.—To be eligible to re-
5 ceive a grant under the program, an eligible en-
6 tity shall submit to the Administrator an appli-
7 cation at such time, in such manner, and con-
8 taining such information as the Administrator
9 may require.

10 “(B) FEDERAL SHARE.—

11 “(i) IN GENERAL.—Subject to clause
12 (ii), the Federal share of the cost of a
13 project carried out using a grant under the
14 program shall not exceed 90 percent of the
15 total cost of the project.

16 “(ii) WAIVER.—The Administrator
17 may increase the Federal share under
18 clause (i) to 100 percent if the Adminis-
19 trator determines that an eligible entity is
20 unable to pay, or would experience signifi-
21 cant financial hardship if required to pay,
22 the non-Federal share.

23 “(4) REPORT.—Not later than 2 years after the
24 date on which the Administrator first awards a
25 grant under the program, and annually thereafter,

1 the Administrator shall submit to Congress a report
2 describing—

3 “(A) each recipient of a grant under the
4 program during the previous 1-year period; and

5 “(B) a summary of the activities carried
6 out using grants awarded under the program.

7 “(5) FUNDING.—

8 “(A) AUTHORIZATION OF APPROPRIA-
9 TIONS.—There is authorized to be appropriated
10 to carry out the program \$10,000,000 for each
11 of fiscal years 2022 through 2026, to remain
12 available until expended.

13 “(B) ADMINISTRATIVE COSTS.—Not more
14 than 2 percent of the amount made available
15 for a fiscal year under subparagraph (A) to
16 carry out the program may be used by the Ad-
17 ministrator for the administrative costs of car-
18 rying out the program.”.

19 **SEC. 113. CYBERSECURITY SUPPORT FOR PUBLIC WATER**
20 **SYSTEMS.**

21 Part B of the Safe Drinking Water Act (42 U.S.C.
22 300g et seq.) is amended by adding at the end the fol-
23 lowing:

1 **“SEC. 1420A. CYBERSECURITY SUPPORT FOR PUBLIC**
2 **WATER SYSTEMS.**

3 “(a) DEFINITIONS.—In this section:

4 “(1) APPROPRIATE CONGRESSIONAL COMMIT-
5 TEES.—The term ‘appropriate Congressional com-
6 mittees’ means—

7 “(A) the Committee on Environment and
8 Public Works of the Senate;

9 “(B) the Committee on Homeland Security
10 and Governmental Affairs of the Senate;

11 “(C) the Committee on Energy and Com-
12 merce of the House of Representatives; and

13 “(D) the Committee on Homeland Security
14 of the House of Representatives.

15 “(2) DIRECTOR.—The term ‘Director’ means
16 the Director of the Cybersecurity and Infrastructure
17 Security Agency.

18 “(3) INCIDENT.—The term ‘incident’ has the
19 meaning given the term in section 3552 of title 44,
20 United States Code.

21 “(4) PRIORITIZATION FRAMEWORK.—The term
22 ‘Prioritization Framework’ means the prioritization
23 framework developed by the Administrator under
24 subsection (b)(1)(A).

25 “(5) SUPPORT PLAN.—The term ‘Support Plan’
26 means the Technical Cybersecurity Support Plan de-

1 veloped by the Administrator under subsection
2 (b)(2)(A).

3 “(b) IDENTIFICATION OF AND SUPPORT FOR PUBLIC
4 WATER SYSTEMS.—

5 “(1) PRIORITIZATION FRAMEWORK.—

6 “(A) IN GENERAL.—Not later than 180
7 days after the date of enactment of the Drink-
8 ing Water and Wastewater Infrastructure Act
9 of 2021, the Administrator, in coordination
10 with the Director, shall develop a prioritization
11 framework to identify public water systems (in-
12 cluding sources of water for those public water
13 systems) that, if degraded or rendered inoper-
14 able due to an incident, would lead to signifi-
15 cant impacts on the health and safety of the
16 public.

17 “(B) CONSIDERATIONS.—In developing the
18 Prioritization Framework, to the extent prac-
19 ticable, the Administrator shall incorporate con-
20 sideration of—

21 “(i) whether cybersecurity
22 vulnerabilities for a public water system
23 have been identified under section 1433;

1 “(ii) the capacity of a public water
 2 system to remediate a cybersecurity vulner-
 3 ability without additional Federal support;

4 “(iii) whether a public water system
 5 serves a defense installation or critical na-
 6 tional security asset; and

7 “(iv) whether a public water system, if
 8 degraded or rendered inoperable due to an
 9 incident, would cause a cascading failure of
 10 other critical infrastructure.

11 “(2) TECHNICAL CYBERSECURITY SUPPORT
 12 PLAN.—

13 “(A) IN GENERAL.—Not later than 270
 14 days after the date of enactment of the Drink-
 15 ing Water and Wastewater Infrastructure Act
 16 of 2021, the Administrator, in coordination
 17 with the Director and using existing authorities
 18 of the Administrator and the Director for pro-
 19 viding voluntary support to public water sys-
 20 tems and the Prioritization Framework, shall
 21 develop a Technical Cybersecurity Support Plan
 22 for public water systems.

23 “(B) REQUIREMENTS.—The Support
 24 Plan—

1 “(i) shall establish a methodology for
2 identifying specific public water systems
3 for which cybersecurity support should be
4 prioritized;

5 “(ii) shall establish timelines for mak-
6 ing voluntary technical support for cyber-
7 security available to specific public water
8 systems;

9 “(iii) may include public water sys-
10 tems identified by the Administrator, in co-
11 ordination with the Director, as needing
12 technical support for cybersecurity;

13 “(iv) shall include specific capabilities
14 of the Administrator and the Director that
15 may be utilized to provide support to pub-
16 lic water systems under the Support Plan,
17 including—

18 “(I) site vulnerability and risk
19 assessments;

20 “(II) penetration tests; and

21 “(III) any additional support de-
22 termined to be appropriate by the Ad-
23 ministrator; and

1 “(v) shall only include plans for pro-
2 viding voluntary support to public water
3 systems.

4 “(3) CONSULTATION REQUIRED.—In developing
5 the Prioritization Framework pursuant to paragraph
6 (1) and the Support Plan pursuant to paragraph
7 (2), the Administrator shall consult with such Fed-
8 eral or non-Federal entities as determined to be ap-
9 propriate by the Administrator.

10 “(4) REPORTS REQUIRED.—

11 “(A) PRIORITIZATION FRAMEWORK.—Not
12 later than 190 days after the date of enactment
13 of the Drinking Water and Wastewater Infra-
14 structure Act of 2021, the Administrator shall
15 submit to the appropriate Congressional com-
16 mittees a report describing the Prioritization
17 Framework.

18 “(B) TECHNICAL CYBERSECURITY SUP-
19 PORT PLAN.—Not later than 280 days after the
20 date of enactment of the Drinking Water and
21 Wastewater Infrastructure Act of 2021, the Ad-
22 ministrator shall submit to the appropriate
23 Congressional committees—

24 “(i) the Support Plan; and

1 “(ii) a list describing any public water
 2 systems identified by the Administrator, in
 3 coordination with the Director, as needing
 4 technical support for cybersecurity during
 5 the development of the Support Plan.

6 “(c) RULES OF CONSTRUCTION.—Nothing in this
 7 section—

8 “(1) alters the existing authorities of the Ad-
 9 ministrator; or

10 “(2) compels a public water system to accept
 11 technical support offered by the Administrator.”.

12 **SEC. 114. STATE RESPONSE TO CONTAMINANTS.**

13 Section 1459A(j)(1) of the Safe Drinking Water Act
 14 (42 U.S.C. 300j–19a(j)(1)) is amended—

15 (1) in the matter preceding subparagraph (A),
 16 by striking “an underserved community” and insert-
 17 ing “a community described in subsection (c)(2)”;
 18 and

19 (2) in subparagraph (A)(i), by striking “such
 20 underserved” and inserting “that”.

21 **SEC. 115. ANNUAL STUDY ON BOIL WATER ADVISORIES.**

22 (a) IN GENERAL.—Not later than 1 year after the
 23 date of enactment of this Act, and annually thereafter,
 24 the Administrator shall conduct a study on the prevalence
 25 of boil water advisories issued in the United States.

1 (b) REPORT.—

2 (1) IN GENERAL.—The Administrator shall
 3 submit to Congress a report describing the results of
 4 the most recent study conducted under subsection
 5 (a) as part of the annual budget request transmitted
 6 to Congress under section 1105(a) of title 31,
 7 United States Code.

8 (2) REQUIREMENT.—In the annual report re-
 9 quired under paragraph (1), the Administrator shall
 10 include a description of the reasons for which boil
 11 water advisories were issued during the year covered
 12 by the report.

13 **TITLE II—CLEAN WATER**

14 **SEC. 201. RESEARCH, INVESTIGATIONS, TRAINING, AND IN-** 15 **FORMATION.**

16 (a) REAUTHORIZATION.—Section 104(u) of the Fed-
 17 eral Water Pollution Control Act (33 U.S.C. 1254(u)) is
 18 amended—

19 (1) by striking “and (7)” and inserting “(7)”;
 20 and

21 (2) in paragraph (7)—

22 (A) by striking “2023” and inserting
 23 “2021”; and

24 (B) by striking the period at the end and
 25 inserting “; and (8) not to exceed \$75,000,000

1 for each of fiscal years 2022 through 2026 for
 2 carrying out subsections (b)(3), (b)(8), and (g),
 3 of which not less than \$50,000,000 each fiscal
 4 year shall be used to carry out subsection
 5 (b)(8).”.

6 (b) COMMUNICATION.—Each nonprofit organization
 7 that receives funding under paragraph (8) of section
 8 104(b) of the Federal Water Pollution Control Act (33
 9 U.S.C. 1254(b)) shall, before using that funding to under-
 10 take activities to carry out that paragraph, consult with
 11 the State in which the assistance is to be expended or oth-
 12 erwise made available.

13 (c) REPORT.—Not later than 2 years after the date
 14 of enactment of this Act, the Administrator shall submit
 15 to Congress a report that describes the implementation of
 16 the grants authorized under subsections (b)(3), (b)(8),
 17 and (g) of section 104 of the Federal Water Pollution Con-
 18 trol Act (33 U.S.C. 1254), which shall include a descrip-
 19 tion of the grant recipients and grant amounts made avail-
 20 able to carry out those subsections.

21 **SEC. 202. WASTEWATER EFFICIENCY GRANT PILOT PRO-**
 22 **GRAM.**

23 Title II of the Federal Water Pollution Control Act
 24 (33 U.S.C. 1281 et seq.) is amended by adding at the end
 25 the following:

1 **“SEC. 222. WASTEWATER EFFICIENCY GRANT PILOT PRO-**
2 **GRAM.**

3 “(a) ESTABLISHMENT.—Subject to the availability of
4 appropriations, the Administrator shall establish a waste-
5 water efficiency grant pilot program (referred to in this
6 section as the ‘pilot program’) to award grants to owners
7 or operators of publicly owned treatment works to carry
8 out projects that create or improve waste-to-energy sys-
9 tems.

10 “(b) SELECTION.—

11 “(1) APPLICATIONS.—To be eligible to receive a
12 grant under the pilot program, an owner or operator
13 of a treatment works shall submit to the Adminis-
14 trator an application at such time, in such manner,
15 and containing such information as the Adminis-
16 trator may require.

17 “(2) NUMBER OF RECIPIENTS.—The Adminis-
18 trator shall select not more than 15 recipients of
19 grants under the pilot program from applications
20 submitted under paragraph (1).

21 “(c) USE OF FUNDS.—

22 “(1) IN GENERAL.—Subject to paragraph (2), a
23 recipient of a grant under the pilot program may use
24 grant funds for—

25 “(A) sludge collection;

26 “(B) installation of anaerobic digesters;

1 “(C) methane capture;

2 “(D) methane transfer;

3 “(E) facility upgrades and retrofits nec-
4 essary to create or improve waste-to-energy sys-
5 tems; and

6 “(F) other new and emerging, but proven,
7 technologies that transform waste to energy.

8 “(2) LIMITATION.—A grant to a recipient
9 under the pilot program shall be not more than
10 \$4,000,000.

11 “(d) REPORTS.—

12 “(1) REPORT TO THE ADMINISTRATOR.—Not
13 later than 2 years after receiving a grant under the
14 pilot program and each year thereafter for which
15 amounts are made available for the pilot program
16 under subsection (e), the recipient of the grant shall
17 submit to the Administrator a report describing the
18 impact of that project on the communities within 3
19 miles of the treatment works.

20 “(2) REPORT TO CONGRESS.—Not later than 1
21 year after first awarding grants under the pilot pro-
22 gram and each year thereafter for which amounts
23 are made available for the pilot program under sub-
24 section (e), the Administrator shall submit to Con-
25 gress a report describing—

1 “(A) the applications received by the Ad-
 2 ministrator for grants under the pilot program;
 3 and

4 “(B) the projects for which grants were
 5 awarded under the pilot program.

6 “(e) AUTHORIZATION OF APPROPRIATIONS.—

7 “(1) IN GENERAL.—There is authorized to be
 8 appropriated to carry out the pilot program
 9 \$20,000,000 for each of fiscal years 2022 through
 10 2026, to remain available until expended.

11 “(2) LIMITATION ON USE OF FUNDS.—Of the
 12 amounts made available for grants under paragraph
 13 (1), not more than 2 percent may be used to pay the
 14 administrative costs of the Administrator.”.

15 **SEC. 203. PILOT PROGRAM FOR ALTERNATIVE WATER**
 16 **SOURCE PROJECTS.**

17 Section 220 of the Federal Water Pollution Control
 18 Act (33 U.S.C. 1300) is amended—

19 (1) in subsection (b), in the heading, by strik-
 20 ing “IN GENERAL” and inserting “ESTABLISH-
 21 MENT”;

22 (2) in subsection (d)—

23 (A) in paragraph (1), by inserting “con-
 24 struction” before “funds”;

25 (B) by striking paragraph (2); and

1 (C) by redesignating paragraph (3) as
 2 paragraph (2);
 3 (3) by striking subsection (e);
 4 (4) in subsection (i)—

5 (A) in the matter preceding paragraph (1),
 6 by striking “, the following definitions apply”;
 7 and

8 (B) in paragraph (1), in the first sentence,
 9 by striking “water or wastewater or by treating
 10 wastewater” and inserting “water, wastewater,
 11 or stormwater or by treating wastewater or
 12 stormwater for groundwater recharge, potable
 13 reuse, or other purposes”;
 14 (5) in subsection (j)—

15 (A) in the first sentence, by striking
 16 “There is” and inserting the following:
 17 “(1) IN GENERAL.—There is”;

18 (B) in paragraph (1) (as so designated), by
 19 striking “a total of \$75,000,000 for fiscal years
 20 2002 through 2004. Such sums shall” and in-
 21 serting “\$25,000,000 for each of fiscal years
 22 2022 through 2026, to”; and

23 (C) by adding at the end the following:

24 “(2) LIMITATION ON USE OF FUNDS.—Of the
 25 amounts made available for grants under paragraph

1 (1), not more than 2 percent may be used to pay the
 2 administrative costs of the Administrator.”; and

3 (6) by redesignating subsections (b), (c), (d),
 4 (i), and (j) as subsections (c), (d), (e), (b), and (i),
 5 respectively, and moving those subsections so as to
 6 appear in alphabetical order.

7 **SEC. 204. SEWER OVERFLOW AND STORMWATER REUSE**
 8 **MUNICIPAL GRANTS.**

9 Section 221 of the Federal Water Pollution Control
 10 Act (33 U.S.C. 1301) is amended—

11 (1) in subsection (a)(1) —

12 (A) in subparagraph (A), by striking
 13 “and” at the end;

14 (B) by redesignating subparagraph (B) as
 15 subparagraph (C); and

16 (C) by inserting after subparagraph (A)
 17 the following:

18 “(B) notification systems to inform the
 19 public of combined sewer or sanitary overflows
 20 that result in sewage being released into rivers
 21 and other waters; and”;

22 (2) in subsection (d)—

23 (A) in the second sentence, by striking
 24 “The non-Federal share of the cost” and insert-
 25 ing the following:

1 “(3) TYPES OF NON-FEDERAL SHARE.—The
 2 applicable non-Federal share of the cost under this
 3 subsection”;

4 (B) in the first sentence, by striking “The
 5 Federal” and inserting the following:

6 “(1) IN GENERAL.—The Federal”; and

7 (C) by inserting after paragraph (1) (as so
 8 designated) the following:

9 “(2) RURAL AND FINANCIALLY DISTRESSED
 10 COMMUNITIES.—To the maximum extent practicable,
 11 the Administrator shall work with States to prevent
 12 the non-Federal share requirements under this sub-
 13 section from being passed on to rural communities
 14 and financially distressed communities (as those
 15 terms are defined in subsection (f)(2)(B)(i)).”;

16 (3) in subsection (f)—

17 (A) by striking paragraph (1) and insert-
 18 ing the following:

19 “(1) IN GENERAL.—There is authorized to be
 20 appropriated to carry out this section \$280,000,000
 21 for each of fiscal years 2022 through 2026.”; and

22 (B) in paragraph (2)—

23 (i) by striking “To the extent” and in-
 24 serting the following:

1 “(A) GREEN PROJECTS.—To the extent”;

2 and

3 (ii) by adding at the end the fol-
4 lowing:

5 “(B) RURAL OR FINANCIALLY DISTRESSED
6 COMMUNITY ALLOCATION.—

7 “(i) DEFINITIONS.—In this subpara-
8 graph:

9 “(I) FINANCIALLY DISTRESSED
10 COMMUNITY.—The term ‘financially
11 distressed community’ has the mean-
12 ing given the term in subsection
13 (c)(1).

14 “(II) RURAL COMMUNITY.—The
15 term ‘rural community’ means a city,
16 town, or unincorporated area that has
17 a population of not more than 10,000
18 inhabitants.

19 “(ii) ALLOCATION.—

20 “(I) IN GENERAL.—To the extent
21 there are sufficient eligible project ap-
22 plications, the Administrator shall en-
23 sure that a State uses not less than
24 25 percent of the amount of the
25 grants made to the State under sub-

section (a) in a fiscal year to carry out projects in rural communities or financially distressed communities for the purpose of planning, design, and construction of—

“(aa) treatment works to intercept, transport, control, treat, or reuse municipal sewer overflows, sanitary sewer overflows, or stormwater; or

“(bb) any other measures to manage, reduce, treat, or recapture stormwater or subsurface drainage water eligible for assistance under section 603(c).

“(II) RURAL COMMUNITIES.—Of the funds allocated under subclause (I) for the purposes described in that subclause, to the extent there are sufficient eligible project applications, the Administrator shall ensure that a State uses not less than 60 percent to carry out projects in rural communities.”; and

(4) in subsection (i)—

1 (A) in the second sentence, by striking
 2 “The recommended funding levels” and insert-
 3 ing the following:

4 “(B) REQUIREMENT.—The funding levels
 5 recommended under subparagraph (A)(i)”;

6 (B) in the first sentence, by striking “Not
 7 later” and inserting the following:

8 “(1) PERIODIC REPORTS.—

9 “(A) IN GENERAL.—Not later”;

10 (C) in paragraph (1)(A) (as so des-
 11 ignated)—

12 (i) by striking the period at the end
 13 and inserting “; and”;

14 (ii) by striking “containing rec-
 15 ommended” and inserting the following:

16 “containing—

17 “(i) recommended”; and

18 (iii) by adding at the end the fol-
 19 lowing:

20 “(ii) a description of the extent to
 21 which States pass costs associated with the
 22 non-Federal share requirements under sub-
 23 section (d) to local communities, with a
 24 focus on rural communities and financially

1 distressed communities (as those terms are
 2 defined in subsection (f)(2)(B)(i)).”; and
 3 (D) by adding at the end the following:

4 “(2) USE OF FUNDS.—Not later than 2 years
 5 after the date of enactment of the Drinking Water
 6 and Wastewater Infrastructure Act of 2021, the Ad-
 7 ministrator shall submit to the Committee on Envi-
 8 ronment and Public Works of the Senate and the
 9 Committee on Transportation and Infrastructure of
 10 the House of Representatives a report that describes
 11 the implementation of the grant program under this
 12 section, which shall include a description of the
 13 grant recipients, sources of funds for non-Federal
 14 share requirements under subsection (d), and grant
 15 amounts made available under the program.”.

16 **SEC. 205. CLEAN WATER INFRASTRUCTURE RESILIENCY**
 17 **AND SUSTAINABILITY PROGRAM.**

18 Title II of the Federal Water Pollution Control Act
 19 (33 U.S.C. 1281 et seq.) (as amended by section 202) is
 20 amended by adding at the end the following:

21 **“SEC. 223. CLEAN WATER INFRASTRUCTURE RESILIENCY**
 22 **AND SUSTAINABILITY PROGRAM.**

23 “(a) DEFINITIONS.—In this section:

24 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
 25 tity’ means—

1 “(A) a municipality; or

2 “(B) an intermunicipal, interstate, or State
3 agency.

4 “(2) NATURAL HAZARD.—The term ‘natural
5 hazard’ means a hazard caused by natural forces, in-
6 cluding extreme weather events, sea-level rise, and
7 extreme drought conditions.

8 “(3) PROGRAM.—The term ‘program’ means
9 the clean water infrastructure resilience and sustain-
10 ability program established under subsection (b).

11 “(b) ESTABLISHMENT.—Subject to the availability of
12 appropriations, the Administrator shall establish a clean
13 water infrastructure resilience and sustainability program
14 under which the Administrator shall award grants to eligi-
15 ble entities for the purpose of increasing the resilience of
16 publicly owned treatment works to a natural hazard or cy-
17 bersecurity vulnerabilities.

18 “(c) USE OF FUNDS.—An eligible entity that receives
19 a grant under the program shall use the grant funds for
20 planning, designing, or constructing projects (on a system-
21 wide or area-wide basis) that increase the resilience of a
22 publicly owned treatment works to a natural hazard or cy-
23 bersecurity vulnerabilities through—

24 “(1) the conservation of water;

25 “(2) the enhancement of water use efficiency;

1 “(3) the enhancement of wastewater and
2 stormwater management by increasing watershed
3 preservation and protection, including through the
4 use of—

5 “(A) natural and engineered green infra-
6 structure; and

7 “(B) reclamation and reuse of wastewater
8 and stormwater, such as aquifer recharge zones;

9 “(4) the modification or relocation of an exist-
10 ing publicly owned treatment works, conveyance, or
11 discharge system component that is at risk of being
12 significantly impaired or damaged by a natural haz-
13 ard;

14 “(5) the development and implementation of
15 projects to increase the resilience of publicly owned
16 treatment works to a natural hazard or cybersecu-
17 rity vulnerabilities, as applicable; or

18 “(6) the enhancement of energy efficiency or
19 the use and generation of recovered or renewable en-
20 ergy in the management, treatment, or conveyance
21 of wastewater or stormwater.

22 “(d) APPLICATION.—To be eligible to receive a grant
23 under the program, an eligible entity shall submit to the
24 Administrator an application at such time, in such man-

1 ner, and containing such information as the Administrator
2 may require, including—

3 “(1) a proposal of the project to be planned, de-
4 signed, or constructed using funds under the pro-
5 gram;

6 “(2) an identification of the natural hazard risk
7 of the area where the proposed project is to be lo-
8 cated or potential cybersecurity vulnerability, as ap-
9 plicable, to be addressed by the proposed project;

10 “(3) documentation prepared by a Federal,
11 State, regional, or local government agency of the
12 natural hazard risk of the area where the proposed
13 project is to be located or potential cybersecurity
14 vulnerability, as applicable, of the area where the
15 proposed project is to be located;

16 “(4) a description of any recent natural hazard
17 risk of the area where the proposed project is to be
18 located or potential cybersecurity vulnerabilities that
19 have affected the publicly owned treatment works;

20 “(5) a description of how the proposed project
21 would improve the performance of the publicly
22 owned treatment works under an anticipated natural
23 hazard or natural hazard risk of the area where the
24 proposed project is to be located or a potential cy-
25 bersecurity vulnerability, as applicable; and

1 “(6) an explanation of how the proposed project
 2 is expected to enhance the resilience of the publicly
 3 owned treatment works to a natural hazard risk of
 4 the area where the proposed project is to be located
 5 or a potential cybersecurity vulnerability, as applica-
 6 ble.

7 “(e) GRANT AMOUNT AND OTHER FEDERAL RE-
 8 QUIREMENTS.—

9 “(1) COST SHARE.—Except as provided in
 10 paragraph (2), a grant under the program shall not
 11 exceed 75 percent of the total cost of the proposed
 12 project.

13 “(2) EXCEPTION.—

14 “(A) IN GENERAL.—Except as provided in
 15 subparagraph (B), a grant under the program
 16 shall not exceed 90 percent of the total cost of
 17 the proposed project if the project serves a com-
 18 munity that—

19 “(i) has a population of fewer than
 20 10,000 individuals; or

21 “(ii) meets the affordability criteria
 22 established by the State in which the com-
 23 munity is located under section 603(i)(2).

24 “(B) WAIVER.—At the discretion of the
 25 Administrator, a grant for a project described

1 in subparagraph (A) may cover 100 percent of
2 the total cost of the proposed project.

3 “(3) REQUIREMENTS.—The requirements of
4 section 608 shall apply to a project funded with a
5 grant under the program.

6 “(f) REPORT.—Not later than 2 years after the date
7 of enactment of the Drinking Water and Wastewater In-
8 frastructure Act of 2021, the Administrator shall submit
9 to Congress a report that describes the implementation of
10 the program, which shall include an accounting of all
11 grants awarded under the program, including a descrip-
12 tion of each grant recipient and each project funded using
13 a grant under the program.

14 “(g) AUTHORIZATION OF APPROPRIATIONS.—

15 “(1) IN GENERAL.—There is authorized to be
16 appropriated to carry out this section \$25,000,000
17 for each of fiscal years 2022 through 2026.

18 “(2) LIMITATION ON USE OF FUNDS.—Of the
19 amounts made available for grants under paragraph
20 (1), not more than 2 percent may be used to pay the
21 administrative costs of the Administrator.”.

1 **SEC. 206. SMALL AND MEDIUM PUBLICLY OWNED TREAT-**
 2 **MENT WORKS CIRCUIT RIDER PROGRAM.**

3 Title II of the Federal Water Pollution Control Act
 4 (33 U.S.C. 1281 et seq.) (as amended by section 205) is
 5 amended by adding at the end the following:

6 **“SEC. 224. SMALL AND MEDIUM PUBLICLY OWNED TREAT-**
 7 **MENT WORKS CIRCUIT RIDER PROGRAM.**

8 “(a) ESTABLISHMENT.—Subject to the availability of
 9 appropriations, not later than 180 days after the date of
 10 enactment of this section, the Administrator shall estab-
 11 lish a circuit rider program (referred to in this section as
 12 the ‘circuit rider program’) under which the Administrator
 13 shall award grants to qualified nonprofit entities, as deter-
 14 mined by the Administrator, to provide assistance to own-
 15 ers and operators of small and medium publicly owned
 16 treatment works to carry out the activities described in
 17 section 602(b)(13).

18 “(b) LIMITATION.—A grant provided under the cir-
 19 cuit rider program shall be in an amount that is not more
 20 than \$75,000.

21 “(c) PRIORITIZATION.—In selecting recipients of
 22 grants under the circuit rider program, the Administrator
 23 shall give priority to qualified nonprofit entities, as deter-
 24 mined by the Administrator, that would serve a commu-
 25 nity that—

1 “(1) has a history, for not less than the 10
2 years prior to the award of the grant, of unresolved
3 wastewater issues, stormwater issues, or a combina-
4 tion of wastewater and stormwater issues;

5 “(2) is considered financially distressed;

6 “(3) faces the cumulative burden of stormwater
7 and wastewater overflow issues; or

8 “(4) has previously failed to access Federal
9 technical assistance due to cost-sharing require-
10 ments.

11 “(d) COMMUNICATION.—Each qualified nonprofit en-
12 tity that receives funding under this section shall, before
13 using that funding to undertake activities to carry out this
14 section, consult with the State in which the assistance is
15 to be expended or otherwise made available.

16 “(e) REPORT.—Not later than 2 years after the date
17 on which the Administrator establishes the circuit rider
18 program, and every 2 years thereafter, the Administrator
19 shall submit to Congress a report describing—

20 “(1) each recipient of a grant under the circuit
21 rider program; and

22 “(2) a summary of the activities carried out
23 under the circuit rider program.

24 “(f) AUTHORIZATION OF APPROPRIATIONS.—

1 “(1) IN GENERAL.—There is authorized to be
2 appropriated to carry out this section \$10,000,000
3 for the period of fiscal years 2022 through 2026.

4 “(2) LIMITATION ON USE OF FUNDS.—Of the
5 amounts made available for grants under paragraph
6 (1), not more than 2 percent may be used to pay the
7 administrative costs of the Administrator.”.

8 **SEC. 207. SMALL PUBLICLY OWNED TREATMENT WORKS**
9 **EFFICIENCY GRANT PROGRAM.**

10 Title II of the Federal Water Pollution Control Act
11 (33 U.S.C. 1281 et seq.) (as amended by section 206) is
12 amended by adding at the end the following:

13 **“SEC. 225. SMALL PUBLICLY OWNED TREATMENT WORKS**
14 **EFFICIENCY GRANT PROGRAM.**

15 “(a) ESTABLISHMENT.—Subject to the availability of
16 appropriations, not later than 180 days after the date of
17 enactment of this section, the Administrator shall estab-
18 lish an efficiency grant program (referred to in this section
19 as the ‘efficiency grant program’) under which the Admin-
20 istrator shall award grants to eligible entities for the re-
21 placement or repair of equipment that improves water or
22 energy efficiency of small publicly owned treatment works,
23 as identified in an efficiency audit.

24 “(b) ELIGIBLE ENTITIES.—The Administrator may
25 award a grant under the efficiency grant program to—

1 “(1) an owner or operator of a small publicly
2 owned treatment works that serves—

3 “(A) a population of not more than 10,000
4 people; or

5 “(B) a disadvantaged community; or

6 “(2) a nonprofit organization that seeks to as-
7 sist a small publicly owned treatment works de-
8 scribed in paragraph (1) to carry out the activities
9 described in subsection (a).

10 “(c) REPORT.—Not later than 2 years after the date
11 on which the Administrator establishes the efficiency
12 grant program, and every 2 years thereafter, the Adminis-
13 trator shall submit to Congress a report describing—

14 “(1) each recipient of a grant under the effi-
15 ciency grant program; and

16 “(2) a summary of the activities carried out
17 under the efficiency grant program.

18 “(d) USE OF FUNDS.—

19 “(1) SMALL SYSTEMS.—Of the amounts made
20 available for grants under this section, to the extent
21 that there are sufficient applications, not less than
22 15 percent shall be used for grants to publicly owned
23 treatment works that serve fewer than 3,300 people.

24 “(2) LIMITATION ON USE OF FUNDS.—Of the
25 amounts made available for grants under this sec-

1 tion, not more than 2 percent may be used to pay
 2 the administrative costs of the Administrator.”.

3 **SEC. 208. GRANTS FOR CONSTRUCTION AND REFUR-**
 4 **BISHING OF INDIVIDUAL HOUSEHOLD DE-**
 5 **CENTRALIZED WASTEWATER SYSTEMS FOR**
 6 **INDIVIDUALS WITH LOW OR MODERATE IN-**
 7 **COME.**

8 Title II of the Federal Water Pollution Control Act
 9 (33 U.S.C. 1281 et seq.) (as amended by section 207) is
 10 amended by adding at the end the following:

11 **“SEC. 226. GRANTS FOR CONSTRUCTION AND REFUR-**
 12 **BISHING OF INDIVIDUAL HOUSEHOLD DE-**
 13 **CENTRALIZED WASTEWATER SYSTEMS FOR**
 14 **INDIVIDUALS WITH LOW OR MODERATE IN-**
 15 **COME.**

16 “(a) DEFINITION OF ELIGIBLE INDIVIDUAL.—In this
 17 section, the term ‘eligible individual’ means a member of
 18 a low-income or moderate-income household, the members
 19 of which have a combined income (for the most recent 12-
 20 month period for which information is available) equal to
 21 not more than 50 percent of the median nonmetropolitan
 22 household income for the State or territory in which the
 23 household is located, according to the most recent decen-
 24 nial census.

25 “(b) GRANT PROGRAM.—

1 “(1) IN GENERAL.—Subject to the availability
 2 of appropriations, the Administrator shall establish a
 3 program under which the Administrator shall pro-
 4 vide grants to private nonprofit organizations for the
 5 purpose of improving general welfare by providing
 6 assistance to eligible individuals—

7 “(A) for the construction, repair, or re-
 8 placement of an individual household decentral-
 9 ized wastewater treatment system; or

10 “(B) for the installation of a larger decen-
 11 tralized wastewater system designed to provide
 12 treatment for 2 or more households in which el-
 13 igible individuals reside, if—

14 “(i) site conditions at the households
 15 are unsuitable for the installation of an in-
 16 dividually owned decentralized wastewater
 17 system;

18 “(ii) multiple examples of unsuitable
 19 site conditions exist in close geographic
 20 proximity to each other; and

21 “(iii) a larger decentralized waste-
 22 water system could be cost-effectively in-
 23 stalled.

24 “(2) APPLICATION.—To be eligible to receive a
 25 grant under this subsection, a private nonprofit or-

1 ganization shall submit to the Administrator an ap-
 2 plication at such time, in such manner, and con-
 3 taining such information as the Administrator deter-
 4 mines to be appropriate.

5 “(3) PRIORITY.—In awarding grants under this
 6 subsection, the Administrator shall give priority to
 7 applicants that have substantial expertise and expe-
 8 rience in promoting the safe and effective use of in-
 9 dividual household decentralized wastewater systems.

10 “(4) ADMINISTRATIVE EXPENSES.—A private
 11 nonprofit organization may use amounts provided
 12 under this subsection to pay the administrative ex-
 13 penses associated with the provision of the services
 14 described in paragraph (1), as the Administrator de-
 15 termines to be appropriate.

16 “(c) GRANTS.—

17 “(1) IN GENERAL.—Subject to paragraph (2), a
 18 private nonprofit organization shall use a grant pro-
 19 vided under subsection (b) for the services described
 20 in paragraph (1) of that subsection.

21 “(2) APPLICATION.—To be eligible to receive
 22 the services described in subsection (b)(1), an eligi-
 23 ble individual shall submit to the private nonprofit
 24 organization serving the area in which the individual
 25 household decentralized wastewater system of the el-

1 eligible individuals is, or is proposed to be, located an
 2 application at such time, in such manner, and con-
 3 taining such information as the private nonprofit or-
 4 ganization determines to be appropriate.

5 “(3) PRIORITY.—In awarding grants under this
 6 subsection, a private nonprofit organization shall
 7 give priority to any eligible individual who does not
 8 have access to a sanitary sewage disposal system.

9 “(d) REPORT.—Not later than 2 years after the date
 10 of enactment of this section, the Administrator shall sub-
 11 mit to the Committee on Environment and Public Works
 12 of the Senate and the Committee on Transportation and
 13 Infrastructure of the House of Representatives a report
 14 describing the recipients of grants under the program
 15 under this section and the results of the program under
 16 this section.

17 “(e) AUTHORIZATION OF APPROPRIATIONS.—

18 “(1) IN GENERAL.—There is authorized to be
 19 appropriated to the Administrator to carry out this
 20 section \$50,000,000 for each of fiscal years 2022
 21 through 2026.

22 “(2) LIMITATION ON USE OF FUNDS.—Of the
 23 amounts made available for grants under paragraph
 24 (1), not more than 2 percent may be used to pay the
 25 administrative costs of the Administrator.”.

1 **SEC. 209. CONNECTION TO PUBLICLY OWNED TREATMENT**
 2 **WORKS.**

3 Title II of the Federal Water Pollution Control Act
 4 (33 U.S.C. 1281 et seq.) (as amended by section 208) is
 5 amended by adding at the end the following:

6 **“SEC. 227. CONNECTION TO PUBLICLY OWNED TREATMENT**
 7 **WORKS.**

8 “(a) DEFINITIONS.—In this section:

9 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
 10 tity’ means—

11 “(A) an owner or operator of a publicly
 12 owned treatment works that assists or is seek-
 13 ing to assist low-income or moderate-income in-
 14 dividuals with connecting the household of the
 15 individual to the publicly owned treatment
 16 works; or

17 “(B) a nonprofit entity that assists low-in-
 18 come or moderate-income individuals with the
 19 costs associated with connecting the household
 20 of the individual to a publicly owned treatment
 21 works.

22 “(2) PROGRAM.—The term ‘program’ means
 23 the competitive grant program established under
 24 subsection (b).

1 “(3) QUALIFIED INDIVIDUAL.—The term ‘quali-
2 fied individual’ has the meaning given the term ‘eli-
3 gible individual’ in section 603(j).

4 “(b) ESTABLISHMENT.—Subject to the availability of
5 appropriations, the Administrator shall establish a com-
6 petitive grant program with the purpose of improving gen-
7 eral welfare, under which the Administrator awards grants
8 to eligible entities to provide funds to assist qualified indi-
9 viduals in covering the costs incurred by the qualified indi-
10 vidual in connecting the household of the qualified indi-
11 vidual to a publicly owned treatment works.

12 “(c) APPLICATION.—

13 “(1) IN GENERAL.—An eligible entity seeking a
14 grant under the program shall submit to the Admin-
15 istrator an application at such time, in such manner,
16 and containing such information as the Adminis-
17 trator may by regulation require.

18 “(2) REQUIREMENT.—Not later than 90 days
19 after the date on which the Administrator receives
20 an application from an eligible entity under para-
21 graph (1), the Administrator shall notify the eligible
22 entity of whether the Administrator will award a
23 grant to the eligible entity under the program.

1 “(d) SELECTION CRITERIA.—In selecting recipients
 2 of grants under the program, the Administrator shall use
 3 the following criteria:

4 “(1) Whether the eligible entity seeking a grant
 5 provides services to, or works directly with, qualified
 6 individuals.

7 “(2) Whether the eligible entity seeking a
 8 grant—

9 “(A) has an existing program to assist in
 10 covering the costs incurred in connecting a
 11 household to a publicly owned treatment works;
 12 or

13 “(B) seeks to create a program described
 14 in subparagraph (A).

15 “(e) REQUIREMENTS.—

16 “(1) VOLUNTARY CONNECTION.—Before pro-
 17 viding funds to a qualified individual for the costs
 18 described in subsection (b), an eligible entity shall
 19 ensure that—

20 “(A) the qualified individual has connected
 21 to the publicly owned treatment works volun-
 22 tarily; and

23 “(B) if the eligible entity is not the owner
 24 or operator of the publicly owned treatment
 25 works to which the qualified individual has con-

1 needed, the publicly owned treatment works to
 2 which the qualified individual has connected has
 3 agreed to the connection.

4 “(2) REIMBURSEMENTS FROM PUBLICLY
 5 OWNED TREATMENT WORKS.—An eligible entity that
 6 is an owner or operator of a publicly owned treat-
 7 ment works may reimburse a qualified individual
 8 that has already incurred the costs described in sub-
 9 section (b) by—

10 “(A) reducing the amount otherwise owed
 11 by the qualified individual to the owner or oper-
 12 ator for wastewater or other services provided
 13 by the owner or operator; or

14 “(B) providing a direct payment to the
 15 qualified individual.

16 “(f) AUTHORIZATION OF APPROPRIATIONS.—

17 “(1) IN GENERAL.—There is authorized to be
 18 appropriated to carry out the program \$40,000,000
 19 for each of fiscal years 2022 through 2026.

20 “(2) LIMITATIONS ON USE OF FUNDS.—

21 “(A) SMALL SYSTEMS.—Of the amounts
 22 made available for grants under paragraph (1),
 23 to the extent that there are sufficient applica-
 24 tions, not less than 15 percent shall be used to
 25 make grants to—

1 “(i) eligible entities described in sub-
 2 section (a)(1)(A) that are owners and op-
 3 erators of publicly owned treatment works
 4 that serve fewer than 3,300 people; and

5 “(ii) eligible entities described in sub-
 6 section (a)(1)(B) that provide the assist-
 7 ance described in that subsection in areas
 8 that are served by publicly owned treat-
 9 ment works that serve fewer than 3,300
 10 people.

11 “(B) ADMINISTRATIVE COSTS.—Of the
 12 amounts made available for grants under para-
 13 graph (1), not more than 2 percent may be
 14 used to pay the administrative costs of the Ad-
 15 ministrator.”.

16 **SEC. 210. CLEAN WATER STATE REVOLVING FUNDS.**

17 (a) USE OF FUNDS.—

18 (1) IN GENERAL.—Section 603 of the Federal
 19 Water Pollution Control Act (33 U.S.C. 1383) is
 20 amended—

21 (A) in subsection (d), in the matter pre-
 22 ceding paragraph (1), by inserting “and pro-
 23 vided in subsection (k)” after “State law”;

24 (B) in subsection (i)—

1 (i) in paragraph (1), in the matter
 2 preceding subparagraph (A), by striking “,
 3 including forgiveness of principal and neg-
 4 ative interest loans” and inserting “(in-
 5 cluding forgiveness of principal, grants,
 6 negative interest loans, other loan forgive-
 7 ness, and through buying, refinancing, or
 8 restructuring debt)”; and

9 (ii) in paragraph (3), by striking sub-
 10 paragraph (B) and inserting the following:

11 “(B) TOTAL AMOUNT OF SUBSIDIZA-
 12 TION.—

13 “(i) IN GENERAL.—For each fiscal
 14 year, of the amount of the capitalization
 15 grant received by the State under this title,
 16 the total amount of additional subsidiza-
 17 tion made available by a State under para-
 18 graph (1)—

19 “(I) may not exceed 30 percent;

20 and

21 “(II) to the extent that there are
 22 sufficient applications for assistance
 23 to communities described in that
 24 paragraph, may not be less than 10
 25 percent.

1 “(ii) EXCLUSION.—A loan from the
 2 water pollution control revolving fund of a
 3 State with an interest rate equal to or
 4 greater than 0 percent shall not be consid-
 5 ered additional subsidization for purposes
 6 of this subparagraph.”; and

7 (C) by adding at the end the following:

8 “(k) ADDITIONAL USE OF FUNDS.—A State may use
 9 an additional 2 percent of the funds annually awarded to
 10 each State under this title for nonprofit organizations (as
 11 defined in section 104(w)) or State, regional, interstate,
 12 or municipal entities to provide technical assistance to
 13 rural, small, and tribal publicly owned treatment works
 14 (within the meaning of section 104(b)(8)(B)) in the
 15 State.”.

16 (2) TECHNICAL AMENDMENT.—Section 104(w)
 17 of the Federal Water Pollution Control Act (33
 18 U.S.C. 1254(w)) is amended by striking “treatments
 19 works” and inserting “treatment works”.

20 (b) CAPITALIZATION GRANT REAUTHORIZATION.—
 21 Section 607 of the Federal Water Pollution Control Act
 22 (33 U.S.C. 1387) is amended to read as follows:

23 **“SEC. 607. AUTHORIZATION OF APPROPRIATIONS.**

24 “‘There are authorized to be appropriated to carry out
 25 the purposes of this title—

- 1 “(1) \$2,400,000,000 for fiscal year 2022;
 2 “(2) \$2,750,000,000 for fiscal year 2023;
 3 “(3) \$3,000,000,000 for fiscal year 2024; and
 4 “(4) \$3,250,000,000 for each of fiscal years
 5 2025 and 2026.”.

6 **SEC. 211. WATER INFRASTRUCTURE AND WORKFORCE IN-**
 7 **VESTMENT.**

8 Section 4304 of the America’s Water Infrastructure
 9 Act of 2018 (42 U.S.C. 300j–19e) is amended—

10 (1) in subsection (a)(3)—

11 (A) in subparagraph (A), by inserting
 12 “Tribal,” after “State,”; and

13 (B) in subparagraph (B), by striking
 14 “community-based organizations” and all that
 15 follows through the period at the end and in-
 16 serting the following: “community-based organi-
 17 zations and public works departments or agen-
 18 cies to align water and wastewater utility work-
 19 force recruitment efforts, training programs, re-
 20 tention efforts, and community resources with
 21 water and wastewater utilities—

22 “(i) to accelerate career pipelines;

23 “(ii) to ensure the sustainability of
 24 the water and wastewater utility workforce;
 25 and

1 “(iii) to provide access to workforce
2 opportunities.”;

3 (2) in subsection (b)—

4 (A) in paragraph (1)—

5 (i) by striking subparagraph (B);

6 (ii) in subparagraph (A), by striking
7 “; and” at the end and inserting “, which
8 may include—”

9 (iii) in the matter preceding subpara-
10 graph (A), by striking “program—” and
11 all that follows through “to assist” in sub-
12 paragraph (A) and inserting “program to
13 assist”; and

14 (iv) by adding at the end the fol-
15 lowing:

16 “(A) expanding the use and availability of
17 activities and resources that relate to the re-
18 cruitment, including the promotion of diversity
19 within that recruitment, of individuals to ca-
20 reers in the water and wastewater utility sector;

21 “(B) expanding the availability of training
22 opportunities for—

23 “(i) individuals entering into the
24 water and wastewater utility sector; and

1 “(ii) individuals seeking to advance
 2 careers within the water and wastewater
 3 utility sector; and

4 “(C) expanding the use and availability of
 5 activities and strategies, including the develop-
 6 ment of innovative activities and strategies, that
 7 relate to the maintenance and retention of a
 8 sustainable workforce in the water and waste-
 9 water utility sector.”;

10 (B) in paragraph (2)—

11 (i) in the matter preceding subpara-
 12 graph (A), by striking “institutions—” and
 13 inserting “institutions, or public works de-
 14 partments and agencies—”; and

15 (ii) in subparagraph (A)—

16 (I) by striking clauses (ii) and
 17 (iii);

18 (II) in clause (i), by adding “or”
 19 at the end;

20 (III) by redesignating clause (i)
 21 as clause (ii);

22 (IV) by inserting before clause
 23 (ii) (as so redesignated) the following:

24 “(i) in the development of educational
 25 or recruitment materials and activities, in-

cluding those materials and activities that specifically promote diversity within recruitment, for the water and wastewater utility workforce;” and

(V) by adding at the end the following:

“(iii) developing activities and strategies that relate to the maintenance and retention of a sustainable workforce in the water and wastewater utility sector; and”;

(C) in paragraph (3)—

(i) in subparagraph (D)(ii), by inserting “or certification” after “training”; and

(ii) in subparagraph (E), by striking “ensure that incumbent water and waste water utilities workers” and inserting “are designed to retain incumbent water and wastewater utility workforce workers by ensuring that those workers”; and

(D) by striking paragraph (4) and inserting the following:

“(4) WORKING GROUP; REPORT.—

“(A) IN GENERAL.—The Administrator shall establish and coordinate a Federal inter-agency working group to address recruitment,

1 training, and retention challenges in the water
 2 and wastewater utility workforce, which shall
 3 include representatives from—

4 “(i) the Department of Education;

5 “(ii) the Department of Labor;

6 “(iii) the Department of Agriculture;

7 “(iv) the Department of Veterans Af-
 8 fairs; and

9 “(v) other Federal agencies, as deter-
 10 mined to be appropriate by the Adminis-
 11 trator.

12 “(B) REPORT.—Not later than 2 years
 13 after the date of enactment of the Drinking
 14 Water and Wastewater Infrastructure Act of
 15 2021, the Administrator, in coordination with
 16 the working group established under subpara-
 17 graph (A), shall submit to Congress a report
 18 describing potential solutions to recruitment,
 19 training, and retention challenges in the water
 20 and wastewater utility workforce.

21 “(C) CONSULTATION.—In carrying out the
 22 duties of the working group established under
 23 subparagraph (A), the working group shall con-
 24 sult with State operator certification programs.

1 “(5) AUTHORIZATION OF APPROPRIATIONS.—

2 There is authorized to be appropriated to carry out
3 this subsection \$5,000,000 for each of fiscal years
4 2022 through 2026.”;

5 (3) by redesignating subsections (a) and (b) as
6 subsections (b) and (c), respectively; and

7 (4) by inserting before subsection (b) (as so re-
8 designated) the following:

9 “(a) DEFINITION OF PUBLIC WORKS DEPARTMENT
10 OR AGENCY.—In this section, the term ‘public works de-
11 partment or agency’ means a political subdivision of a
12 local, county, or regional government that designs, builds,
13 operates, and maintains water infrastructure, sewage and
14 refuse disposal systems, and other public water systems
15 and facilities.”.

16 **SEC. 212. GRANTS TO ALASKA TO IMPROVE SANITATION IN**
17 **RURAL AND NATIVE VILLAGES.**

18 Section 303 of the Safe Drinking Water Act Amend-
19 ments of 1996 (33 U.S.C. 1263a) is amended—

20 (1) in subsection (b), by striking “50 percent”
21 and inserting “75 percent”; and

22 (2) in subsection (e), by striking “this section”
23 and all that follows through the period at the end
24 and inserting the following: “this section—

- 1 “(1) \$40,000,000 for each of fiscal years 2022
 2 through 2024;
 3 “(2) \$50,000,000 for fiscal year 2025; and
 4 “(3) \$60,000,000 for fiscal year 2026.”.

5 **SEC. 213. WATER DATA SHARING PILOT PROGRAM.**

6 (a) ESTABLISHMENT.—

7 (1) IN GENERAL.—Subject to the availability of
 8 appropriations, the Administrator shall establish a
 9 competitive grant pilot program (referred to in this
 10 section as the “pilot program”) under which the Ad-
 11 ministrator may award grants to eligible entities
 12 under subsection (b) to establish systems that im-
 13 prove the sharing of information concerning water
 14 quality, water infrastructure needs, and water tech-
 15 nology, including cybersecurity technology, between
 16 States or among counties and other units of local
 17 government within a State, which may include—

18 (A) establishing a website or data hub to
 19 exchange water data, including data on water
 20 quality or water technology, including new and
 21 emerging, but proven, water technology; and

22 (B) intercounty communications initiatives
 23 related to water data.

24 (2) REQUIREMENTS.—

1 (A) DATA SHARING.—The Internet of
 2 Water principles developed by the Nicholas In-
 3 stitute for Environmental Policy Solutions shall,
 4 to the extent practicable, guide any water data
 5 sharing efforts under the pilot program.

6 (B) USE OF EXISTING DATA.—The recipi-
 7 ent of a grant under the pilot program to estab-
 8 lish a website or data hub described in para-
 9 graph (1)(A) shall, to the extent practicable, le-
 10 verage existing data sharing infrastructure.

11 (b) ELIGIBLE ENTITIES.—An entity eligible for a
 12 grant under the pilot program is—

13 (1) a State, county, or other unit of local gov-
 14 ernment that—

15 (A) has a coastal watershed with signifi-
 16 cant pollution levels;

17 (B) has a water system with significant
 18 pollution levels; or

19 (C) has significant individual water infra-
 20 structure deficits; or

21 (2) a regional consortium established under
 22 subsection (d).

23 (c) APPLICATIONS.—To be eligible to receive a grant
 24 under the pilot program, an eligible entity under sub-
 25 section (b) shall submit to the Administrator an applica-

1 tion at such time, in such manner, and containing such
 2 information as the Administrator may require.

3 (d) REGIONAL CONSORTIA.—

4 (1) ESTABLISHMENT.—States may establish re-
 5 gional consortia in accordance with this subsection.

6 (2) REQUIREMENTS.—A regional consortium
 7 established under paragraph (1) shall—

8 (A) include not fewer than 2 States that
 9 have entered into a memorandum of under-
 10 standing—

11 (i) to exchange water data, including
 12 data on water quality; or

13 (ii) to share information, protocols,
 14 and procedures with respect to projects
 15 that evaluate, demonstrate, or install new
 16 and emerging, but proven, water tech-
 17 nology;

18 (B) carry out projects—

19 (i) to exchange water data, including
 20 data on water quality; or

21 (ii) that evaluate, demonstrate, or in-
 22 stall new and emerging, but proven, water
 23 technology; and

24 (C) develop a regional intended use plan,
 25 in accordance with paragraph (3), to identify

1 projects to carry out, including projects using
2 grants received under this section.

3 (3) REGIONAL INTENDED USE PLAN.—A re-
4 gional intended use plan of a regional consortium es-
5 tablished under paragraph (1)—

6 (A) shall identify projects that the regional
7 consortium intends to carry out, including
8 projects that meet the requirements of para-
9 graph (2)(B); and

10 (B) may include—

11 (i) projects included in an intended
12 use plan of a State prepared under section
13 606(c) of the Federal Water Pollution
14 Control Act (33 U.S.C. 1386(c)) within the
15 regional consortium; and

16 (ii) projects not included in an in-
17 tended use plan of a State prepared under
18 section 606(c) of the Federal Water Pollu-
19 tion Control Act (33 U.S.C. 1386(c)) with-
20 in the regional consortium.

21 (e) REPORT.—Not later than 2 years after the date
22 of enactment of this Act, the Administrator shall submit
23 to Congress a report that describes the implementation of
24 the pilot program, which shall include—

1 (1) a description of the use and deployment of
2 amounts made available under the pilot program;
3 and

4 (2) an accounting of all grants awarded under
5 the program, including a description of each grant
6 recipient and each project funded using a grant
7 under the pilot program.

8 (f) FUNDING.—

9 (1) AUTHORIZATION OF APPROPRIATIONS.—

10 There is authorized to be appropriated to carry out
11 the pilot program \$15,000,000 for each of fiscal
12 years 2022 through 2026, to remain available until
13 expended.

14 (2) REQUIREMENT.—Of the funds made avail-
15 able under paragraph (1), not more than 35 percent
16 may be used to provide grants to regional consortia
17 established under subsection (d).

18 **SEC. 214. FINAL RATING OPINION LETTERS.**

19 Section 5028(a)(1)(D)(ii) of the Water Infrastruc-
20 ture Finance and Innovation Act of 2014 (33 U.S.C.
21 3907(a)(1)(D)(ii)) is amended by striking “final rating
22 opinion letters from at least 2 rating agencies” and insert-
23 ing “a final rating opinion letter from at least 1 rating
24 agency”.

1 **SEC. 215. WATER INFRASTRUCTURE FINANCING REAU-**
 2 **THORIZATION.**

3 (a) IN GENERAL.—Section 5033 of the Water Infra-
 4 structure Finance and Innovation Act of 2014 (33 U.S.C.
 5 3912) is amended—

6 (1) in subsection (a), by adding at the end the
 7 following:

8 “(3) FISCAL YEARS 2022 THROUGH 2026.—
 9 There is authorized to be appropriated to the Ad-
 10 ministrator to carry out this subtitle \$50,000,000
 11 for each of fiscal years 2022 through 2026, to re-
 12 main available until expended.”;

13 (2) in subsection (b)(2)—

14 (A) in the paragraph heading, by striking
 15 “2020 AND 2021” and inserting “AFTER 2019”;
 16 and

17 (B) by striking “2020 and 2021” and in-
 18 serting “2022 through 2026”; and

19 (3) in subsection (e)(1), by striking “2020 and
 20 2021” and inserting “2022 through 2026”.

21 (b) OUTREACH PLAN.—The Water Infrastructure Fi-
 22 nance and Innovation Act of 2014 (33 U.S.C. 3901 et
 23 seq.) is amended by adding at the end the following:

24 **“SEC. 5036. OUTREACH PLAN.**

25 “(a) DEFINITION OF RURAL COMMUNITY.—In this
 26 section, the term ‘rural community’ means a city, town,

1 or unincorporated area that has a population of not more
2 than 10,000 inhabitants.

3 “(b) OUTREACH REQUIRED.—Not later than 180
4 days after the date of enactment of this section, the Ad-
5 ministrator, in consultation with relevant Federal agen-
6 cies, shall develop and begin implementation of an out-
7 reach plan to promote financial assistance available under
8 this subtitle to small communities and rural commu-
9 nities.”.

10 **SEC. 216. SMALL AND DISADVANTAGED COMMUNITY ANAL-**
11 **YSIS.**

12 (a) ANALYSIS.—Not later than 2 years after the date
13 of enactment of this Act, using environmental justice data
14 of the Environmental Protection Agency, including data
15 from the environmental justice mapping and screening tool
16 of the Environmental Protection Agency, the Adminis-
17 trator shall carry out an analysis under which the Admin-
18 istrator shall assess the programs under title VI of the
19 Federal Water Pollution Control Act (33 U.S.C. 1381 et
20 seq.) and section 1452 of the Safe Drinking Water Act
21 (42 U.S.C. 300j–12) to identify historical distributions of
22 funds to small and disadvantaged communities and new
23 opportunities and methods to improve on the distribution
24 of funds under those programs to low-income commu-
25 nities, rural communities, minority communities, and com-

1 munities of indigenous peoples, in accordance with Execu-
 2 tive Order 12898 (42 U.S.C. 4321 note; 60 Fed. Reg.
 3 6381; relating to Federal actions to address environmental
 4 justice in minority populations and low-income popu-
 5 lations).

6 (b) REQUIREMENT.—The analysis under subsection
 7 (a) shall include an analysis, to the extent practicable, of
 8 communities in the United States that do not have access
 9 to drinking water or wastewater services.

10 (c) REPORT.—On completion of the analysis under
 11 subsection (a), the Administrator shall submit to the Com-
 12 mittee on Environment and Public Works of the Senate
 13 and the Committees on Energy and Commerce and Trans-
 14 portation and Infrastructure of the House of Representa-
 15 tives a report describing—

16 (1) the results of the analysis; and

17 (2) the criteria the Administrator used in car-
 18 rying out the analysis.

19 **SEC. 217. STORMWATER INFRASTRUCTURE TECHNOLOGY.**

20 (a) DEFINITIONS.—In this section:

21 (1) CENTER.—The term “center” means a cen-
 22 ter of excellence for stormwater control infrastruc-
 23 ture established under subsection (b)(1).

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

1 (A) a State, Tribal, or local government; or

2 (B) a local, regional, or other public entity

3 that manages stormwater or wastewater re-

4 sources or other related water infrastructure.

5 (3) ELIGIBLE INSTITUTION.—The term “eligi-

6 ble institution” means an institution of higher edu-

7 cation, a research institution, or a nonprofit organi-

8 zation—

9 (A) that has demonstrated excellence in re-

10 searching and developing new and emerging

11 stormwater control infrastructure technologies;

12 and

13 (B) with respect to a nonprofit organiza-

14 tion, the core mission of which includes water

15 management, as determined by the Adminis-

16 trator.

17 (b) CENTERS OF EXCELLENCE FOR STORMWATER

18 CONTROL INFRASTRUCTURE TECHNOLOGIES.—

19 (1) ESTABLISHMENT OF CENTERS.—

20 (A) IN GENERAL.—Subject to the avail-

21 ability of appropriations, the Administrator

22 shall provide grants, on a competitive basis, to

23 eligible institutions to establish and maintain

24 not less than 3, and not more than 5, centers

25 of excellence for new and emerging stormwater

1 control infrastructure technologies, to be lo-
2 cated in various regions throughout the United
3 States.

4 (B) GENERAL OPERATION.—Each center
5 shall—

6 (i) conduct research on new and
7 emerging stormwater control infrastructure
8 technologies that are relevant to the geo-
9 graphical region in which the center is lo-
10 cated, including stormwater and sewer
11 overflow reduction, other approaches to
12 water resource enhancement, alternative
13 funding approaches, and other environ-
14 mental, economic, and social benefits, with
15 the goal of improving the effectiveness,
16 cost efficiency, and protection of public
17 safety and water quality;

18 (ii) maintain a listing of—

19 (I) stormwater control infrastruc-
20 ture needs; and

21 (II) an analysis of new and
22 emerging stormwater control infra-
23 structure technologies that are avail-
24 able;

1 (iii) analyze whether additional finan-
2 cial programs for the implementation of
3 new and emerging, but proven, stormwater
4 control infrastructure technologies would
5 be useful;

6 (iv) provide information regarding re-
7 search conducted under clause (i) to the
8 national electronic clearinghouse center for
9 publication on the Internet website estab-
10 lished under paragraph (3)(B)(i) to pro-
11 vide to the Federal Government and State,
12 Tribal, and local governments and the pri-
13 vate sector information regarding new and
14 emerging, but proven, stormwater control
15 infrastructure technologies;

16 (v) provide technical assistance to
17 State, Tribal, and local governments to as-
18 sist with the design, construction, oper-
19 ation, and maintenance of stormwater con-
20 trol infrastructure projects that use inno-
21 vative technologies;

22 (vi) collaborate with institutions of
23 higher education and private and public or-
24 ganizations, including community-based
25 public-private partnerships and other

1 stakeholders, in the geographical region in
 2 which the center is located; and

3 (vii) coordinate with the other centers
 4 to avoid duplication of efforts.

5 (2) APPLICATION.—To be eligible to receive a
 6 grant under this subsection, an eligible institution
 7 shall prepare and submit to the Administrator an
 8 application at such time, in such form, and con-
 9 taining such information as the Administrator may
 10 require.

11 (3) NATIONAL ELECTRONIC CLEARINGHOUSE
 12 CENTER.—Of the centers established under para-
 13 graph (1)(A), 1 shall—

14 (A) be designated as the “national elec-
 15 tronic clearinghouse center”; and

16 (B) in addition to the other functions of
 17 that center—

18 (i) develop, operate, and maintain an
 19 Internet website and a public database
 20 that contains information relating to new
 21 and emerging, but proven, stormwater con-
 22 trol infrastructure technologies; and

23 (ii) post to the website information
 24 from all centers.

25 (4) AUTHORIZATION OF APPROPRIATIONS.—

1 (A) IN GENERAL.—There is authorized to
 2 be appropriated to carry out this subsection
 3 \$5,000,000 for each of fiscal years 2022
 4 through 2026.

5 (B) LIMITATION ON USE OF FUNDS.—Of
 6 the amounts made available for grants under
 7 subparagraph (A), not more than 2 percent
 8 may be used to pay the administrative costs of
 9 the Administrator.

10 (c) STORMWATER CONTROL INFRASTRUCTURE
 11 PROJECT GRANTS.—

12 (1) GRANT AUTHORITY.—Subject to the avail-
 13 ability of appropriations, the Administrator shall
 14 provide grants, on a competitive basis, to eligible en-
 15 tities to carry out stormwater control infrastructure
 16 projects that incorporate new and emerging, but
 17 proven, stormwater control technologies in accord-
 18 ance with this subsection.

19 (2) STORMWATER CONTROL INFRASTRUCTURE
 20 PROJECTS.—

21 (A) PLANNING AND DEVELOPMENT
 22 GRANTS.—The Administrator may make plan-
 23 ning and development grants under this sub-
 24 section for the following projects:

1 (i) Planning and designing
2 stormwater control infrastructure projects
3 that incorporate new and emerging, but
4 proven, stormwater control technologies,
5 including engineering surveys, landscape
6 plans, maps, long-term operations and
7 maintenance plans, and implementation
8 plans.

9 (ii) Identifying and developing stand-
10 ards necessary to accommodate stormwater
11 control infrastructure projects, including
12 those projects that incorporate new and
13 emerging, but proven, stormwater control
14 technologies.

15 (iii) Identifying and developing fee
16 structures to provide financial support for
17 design, installation, and operations and
18 maintenance of stormwater control infra-
19 structure, including new and emerging, but
20 proven, stormwater control infrastructure
21 technologies.

22 (iv) Developing approaches for com-
23 munity-based public-private partnerships
24 for the financing and construction of
25 stormwater control infrastructure tech-

nologies, including feasibility studies, stakeholder outreach, and needs assessments.

(v) Developing and delivering training and educational materials regarding new and emerging, but proven, stormwater control infrastructure technologies for distribution to—

(I) individuals and entities with applicable technical knowledge; and

(II) the public.

(B) IMPLEMENTATION GRANTS.—The Administrator may make implementation grants under this subsection for the following projects:

(i) Installing new and emerging, but proven, stormwater control infrastructure technologies.

(ii) Protecting or restoring interconnected networks of natural areas that protect water quality.

(iii) Monitoring and evaluating the environmental, economic, or social benefits of stormwater control infrastructure technologies that incorporate new and emerg-

1 ing, but proven, stormwater control tech-
 2 nology.

3 (iv) Implementing a best practices
 4 standard for stormwater control infrastruc-
 5 ture programs.

6 (3) APPLICATION.—Except as otherwise pro-
 7 vided in this section, to be eligible to receive a grant
 8 under this subsection, an eligible entity shall prepare
 9 and submit to the Administrator an application at
 10 such time, in such form, and containing such infor-
 11 mation as the Administrator may require, including,
 12 as applicable—

13 (A) a description of the stormwater control
 14 infrastructure project that incorporates new
 15 and emerging, but proven, technologies;

16 (B) a plan for monitoring the impacts and
 17 pollutant load reductions associated with the
 18 stormwater control infrastructure project on the
 19 water quality and quantity;

20 (C) an evaluation of other environmental,
 21 economic, and social benefits of the stormwater
 22 control infrastructure project; and

23 (D) a plan for the long-term operation and
 24 maintenance of the stormwater control infra-

1 structure project and a tracking system, such
 2 as asset management practices.

3 (4) PRIORITY.—In making grants under this
 4 subsection, the Administrator shall give priority to
 5 applications submitted on behalf of—

6 (A) a community that—

7 (i) has municipal combined storm and
 8 sanitary sewers in the collection system of
 9 the community; or

10 (ii) is a small, rural, or disadvantaged
 11 community, as determined by the Adminis-
 12 trator; or

13 (B) an eligible entity that will use not less
 14 than 15 percent of the grant to provide service
 15 to a small, rural, or disadvantaged community,
 16 as determined by the Administrator.

17 (5) MAXIMUM AMOUNTS.—

18 (A) PLANNING AND DEVELOPMENT
 19 GRANTS.—

20 (i) SINGLE GRANT.—The amount of a
 21 single planning and development grant
 22 provided under this subsection shall be not
 23 more than \$200,000.

24 (ii) AGGREGATE AMOUNT.—The total
 25 amount of all planning and development

grants provided under this subsection for a fiscal year shall be not more than $\frac{1}{3}$ of the total amount made available to carry out this subsection.

(B) IMPLEMENTATION GRANTS.—

(i) SINGLE GRANT.—The amount of a single implementation grant provided under this subsection shall be not more than \$2,000,000.

(ii) AGGREGATE AMOUNT.—The total amount of all implementation grants provided under this subsection for a fiscal year shall be not more than $\frac{2}{3}$ of the total amount made available to carry out this subsection.

(6) FEDERAL SHARE.—

(A) IN GENERAL.—Except as provided in subparagraph (C), the Federal share of a grant provided under this subsection shall not exceed 80 percent of the total project cost.

(B) CREDIT FOR IMPLEMENTATION GRANTS.—The Administrator shall credit toward the non-Federal share of the cost of an implementation project carried out under this subsection the cost of planning, design, and

1 construction work completed for the project
 2 using funds other than funds provided under
 3 this section.

4 (C) EXCEPTION.—The Administrator may
 5 waive the Federal share limitation under sub-
 6 paragraph (A) for an eligible entity that has
 7 adequately demonstrated financial need.

8 (d) REPORT TO CONGRESS.—Not later than 2 years
 9 after the date on which the Administrator first awards a
 10 grant under this section, the Administrator shall submit
 11 to Congress a report that includes, with respect to the pe-
 12 riod covered by the report—

13 (1) a description of all grants provided under
 14 this section;

15 (2) a detailed description of—

16 (A) the projects supported by those grants;
 17 and

18 (B) the outcomes of those projects;

19 (3) a description of the improvements in tech-
 20 nology, environmental benefits, resources conserved,
 21 efficiencies, and other benefits of the projects funded
 22 under this section;

23 (4) recommendations for improvements to pro-
 24 mote and support new and emerging, but proven,
 25 stormwater control infrastructure, including research

1 into new and emerging technologies, for the centers,
2 grants, and activities under this section; and

3 (5) a description of existing challenges con-
4 cerning the use of new and emerging, but proven,
5 stormwater control infrastructure.

6 (e) AUTHORIZATION OF APPROPRIATIONS.—

7 (1) IN GENERAL.—There is authorized to be
8 appropriated to carry out this section (except for
9 subsection (b)) \$10,000,000 for each of fiscal years
10 2022 through 2026.

11 (2) LIMITATION ON USE OF FUNDS.—Of the
12 amounts made available for grants under paragraph
13 (1), not more than 2 percent may be used to pay the
14 administrative costs of the Administrator.

15 **SEC. 218. WATER REUSE INTERAGENCY WORKING GROUP.**

16 (a) IN GENERAL.—Not later than 180 days after the
17 date of enactment of this Act, the Administrator shall es-
18 tablish a Water Reuse Interagency Working Group (re-
19 ferred to in this section as the “Working Group”).

20 (b) PURPOSE.—The purpose of the Working Group
21 is to develop and coordinate actions, tools, and resources
22 to advance water reuse across the United States, including
23 through the implementation of the February 2020 Na-
24 tional Water Reuse Action Plan, which creates opportuni-
25 ties for water reuse in the mission areas of each of the

1 Federal agencies included in the Working Group under
2 subsection (c) (referred to in this section as the “Action
3 Plan”).

4 (c) CHAIRPERSON; MEMBERSHIP.—The Working
5 Group shall be—

6 (1) chaired by the Administrator; and

7 (2) comprised of senior representatives from
8 such Federal agencies as the Administrator deter-
9 mines to be appropriate.

10 (d) DUTIES OF THE WORKING GROUP.—In carrying
11 out this section, the Working Group shall—

12 (1) with respect to water reuse, leverage the ex-
13 pertise of industry, the research community, non-
14 governmental organizations, and government;

15 (2) seek to foster water reuse as an important
16 component of integrated water resources manage-
17 ment;

18 (3) conduct an assessment of new opportunities
19 to advance water reuse and annually update the Ac-
20 tion Plan with new actions, as necessary, to pursue
21 those opportunities;

22 (4) seek to coordinate Federal programs and
23 policies to support the adoption of water reuse;

24 (5) consider how each Federal agency can ex-
25 plore and identify opportunities to support water

1 reuse through the programs and activities of that
2 Federal agency; and

3 (6) consult, on a regular basis, with representa-
4 tives of relevant industries, the research community,
5 and nongovernmental organizations.

6 (e) REPORT.—Not less frequently than once every 2
7 years, the Administrator shall submit to Congress a report
8 on the activities and findings of the Working Group.

9 (f) SUNSET.—

10 (1) IN GENERAL.—Subject to paragraph (2),
11 the Working Group shall terminate on the date that
12 is 6 years after the date of enactment of this Act.

13 (2) EXTENSION.—The Administrator may ex-
14 tend the date of termination of the Working Group
15 under paragraph (1).

16 **SEC. 219. ADVANCED CLEAN WATER TECHNOLOGIES**
17 **STUDY.**

18 (a) IN GENERAL.—Subject to the availability of ap-
19 propriations, not later than 2 years after the date of enact-
20 ment of this Act, the Administrator shall carry out a study
21 that examines the state of existing and potential future
22 technology, including technology that could address cyber-
23 security vulnerabilities, that enhances or could enhance
24 the treatment, monitoring, affordability, efficiency, and
25 safety of wastewater services provided by a treatment

1 works (as defined in section 212 of the Federal Water Pol-
 2 lution Control Act (33 U.S.C. 1292)).

3 (b) REPORT.—The Administrator shall submit to the
 4 Committee on Environment and Public Works of the Sen-
 5 ate and the Committee on Energy and Commerce of the
 6 House of Representatives a report that describes the re-
 7 sults of the study under subsection (a).

8 **SEC. 220. CLEAN WATERSHEDS NEEDS SURVEY.**

9 Title VI of the Federal Water Pollution Control Act
 10 (33 U.S.C. 1381 et seq.) is amended by adding at the end
 11 the following:

12 **“SEC. 609. CLEAN WATERSHEDS NEEDS SURVEY.**

13 “(a) REQUIREMENT.—Not later than 2 years after
 14 the date of enactment of the Drinking Water and Waste-
 15 water Infrastructure Act of 2021, and not less frequently
 16 than once every 4 years thereafter, the Administrator
 17 shall—

18 “(1) conduct and complete an assessment of
 19 capital improvement needs for all projects that are
 20 eligible under section 603(c) for assistance from
 21 State water pollution control revolving funds; and

22 “(2) submit to Congress a report describing the
 23 results of the assessment completed under para-
 24 graph (1).

1 “(b) AUTHORIZATION OF APPROPRIATIONS.—There
 2 is authorized to be appropriated to carry out the initial
 3 needs survey under subsection (a) \$5,000,000, to remain
 4 available until expended.”.

5 **SEC. 221. WATER RESOURCES RESEARCH ACT AMEND-**
 6 **MENTS.**

7 (a) CLARIFICATION OF RESEARCH ACTIVITIES.—Sec-
 8 tion 104(b)(1) of the Water Resources Research Act of
 9 1984 (42 U.S.C. 10303(b)(1)) is amended—

10 (1) in subparagraph (B)(ii), by striking “water-
 11 related phenomena” and inserting “water re-
 12 sources”; and

13 (2) in subparagraph (D), by striking the period
 14 at the end and inserting “; and”.

15 (b) COMPLIANCE REPORT.—Section 104 of the
 16 Water Resources Research Act of 1984 (42 U.S.C. 10303)
 17 is amended by striking subsection (c) and inserting the
 18 following:

19 “(c) GRANTS.—

20 “(1) IN GENERAL.—From the sums appro-
 21 priated pursuant to subsection (f), the Secretary
 22 shall make grants to each institute to be matched on
 23 a basis of no less than 1 non-Federal dollar for
 24 every 1 Federal dollar.

1 “(2) REPORT.—Not later than December 31 of
 2 each fiscal year, the Secretary shall submit to the
 3 Committee on Environment and Public Works of the
 4 Senate, the Committee on the Budget of the Senate,
 5 the Committee on Transportation and Infrastructure
 6 of the House of Representatives, and the Committee
 7 on the Budget of the House of Representatives a re-
 8 port regarding the compliance of each funding re-
 9 cipient with this subsection for the immediately pre-
 10 ceding fiscal year.”.

11 (c) EVALUATION OF WATER RESOURCES RESEARCH
 12 PROGRAM.—Section 104 of the Water Resources Research
 13 Act of 1984 (42 U.S.C. 10303) is amended by striking
 14 subsection (e) and inserting the following:

15 “(e) EVALUATION OF WATER RESOURCES RESEARCH
 16 PROGRAM.—

17 “(1) IN GENERAL.—The Secretary shall con-
 18 duct a careful and detailed evaluation of each insti-
 19 tute at least once every 5 years to determine—

20 “(A) the quality and relevance of the water
 21 resources research of the institute;

22 “(B) the effectiveness of the institute at
 23 producing measured results and applied water
 24 supply research; and

1 “(C) whether the effectiveness of the insti-
 2 tute as an institution for planning, conducting,
 3 and arranging for research warrants continued
 4 support under this section.

5 “(2) PROHIBITION ON FURTHER SUPPORT.—If,
 6 as a result of an evaluation under paragraph (1), the
 7 Secretary determines that an institute does not qual-
 8 ify for further support under this section, no further
 9 grants to the institute may be provided until the
 10 qualifications of the institute are reestablished to the
 11 satisfaction of the Secretary.”.

12 (d) AUTHORIZATION OF APPROPRIATIONS.—Section
 13 104(f)(1) of the Water Resources Research Act of 1984
 14 (42 U.S.C. 10303(f)(1)) is amended by striking “fiscal
 15 years 2007 through 2011” and inserting “fiscal years
 16 2022 through 2025”.

17 (e) ADDITIONAL APPROPRIATIONS WHERE RE-
 18 SEARCH FOCUSED ON WATER PROBLEMS OF INTERSTATE
 19 NATURE.—Section 104(g)(1) of the Water Resources Re-
 20 search Act of 1984 (42 U.S.C. 10303(g)(1)) is amended
 21 in the first sentence by striking “\$6,000,000 for each of
 22 fiscal years 2007 through 2011” and inserting
 23 “\$3,000,000 for each of fiscal years 2022 through 2025”.

1 **SEC. 222. ENHANCED AQUIFER USE AND RECHARGE.**

2 Title I of the Federal Water Pollution Control Act
3 (33 U.S.C. 1251 et seq.) is amended by adding at the end
4 the following:

5 **“SEC. 124. ENHANCED AQUIFER USE AND RECHARGE.**

6 “(a) IN GENERAL.—Subject to the availability of ap-
7 propriations, the Administrator shall provide funding to
8 carry out groundwater research on enhanced aquifer use
9 and recharge in support of sole-source aquifers, of
10 which—

11 “(1) not less than 50 percent shall be used to
12 provide 1 grant to a State, unit of local government,
13 or Indian Tribe to carry out activities that would di-
14 rectly support that research; and

15 “(2) the remainder shall be provided to 1 ap-
16 propriate research center.

17 “(b) COORDINATION.—As a condition of accepting
18 funds under subsection (a), the State, unit of local govern-
19 ment, or Indian Tribe and the appropriate research center
20 that receive funds under that subsection shall establish a
21 formal research relationship for the purpose of coordi-
22 nating efforts under this section.

23 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
24 is authorized to be appropriated to the Administrator to

- 1 carry out this section \$5,000,000 for each of fiscal years
- 2 2022 through 2026.”.

Passed the Senate April 29, 2021.

Attest:

Secretary.

117TH CONGRESS
1ST SESSION

S. 914

AN ACT

To amend the Safe Drinking Water Act and the Federal Water Pollution Control Act to reauthorize programs under those Acts, and for other purposes.

ACTION
ITEM
1C

Date: June 16, 2021

To: The Honorable Board of Directors

SD
From: Shivaji Deshmukh, General Manager

Committee: Community & Legislative Affairs

06/09/21

Executive Contact: Kathy Besser, Executive Manager of Government & Ext. Affairs/AGM

Subject: Adopt Position on H.R. 3404 FUTURE Western Water Infrastructure and Drought Resiliency Act

Executive Summary:

On May 21, 2021, Congressman Jared Huffman (San Rafael) introduced H.R. 3404, the FUTURE Western Water Infrastructure and Drought Resiliency Act. This bill would authorize over \$1 billion in water infrastructure funding, including an increase in USBR Title XVI authorizations from \$50 million to \$500 million through Federal Fiscal Year 2025, and combines several previously introduced proposals from House Democrats, including provisions of H.R. 1015, Rep. Grace Napolitano's Water Recycling Investment and Improvement Act that would make permanent a grant program for the funding of water recycling and reuse projects and give funding priority to projects that are regional in nature.

The bill was specifically endorsed by the Newsom Administration and numerous stakeholders, including the California Association of Sanitation Agencies (CASA), the Metropolitan Water District of Southern California (MWD), WaterReuse, and the Water Now Alliance. Staff recommends the Board adopt a position of support for this bill.

Staff's Recommendation:

Adopt a position of "Support" for H.R. 3404 (Huffman) - the FUTURE Western Water Infrastructure and Drought Resiliency Act.

Budget Impact *Budgeted (Y/N): Y* *Amendment (Y/N): Y* *Amount for Requested Approval:*

Account/Project Name:

N/A

Fiscal Impact (explain if not budgeted):

N/A

Prior Board Action:

Adoption of 2021 Legislative Policy Principles

Environmental Determination:

Not Applicable

Business Goal:

Taking legislative positions is in line with IEUA's business practices goal of advocating for the development of policies, legislation and regulations that benefit the region.

Attachments:

1. Background
2. H.R. 3404 Bill Text

Background

Subject: Adopt Position on FUTURE Western Water Infrastructure and Drought Resiliency Act

The FUTURE Western Water Infrastructure and Drought Resiliency Act is comprehensive western water infrastructure and drought response legislation that includes several proposals from House Democrats, including Rep. Grace Napolitano's Water Recycling Investment and Improvement Act, Rep. Mike Levin's Desalination Development Act, and water-related provisions from Rep. Mike Thompson's GREEN Act. The FUTURE Western Water Act passed the House as a component of H.R. 2, last year's comprehensive House infrastructure package.

The bill's major policy components focus on infrastructure development, improved technology and data, ecosystem protection and restoration, and water job training and education. The bill would increase authorizations for water recycling and reuse project funding through the Title XVI program from \$50 million to \$500 million through Fiscal Year 2025. IEUA has benefitted from the Title XVI Program in the past, receiving approximately \$46 million in funding through the program to implement water infrastructure projects.

The bill would authorize an additional \$1 billion for water infrastructure projects, including \$750 million for sustainable, multi-benefit water storage projects, \$500 million for water recycling and reuse projects, and \$260 million for innovative water desalination projects. It would also provide support for water education activities, collaborative water management efforts and training, and professional development support for the water sector workforce.

The FUTURE Western Water Act was specifically endorsed by the Newsom Administration and numerous stakeholders, including water agencies and utilities, environmental and conservation organizations, and fishing and outdoor recreation organizations, including the California Association of Sanitation Agencies (CASA), the Metropolitan Water District of Southern California (MWD), WaterReuse, and the Water Now Alliance. Staff recommends the Board adopt a position of support for this bill.

.....
(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R. _____

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

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

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

1 (b) TABLE OF CONTENTS.—The table of contents for
2 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.

3 **SEC. 2. FINDINGS.**

4 Congress finds the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 **SEC. 3. DEFINITIONS.**

24 In this Act:

1 (1) RELEVANT COMMITTEES OF CONGRESS.—

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

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

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

8 (2) RECLAMATION STATE.—The term “Rec-
9 lamation State” 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-

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

“(2) PRIORITY.—When funding projects under paragraph (1), the Secretary shall give funding priority to projects that meet one or more of the following criteria:

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

“(B) Projects that are likely to increase the water management flexibility and reduce impacts on environmental resources from projects operated by Federal and State agencies.

“(C) Projects that are regional in nature.

“(D) Projects with multiple stakeholders.

“(E) Projects that provide multiple benefits, including water supply reliability, eco-system benefits, groundwater management and enhancements, and water quality improvements.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 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; or

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; and

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; or

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

1 project described in subparagraph (A) con-
2 sistent with maintaining and enhancing long-
3 term ecological and hydrological function and
4 resilience in a Reclamation State;

5 (C) provides benefits described in section
6 102(d)(1)(B)(ii); and

7 (D) has a total estimated cost of
8 \$250,000,000 or less.

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

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

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

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

21 (2) major federally assisted storage projects
22 within a Reclamation State in accordance with sub-
23 section (d);

24 (3) natural water storage projects within a Rec-
25 lamation 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

1 (i), the Secretary shall ensure that the use
2 of funds accepted from an eligible entity or
3 qualified partner will not affect the impar-
4 tial decisionmaking responsibilities of the
5 Secretary, either substantively or proce-
6 durally.

7 (iii) EFFECT OF TECHNICAL ASSIST-
8 ANCE.—The provision of technical assist-
9 ance by the Secretary under clause (i) shall
10 not be considered to be an approval or en-
11 dorsement of a feasibility study.

12 (8) ELIGIBLE PARTNER.—The Secretary is au-
13 thorized to participate in a restoration project de-
14 scribed in subsection (a)(4)(B) with a partner that
15 is—

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

18 (B) a qualified partner as defined in sub-
19 section (a)(8).

20 (e) NATURAL WATER STORAGE PROJECTS.—

21 (1) IN GENERAL.—In accordance with this sub-
22 section, the Secretary shall establish a competitive
23 grant program to participate in the design, study,
24 construction, expansion, upgrade, or capital repair of
25 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

1 (i), the Secretary shall ensure that the use
2 of funds accepted from an eligible entity or
3 qualified partner will not affect the impar-
4 tial decisionmaking responsibilities of the
5 Secretary, either substantively or proce-
6 durally.

7 (iii) EFFECT OF TECHNICAL ASSIST-
8 ANCE.—The provision of technical assist-
9 ance by the Secretary under clause (i) shall
10 not be considered to be an approval or en-
11 dorsement of a feasibility study.

12 (f) STANDARD FEDERALLY ASSISTED STORAGE
13 PROJECTS.—

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

22 (A) allow any project sponsor of a stand-
23 ard federally assisted storage project to apply
24 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.

1 (B) GUIDELINES.—

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

13 (I) any additional requirements
14 necessary to provide sufficient infor-
15 mation for making any determinations
16 or assessments under paragraphs (2),
17 (3) and (4); and

18 (II) the condition that the De-
19 partment of the Interior shall not
20 bear responsibility for the technical
21 adequacy of any design, cost estimate,
22 or construction relating to a standard
23 federally assisted storage project.

24 (ii) FINAL.—The Secretary shall final-
25 ize 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 Future
10 Western Water Infrastructure and Drought Re-
11 siliency 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 Tially 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-

1 sion of storm water management measures to
2 the public.

3 “(D) PERSON.—For purposes of subpara-
4 graphs (B) and (C), the term ‘person’ includes
5 the Federal Government, a State or local gov-
6 ernment or any political subdivision thereof, or
7 any instrumentality of any of the foregoing.”.

8 (3) CLERICAL AMENDMENTS.—

9 (A) The heading for section 136 of the In-
10 ternal Revenue Code of 1986 is amended—

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

13 (ii) by striking “**PROVIDED BY PUB-**
14 **LIC UTILITIES**”.

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

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

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

23 (c) EFFECTIVE DATE.—The amendments made by
24 this section shall apply to amounts received after Decem-
25 ber 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-

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

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

- (1) the United States Fish and Wildlife Service Animal Health Lab disease reports;
- (2) mid-winter waterfowl inventories;
- (3) nesting and brood surveys;
- (4) additional data collected regularly by the refuges, such as herptile distribution and abundance;
- (5) a new coordinated systemwide monitoring effort for at least one key migrant species and two resident species listed as threatened and endangered 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.

ACTION
ITEM
1D

Date: June 16, 2021

To: The Honorable Board of Directors

SD
From: Shivaji Deshmukh, General Manager

Committee: Community & Legislative Affairs

06/09/21

Executive Contact: Kathy Besser, Executive Manager of Government & Ext. Affairs/AGM

Subject: Adopt Position on SB 372 Purchasing Assistance Program: Zero Emission Vehicles

Executive Summary:

In February, Senator Leyva introduced SB 372 - Fleet Purchasing Assistance Program: Zero-Emission Vehicles. This legislation would establish a purchasing assistance program within the Air Quality Improvement Program to make financial tools and non-financial supports available to the operators of medium- and heavy-duty vehicle fleets to provide assistance with the mandatory transition to zero-emission vehicles as put forth by the Governor's Executive Order N-79-20 and the State Air Resources Board's Advanced Clean Trucks and Advanced Clean Fleets regulations.

On behalf of IEUA, West Coast Advisors has been working closely with Sen. Leyva's office to ensure any mandates to replace IEUA's diverse fleet of vehicles qualifies for financial assistance. This includes light-duty, heavy-duty and specialty vehicles that are essential to performing the Agency's core services. Sen. Leyva's recent amendments to the bill added vehicles used for construction and earth moving purposes for inclusion within the funding assistance program put forth by this legislation. The Agency would face significant expense upon transitioning to a zero emission fleet, and the funding assistance provided by this program would be critical.

Staff's Recommendation:

Adopt a position of "Support" for SB 372 (Leyva) - Purchasing Assistance Program: Zero Emission Vehicles.

Budget Impact *Budgeted (Y/N):* Y *Amendment (Y/N):* N *Amount for Requested Approval:*

Account/Project Name:

N/A

Fiscal Impact (explain if not budgeted):

N/A

Prior Board Action:

Adoption of 2021 Legislative Policy Principles.

Environmental Determination:

Not Applicable

Business Goal:

Taking legislative positions is in line with IEUA's business practices goal of advocating for the development of policies, legislation and regulations that benefit the region.

Attachments:

1. SB 372 (Leyva) - Bill Text

AMENDED IN SENATE MAY 20, 2021

AMENDED IN SENATE APRIL 19, 2021

AMENDED IN SENATE APRIL 13, 2021

AMENDED IN SENATE MARCH 4, 2021

SENATE BILL

No. 372

Introduced by Senator Leyva
(Coauthors: Senators Min, Newman, and Rubio)

February 10, 2021

An act to add Article 4 (commencing with Section 44274.10) to Chapter 8.9 of Part 5 of Division 26 of the Health and Safety Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 372, as amended, Leyva. Medium- and heavy-duty fleet purchasing assistance program: zero-emission vehicles.

Existing law establishes the Air Quality Improvement Program that is administered by the State Air Resources Board for the purposes of funding projects related to, among other things, the reduction of criteria air pollutants and improvement of air quality. Pursuant to its existing statutory authority, the state board has established the Clean Vehicle Rebate Project, as a part of the Air Quality Improvement Program, to promote the use of zero-emission vehicles by providing rebates for the purchase of new zero-emission vehicles.

Existing law, the California Pollution Control Financing Authority Act, establishes the California Pollution Control Financing Authority, with specified powers and duties, and authorizes the authority to approve financing for projects or pollution control facilities to prevent or reduce environmental pollution.

This bill would establish the Medium- and Heavy-Duty Zero-Emission Vehicle Fleet Purchasing Assistance Program within the Air Quality Improvement Program to make financing tools and nonfinancial supports available to the operators of medium- and heavy-duty vehicle fleets to enable those operators to transition their fleets to zero-emission vehicles. The bill would require the state board to designate the California Pollution Control Financing Authority as the agency responsible for administering the program and would require the state board and the authority to enter into an interagency working agreement for the development and administration of the program. The bill would require the authority to consult with various state agencies and stakeholders in the development and implementation of the program.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The transition to zero-emission medium- and heavy-duty
- 4 vehicles is the goal of the state, as outlined in the Governor's
- 5 Executive Order N-79-20 and the State Air Resources Board's
- 6 Advanced Clean Trucks and Advanced Clean Fleets regulations.
- 7 (b) Statewide, about 12,000,000 Californians live in
- 8 communities that exceed the federal ozone and PM 2.5 standards.
- 9 According to the American Lung Association, more than 90 percent
- 10 of Californians live in counties affected with unhealthy air during
- 11 certain parts of the year. The south coast and San Joaquin Valley
- 12 are the only two areas in the nation designated as "extreme"
- 13 nonattainment. Researchers found that southern California has
- 14 seen a 10 percent increase in deaths attributable to ozone pollution
- 15 from 2010 to 2017, inclusive.
- 16 (c) Emissions from medium- and heavy-duty vehicles make up
- 17 a significant proportion of harmful air pollution in California,

1 despite making up just 7 percent of vehicles on the road.
2 Heavy-duty trucks are responsible for about 35 percent of total
3 statewide NOx emissions and over 70 percent of NOx emissions
4 from on-road mobile sources. Heavy-duty trucks are also
5 responsible for approximately 26 percent of total statewide diesel
6 PM emissions.

7 (d) The risks of near-road air pollution are particularly high for
8 ~~minority and low-income communities;~~ *disadvantaged and*
9 *underserved communities and communities of color* because these
10 communities constitute a higher percentage of the population near
11 major roadways.

12 (e) These emissions near roadways add to the health burdens
13 in ~~underserved, priority, and disadvantaged communities~~
14 *disadvantaged and underserved communities and communities of*
15 *color* and cleaning up transportation emissions in these
16 communities is long overdue and should be the focus of state clean
17 air programs.

18 (f) Using zero-emission vehicles instead of internal combustion
19 engine vehicles saves the operators of medium- and heavy-duty
20 vehicle fleets money over the lifetime of the zero-emission vehicles
21 because zero-emission vehicles have lower operation costs.
22 Additionally, using zero-emission medium- and heavy-duty
23 vehicles has broader societal benefits, including improved health
24 outcomes, resulting in reduced costs related to health care.

25 (g) Even with this lower operating cost, getting to this transition
26 requires near-term, scalable, and replicable financing tools and
27 nonfinancial supports, such as technical and policy supports, with
28 an understanding that small and microfleets of medium- and
29 heavy-duty vehicles will require development of specific financing
30 solutions relative to larger fleets of medium- and heavy-duty
31 vehicles, and the state's commitment to developing those financing
32 solutions.

33 (h) Small and microfleets are more likely to operate in
34 ~~disadvantaged communities;~~ *disadvantaged and underserved*
35 *communities and communities of color;* have less access to market
36 capital, and face other financial burdens, and, for those reasons,
37 could benefit from the cost savings of zero-emission vehicles if
38 financing tools and nonfinancial supports are designed for, and
39 directed to, those fleets.

1 (i) Large fleets will likely need public moneys and nonfinancial
2 supports to help transition those fleets to zero-emission vehicles.
3 These tools can be leveraged with infusions of private capital.

4 (j) Public moneys, other financing tools, and nonfinancial policy
5 supports can be designed to go where they are needed the most
6 and will have the most impact, bringing in as much private capital
7 as possible to complement and leverage limited existing funding,
8 while ensuring that small and microfleets are made economically
9 better off through this process, rather than adding to their financial
10 burden of purchasing a new or used vehicle.

11 (k) It is important to ensure the distribution of funds to seaports
12 throughout the state to widen adoption of these vehicles with
13 specific offerings to overcome existing obstacles to accessing
14 funding and that will complement their different operational models
15 in order to accomplish the goals of Article 4 (commencing with
16 Section 44274.10) of Chapter 8.9 of Part 5 of Division 26 of the
17 Health and Safety Code.

18 (l) Bus fleets are often on the cutting edge of zero-emission
19 vehicle transportation, help to support the transition to
20 zero-emission vehicles, and would benefit from financial and
21 nonfinancial support designed to suit their fleets.

22 SEC. 2. Article 4 (commencing with Section 44274.10) is
23 added to Chapter 8.9 of Part 5 of Division 26 of the Health and
24 Safety Code, to read:

25
26 Article 4. Medium- and Heavy-Duty Zero-Emission Vehicle
27 Fleet Purchasing Assistance Program
28

29 44274.10. For purposes of this ~~division~~, *article*, the following
30 definitions apply:

31 (a) “Administering agency” means the California Pollution
32 Control Financing Authority.

33 (b) “Financing tools” includes, but is not limited to, any of the
34 following:

35 (1) Capital instruments, which are financing instruments that
36 increase access to capital or other resources or reduce the cost of
37 capital, or both, such as interest rate reductions, public-backed
38 “soft” loans, grants, bonds, and investment aggregation, also known
39 as warehousing.

(2) Risk reduction instruments, which are financing instruments that reduce exposure to risk or uncertainty, such as performance guarantees and asset residual value guarantees.

(3) Cost smoothing instruments, which are financing instruments that reduce and smooth up-front or recurrent costs, or both, such as operational leasing, all-inclusive leasing, also known as wet leasing, lease-purchase agreements, and on-bill financing.

(c) “Fleet” means one or more vehicles under common control or ownership.

(d) “Medium- and heavy-duty vehicle” includes, but is not limited to, trucks, buses, and vehicles used for construction and earth moving purposes.

~~(d)~~

(e) “Nonfinancial supports” means technical support, such as supports for technical management of electric medium- and heavy-duty vehicles, technical assistance for financing approaches, battery health programs, and creation of residual markets, or policy action, such as policy measures to enable financing or encourage fleet transitions.

~~(e) “Priority population” means a community identified as disadvantaged pursuant to Section 39711, or a low-income household or a low-income community, as defined in Section 39713.~~

(f) “Program” means the Medium- and Heavy-Duty Zero-Emission Vehicle Fleet Purchasing Assistance Program established pursuant to Section 44274.11.

(g) “Underserved community” means ~~a community that meets one of the following criteria:~~ *any of the following communities:*

(1) ~~Is a “disadvantaged community” as defined by subdivision (g) of Section 75005 of the Public Resources Code.~~

(2) ~~Is included within the definition of “low-income communities”~~

(1) *A low-income community as defined by paragraph (2) of subdivision (d) of Section 39713.*

(3) ~~Is within an area identified as among the most disadvantaged 25 percent in the state according to the California Environmental Protection Agency and based on the most recent California Communities Environmental Health Screening Tool, also known as CalEnviroScreen.~~

~~(4) Is a community in which at least 75 percent of public school students in the project area are eligible to receive free or reduced-price meals under the National School Lunch Program.~~

(2) A community identified as a disadvantaged community by the California Environmental Protection Agency pursuant to Section 39711.

~~(5) Is a~~

(3) A community located on lands belonging to a federally recognized California Native American tribe.

44274.11 (a) The Medium- and Heavy-Duty Zero-Emission Vehicle Fleet Purchasing Assistance Program is hereby established within the state board's Air Quality Improvement Program established pursuant to Section 44274 to make financing tools and nonfinancial supports available to the operators of medium- and heavy-duty vehicle fleets to enable those operators to transition their fleets to zero-emission vehicles. The state board shall designate the California Pollution Control Financing Authority as the agency responsible for administering the program.

(b) The state board and the administering agency shall enter into an interagency working agreement for the development and administration of the program.

44274.12. As part of the interagency working agreement entered into pursuant to Section 44274.11, the state board and the administering agency shall do all of the following when developing and implementing the program:

(a) Seek input from environmental justice organizations, medium- and heavy-duty vehicle fleets of diverse sizes and types, financiers, original truck equipment manufacturers, transportation, logistics, and fleet management companies, nongovernmental organizations, and other relevant stakeholders on all of the following topics:

(1) Which medium- and heavy-duty fleets should be designated as high-priority fleets pursuant to subdivision (d), taking into consideration the implications for climate change, pollution and environmental justice, state policy regarding clean air and transportation, and post-COVID economic recovery.

(2) How to apply to the program the Governor's Office of Business and Economic Development's findings on the critical barriers that impede medium- and heavy-duty fleets in different

1 sectors and of different fleet sizes from transitioning to
2 zero-emission vehicles.

3 (3) The financing tools and nonfinancial supports that should
4 be used to help overcome the critical barriers identified pursuant
5 to paragraph (2).

6 (4) How to determine whether the program is successful in
7 meeting its goals.

8 (b) (1) Develop and design, in consultation with other relevant
9 state agencies and building on the input received pursuant to
10 subdivision (a), financing tools and nonfinancial supports that are
11 most appropriate for different sizes and sectors of medium- and
12 heavy-duty vehicle fleets.

13 (2) Ensure the financing tools and nonfinancial supports
14 identified pursuant to paragraph (1) have no redundancies or
15 inefficiencies with other state programs.

16 (3) Identify the funding needs and potential funding sources for
17 the financing tools and nonfinancial supports identified pursuant
18 to paragraph (1).

19 (c) Ensure that a minimum of 75 percent of financing products
20 offered under the program are directed towards operators of
21 medium- and heavy-duty fleets whose fleets directly impact, or
22 operate ~~_____ percent of the time in, an underserved community~~
23 ~~or priority population, or both.~~ *community.*

24 (d) Designate which medium- and heavy-duty fleets are the
25 high-priority fleets that will have access to the program first based
26 on a consideration of state transportation policy and the input
27 received pursuant to subdivision (a). The administering agency
28 shall designate port and drayage truck fleets as one of the
29 high-priority ~~fleets.~~ *fleets until a date determined by the state*
30 *board.*

31 (e) Provide financing tools to operators of small and microfleets
32 of medium- and heavy-duty vehicles that include, but are not
33 limited to, direct assistance, such as incentives, grants, and
34 vouchers, that increase access to capital and reduce exposure to
35 market risks or uncertainties. The state board and the administering
36 agency shall determine how many vehicles constitute a small fleet
37 and a microfleet for purposes of the program.

38 (f) Provide financing tools to operators of large fleets of
39 medium- and heavy-duty vehicles to increase access to private
40 capital in ways that make it easier, less expensive, or reduce

1 uncertainties, or any combination of these things, for the operators
2 to transition to zero-emission vehicles. The state board and the
3 administering agency shall determine how many vehicles constitute
4 a large fleet for purposes of the program.

5 (g) Enable the stacking or coordinated combination of financial
6 tools and nonfinancial supports.

7 (h) Facilitate the decommissioning of high-polluting medium-
8 and heavy-duty vehicles in accordance with the state's clean air
9 targets and goals.

10 (i) Enable the development of replicable business models that
11 allow private capital to fully engage, while meeting the goals of
12 ~~this division.~~ *article.*

13 (j) Include optimal financing tools and appropriate nonfinancial
14 supports that are designed and targeted to catalyze electrification
15 at scale.

16 (k) Encourage emerging flexible business, operational, and
17 ownership models that accomplish the goals of ~~this division,~~
18 *article*, such as lease-backs or electric vehicle managers and lessors.

19 (l) ~~(1) Establish deadlines for~~ *Ensure that* the program ~~that~~
20 ~~align~~ *aligns* with milestones established in Executive Order
21 N-79-20 and *the goals set forth in Resolution 20-19 adopted by*
22 *the state board on June 25, 2020, along with the proposed revisions*
23 *to Division 3 (commencing with Section 1900) of Title 13 of the*
24 *California Code of Regulations known as the Proposed Advanced*
25 *Clean Trucks Regulation, which were approved by the state board*
26 *on June 25, 2020.*

27 (2) ~~The administering agency~~ *state board* shall do both of the
28 following:

29 (A) Establish penetration targets for deployment of financing
30 tools and nonfinancial supports to ~~operators~~ *operators*, including,
31 but not limited to, those whose fleets directly impact, or operate
32 ~~_____ percent of the time~~ in, underserved communities and priority
33 ~~populations~~ for each milestone specified in paragraph (1).

34 (B) Compile data and information about the deployment of
35 financing tools and nonfinancial supports provided pursuant to the
36 program to ~~operators~~ *operators*, including, but not limited to, those
37 whose fleets directly impact, or operate ~~_____ percent of the time~~
38 in, underserved communities and priority ~~populations.~~ *communities.*

39 (m) ~~Coordinate~~ *The state board shall coordinate* with the Public
40 Utilities ~~Commission and Commission,~~ the State Energy Resources

1 Conservation and Development ~~Commission~~ *Commission, and*
2 *the administering agency* to provide marketing, education, and
3 outreach to underserved communities ~~and priority populations~~
4 regarding the program.

5 (n) Ensure the financing tools and nonfinancial supports
6 designed and developed pursuant to this section are available to
7 operators of medium- and heavy-duty fleet operators by January
8 1, 2023.

9 44274.13. (a) The ~~administering—agency~~ *agency, in*
10 *consultation with the state board*, shall develop a data collection
11 and dissemination strategy for the program to facilitate informed
12 decisionmaking by other state agencies and private sector
13 financiers.

14 (b) *The administering agency shall keep confidential all business*
15 *trade secrets and proprietary information about fleets that the*
16 *administering agency gathers or becomes aware of through the*
17 *course of implementing and administering this article, including*
18 *through applications for financial assistance. Business trade*
19 *secrets and proprietary information obtained pursuant to this*
20 *subdivision are not subject to the California Public Records Act*
21 *(Chapter 3.5 (commencing with Section 6250) of Division 7 of*
22 *Title 1 of the Government Code).*

23 ~~(b)~~

24 (c) The strategy developed pursuant to subdivision (a) shall
25 include data that is necessary to facilitate the financing of
26 zero-emission vehicles in order to increase the scalability of
27 financial tools and nonfinancial supports. These data include, but
28 are not limited to, vehicle and battery performance, upfront and
29 operational costs, residual values, operational revenues, and
30 zero-emissions vehicle miles traveled.

31 ~~(e) This section shall not be construed as a requirement to~~
32 ~~disclose any proprietary business information collected pursuant~~
33 ~~to the program to the public as part of the data dissemination~~
34 ~~strategy.~~

35 44274.14. The ~~state board~~, *in consultation with the*
36 ~~administering—agency~~ *agency*, shall consult with the State Energy
37 Resources Conservation and Development Commission and the
38 Public Utilities Commission on the use of on-bill tariff products
39 for charging and fueling infrastructure that would allow operators

1 of medium- and heavy-duty fleets to see fuel cost savings of
2 zero-emission vehicles relative to diesel fuel.

3 44274.15. The state board shall create, in coordination with
4 other state agencies that administer programs similar to the program
5 established in Section 44274.11, a “one-stop shop” that provides
6 information on the state board’s internet website to operators of
7 medium- and heavy-duty fleets about all of the potential financing
8 and grant options and other technical assistance available to help
9 obtain financing for zero-emission medium- and heavy-duty
10 vehicles.

11 SEC. 3. The Legislature finds and declares that Section 2 of
12 this act, which adds Section 44274.13 to the Health and Safety
13 Code, imposes a limitation on the public’s right of access to the
14 meetings of public bodies or the writings of public officials and
15 agencies within the meaning of Section 3 of Article I of the
16 California Constitution. Pursuant to that constitutional provision,
17 the Legislature makes the following findings to demonstrate the
18 interest protected by this limitation and the need for protecting
19 that interest:

20 In order to ~~protect the privacy of the operators of medium- and~~
21 ~~heavy-duty vehicle fleets and encourage their participation in the~~
22 ~~program established pursuant to Section 2, it is necessary to limit~~
23 ~~the public’s right of access to their proprietary business~~
24 ~~information.~~ *appropriately protect the trade secrets and other*
25 *proprietary materials of businesses, it is necessary to limit access*
26 *to the proprietary information of businesses seeking financial and*
27 *nonfinancial tools, supports, and assistance related to*
28 *zero-emissions vehicles under Section 2.*

ACTION
ITEM
1E

Date: June 16, 2021

To: The Honorable Board of Directors

ADD
From: Shivaji Deshmukh, General Manager

Committee: Community & Legislative Affairs

06/09/21

Executive Contact: Kathy Besser, Executive Manager of Government & Ext. Affairs/AGM

Subject: Contract Amendments for Federal and State Legislative Services and Regional Strategy Consultants

Executive Summary:

In 2016, IEUA announced a Request for Proposals (RFP) for state and federal legislative advocacy services. After a competitive process, the IEUA Board voted in favor of awarding Innovative Federal Strategies and West Coast Advisors three year contracts, with the option of two additional one-year extensions. At this time, the Board also voted to award California Strategies a sole source contract with the same terms. All three consultants have represented the Agency well for 16, 15 and 12 years, respectively.

Last month, staff recommended extending the contracts rather than issuing a new RFP. Due to the COVID-19 pandemic, governmental meetings at the federal, state and regional level were only held electronically, conferences were moved online and in-person meetings were non-existent. The continuity and strong understanding of the opportunities and challenges ahead for IEUA are an asset as we navigate the ever-changing landscapes of federal, state and regional issues and as we emerge from stay-at-home orders staff believes it is in the Agency's best interest to move forward with the current representatives working on the Agency's behalf for 12 months and re-evaluate in early 2022.

Staff's Recommendation:

1. Amend the contract with Innovative Federal Strategies, LLC., for federal legislative services for \$86,400 for one additional year, extending the contract to June 30, 2022;
2. Amend the contract with West Coast Advisors for state legislative services for \$114,000 for one additional year, extending the contract to June 30, 2022;
3. Amend the contract with California Strategies, LLC., for regional strategy services for \$90,000 for one additional year, extending the contract to June 30, 2022; and
4. Authorize the General Manager to execute the contract amendments, subject to non-substantive changes.

Budget Impact *Budgeted (Y/N): Y Amendment (Y/N): Y Amount for Requested Approval:*

Account/Project Name:

N/A

Fiscal Impact (explain if not budgeted):

N/A

Prior Board Action:

In 2016, IEUA awarded contracts to Innovative Federal Strategies, West Coast Advisors and California Strategies for three years, with the ability to add two one-year extensions.

Environmental Determination:

Not Applicable

Business Goal:

Working with legislative and regional consultants is in line with IEUA's business practices goal of advocating for the development of policies, legislation and regulations that benefit the region.

Attachments:

Attachment 1 - Contract Amendment for Innovative Federal Strategies, LLC.

Attachment 2 - Contract Amendment for West Coast Advisors

Attachment 3 - Contract Amendment for California Strategies, LLC.



**CONTRACT AMENDMENT NUMBER: 4600002124-003
FOR
CONTRACTOR SERVICES**

FEDERAL LEGISLATIVE ADVOCACY SERVICES

AMENDMENT NUMBER THREE is made and entered by and between the Inland Empire Utilities Agency (IEUA), a Municipal Water District, organized and existing in the County of San Bernardino under and by virtue of the laws of the State of California (hereinafter referred to as "Agency" or "IEUA"), and Innovative Federal Strategies LLC., of, Washington D.C. (hereinafter referred to as "Contractor"), and shall revise the Contract as amended:

TERM, IS REVISED TO READ AS FOLLOWS:

An additional term of this Contract shall commence on July 1, 2021 and shall continue in effect through June 30, 2022, unless terminated for Convenience or in the event the maximum amount of this Contract is exceeded as set forth in Payment, Invoicing, and Compensation.

ALL OTHER PROVISIONS OF THIS CONTRACT REMAIN UNCHANGED

WITNESSETH, that the parties hereto have mutually covenanted and agreed as per the above amendment item, and in doing so have caused this document to become incorporated into the Contract Documents.

INLAND EMPIRE UTILITIES AGENCY:
**A MUNICIPAL WATER DISTRICT*

INNOVATIVE FEDERAL STRATEGIES:

Warren T. Green (Date)
Manager of Contracts,
Procurement & Risk Services

Letitia H. White (Date)
Partner



**CONTRACT AMENDMENT NUMBER: 4600002123-003
FOR
CONTRACTOR SERVICES**

STATE LEGISLATIVE LOBBYING SERVICES

AMENDMENT NUMBER THREE is made and entered by and between the Inland Empire Utilities Agency (IEUA), a Municipal Water District, organized and existing in the County of San Bernardino under and by virtue of the laws of the State of California (hereinafter referred to as "Agency" or "IEUA"), and West Coast Advisors, of Sacramento, California (hereinafter referred to as "Contractor"), and shall revise the Contract as amended:

TERM, IS REVISED TO READ AS FOLLOWS:

An additional term of this Contract shall commence on August 1, 2021 and shall continue in effect through June 30, 2022, unless terminated as specified on page 3, or in the event the maximum amount of this Contract is exceeded.

ALL OTHER PROVISIONS OF THIS CONTRACT REMAIN UNCHANGED

WITNESSETH, that the parties hereto have mutually covenanted and agreed as per the above amendment item, and in doing so have caused this document to become incorporated into the Contract Documents.

INLAND EMPIRE UTILITIES AGENCY:
**A MUNICIPAL WATER DISTRICT*

WEST COAST ADVISORS:

Warren T. Green
Manager of Contracts,
Procurement & Risk Services

(Date)

Michael Boccadoro
President

(Date)



**CONTRACT AMENDMENT NUMBER: 4600002179-004
FOR
CONTRACTOR SERVICES**

STRATEGIC LOCAL GOVERNMENT CONSULTING SERVICES

AMENDMENT NUMBER FOUR is made and entered by and between the Inland Empire Utilities Agency (IEUA), a Municipal Water District, organized and existing in the County of San Bernardino under and by virtue of the laws of the State of California (hereinafter referred to as "Agency" or "IEUA"), and California Strategies, LLC of Sacramento, California (hereinafter referred to as "Consultant"), and shall revise the Contract as amended:

TERM, IS REVISED TO READ AS FOLLOWS:

An additional term of this Contract shall commence on July 1, 2021 and shall continue in effect through June 30, 2022, unless terminated for Convenience or in the event the maximum amount of this Contract is exceeded as set forth in Payment, Invoicing, and Compensation.

ALL OTHER PROVISIONS OF THIS CONTRACT REMAIN UNCHANGED

WITNESSETH, that the parties hereto have mutually covenanted and agreed as per the above amendment item, and in doing so have caused this document to become incorporated into the Contract Documents.

INLAND EMPIRE UTILITIES AGENCY:
**A MUNICIPAL WATER DISTRICT*

CALIFORNIA STRATEGIES, LLC.:

Warren T. Green
Manager of Contracts,
Procurement & Risk Services

(Date)

Jim Burton
Managing Partner

(Date)

INFORMATION
ITEM
2A

INNOVATIVE FEDERAL STRATEGIES, LLC

Comprehensive Government Relations

MEMORANDUM

To: IEUA Community and Legislative Affairs Committee

From: Letitia White, Jean Denton, Drew Tatum, and Sarah Persichetti

Date: May 27, 2021

Re: May Monthly Legislative Update

White House, Senate GOP in Talks on Infrastructure, New Proposals

The White House and Senate Republicans have held multiple meetings, in addition to floating multiple proposals during the month of May. While both sides remain optimistic that a deal can be reached, there is still much to be done to craft an agreement that both sides are willing to support. Chances are becoming increasingly unlikely that legislation would make it through the House and Senate by a July 4 deadline proposed by House Speaker Nancy Pelosi.

The White House said it was “encouraged” by talks held on Tuesday, May 18 with Republican Senators on a major new infrastructure package, even as lawmakers said the session yielded no agreement on an overall spending figure or on how to pay for it.

Administration participants in last week’s session, who included Transportation Secretary Pete Buttigieg and Commerce Secretary Gina Raimondo along with senior White House officials, “were encouraged by today’s discussion,” the White House said in a statement.

Following the meeting on the 18th, in the view of top GOP negotiator Senator Shelley Moore Capito (R-WV), the White House and Republicans have a greater than 50-50 chance of striking a deal on infrastructure.

Senator Capito led the presentation of a Republican counteroffer to the administration during the meeting.

While the talks did cover funding methods -- Biden has proposed corporate-tax hikes that Republicans have rejected -- there was no specific negotiation in the absence of an agreement on the spending figure, according to Senator Capito.

Senator Roy Blunt (R-MO) said discussion included having a way to tax those who drive electric vehicles, either a vehicle miles traveled tax or an annual fee, against the gasoline tax that’s in place today. The White House has so far opposed applying user fees to funding infrastructure, arguing that it hurts lower-income Americans.

Public-private partnerships were also discussed, and the administration seemed open to them, according to Blunt. A possible infrastructure bank was another point of the talks, he said.

Innovative Federal Strategies LLC

Republicans have also proposed reallocating unspent funding from coronavirus response legislation previously passed by Congress to offset at least a portion of the new spending.

National Economic Council Director Brian Deese, White House Counselor Steve Ricchetti and Director of Legislative Affairs Louisa Terrell were also in the meeting last week. The GOP Senators in the meeting also included Mike Crapo of Idaho, Pat Toomey of Pennsylvania and Roger Wicker of Mississippi.

President Biden has hosted several sessions with lawmakers throughout the month of May, including the “Big Four” House Speaker Nancy Pelosi (D-CA), Senate Majority Leader Charles Schumer (D-NY), Minority Leader Kevin McCarthy (R-CA) and Senate Minority Leader Mitch McConnell (R-KY) on Wednesday, May 12 in an effort to break the highly partisan tensions in Washington over issues including infrastructure.

Additional Senators to visit the White House during May to discuss an infrastructure package include Democrat Senators Joe Manchin (D-WV) and Kyrsten Sinema (D-AZ), whom President Biden met with individually earlier in the month.

The GOP is “moving up” from its initial \$568 billion counteroffer, Senator Capito said, but she declined to give the new price tag. Republicans are increasingly open to spending on electric vehicle charging stations she added.

“Our anticipation is that this would be a part of it,” she said of electric vehicle spending.

She said that nothing is off the table at this point with regard to funding mechanisms, in the talks with the White House.

Following the discussions earlier in the week, White House officials on Friday, May 21 presented Senate Republicans a \$1.7 trillion counterproposal reducing the price tag of President Biden’s infrastructure proposal by \$550 billion.

“In our view, this is the art of seeking common ground,” White House press secretary Jen Psaki told reporters at a briefing Friday. “This proposal exhibits a willingness to come down in size, giving on some areas that are important to the president ... while also staying firm in areas that are most vital to rebuilding our infrastructure and industries of the future.”

The offer is still far above a price tag offered by Republicans and was received tepidly on Capitol Hill, suggesting a bipartisan compromise remains out of reach.

The White House is offering to reduce funding for broadband expansion to \$65 billion to match a Republican offer spearheaded by Senator Shelley Moore Capito (R-WV). The new measure also reduces proposed investments in roads, bridges and other major infrastructure projects from \$159 billion to \$120 billion, which is still more than double the \$48 billion originally proposed by Republicans.

Innovative Federal Strategies LLC

White House representatives met virtually with Republicans on Capitol Hill on Friday, May 21 as part of ongoing infrastructure talks.

Publicly, White House officials and Republican senators involved in the infrastructure negotiations have expressed optimism about the ongoing talks, though the recent developments Friday are likely to add to skepticism that a bipartisan deal can be reached.

Republicans thus far have reacted coolly to the counteroffer and there remain significant disagreements on the size of the package, the definition of infrastructure and the means with which to pay for the investments. GOP senators have declined to say how much higher they're willing to go after Capito's \$568 billion offer last month.

Senator Capito said she was disappointed by the \$1.7 trillion counteroffer Friday from the White House.

"Yeah, I was," she said, adding that President Biden had left her more hopeful of a compromise when he met earlier with Republicans face-to-face at the White House.

Senate Republicans say a familiar dynamic is playing out in the infrastructure negotiations. Much like the ultimately unsuccessful talks over Biden's \$1.9 trillion coronavirus relief plan, Republicans say White House officials are hampering progress.

Senate Minority Whip John Thune (R-SD) said talks are "temporarily at a stalemate" and that they were more productive when GOP Senators were speaking directly to President Biden.

Following a meeting among a group of Senate Republicans on Tuesday, May 25, the lawmakers announced that they will give the White House a counteroffer to their latest \$1.7 billion infrastructure proposal on Thursday, May 27.

While Senator Capito declined to say what the top-line for the offer would be, Senator Roger Wicker (R-MS), a member of the group, appeared to signal that it would be around \$1 trillion. While less than half of Biden's original proposal, the new GOP plan would be "the most substantial infrastructure bill ever enacted by the federal government," Wicker said.

Senators Reach Bipartisan Deal on U.S. Highway Funding Package

Senate Environment and Public Works Committee leaders announced on Saturday, May 22 that they reached agreement on the surface transportation reauthorization bill, which would provide \$304 billion in funding for highways, roads and bridges. The legislation, which is separate from President Joe Biden's American Jobs Plan, was unanimously reported by the Senate Environment and Public Works Committee on Wednesday, May 26.

The panel is one of the four authorizing committees in the Senate for the legislation. The bill has been delayed in the House; it isn't expected to be marked up until late June as the House has allowed Members to submit Member Directed Project requests that are still being vetted.

The bipartisan bill highlights some compromise from both sides of the aisle to include Democratic and Republican priorities for highways, bridges, and roads. Senator Kevin Cramer (R-ND), a bill cosponsor, said that “neither side got everything” they wanted, but they were able to find “common ground.”

The bill, which would authorize \$303.5 billion from the Highway Trust Fund over five years, is more than 34% larger than the last reauthorization in 2015, but similar to what the committee advanced last Congress, which didn’t receive a vote on the Senate floor.

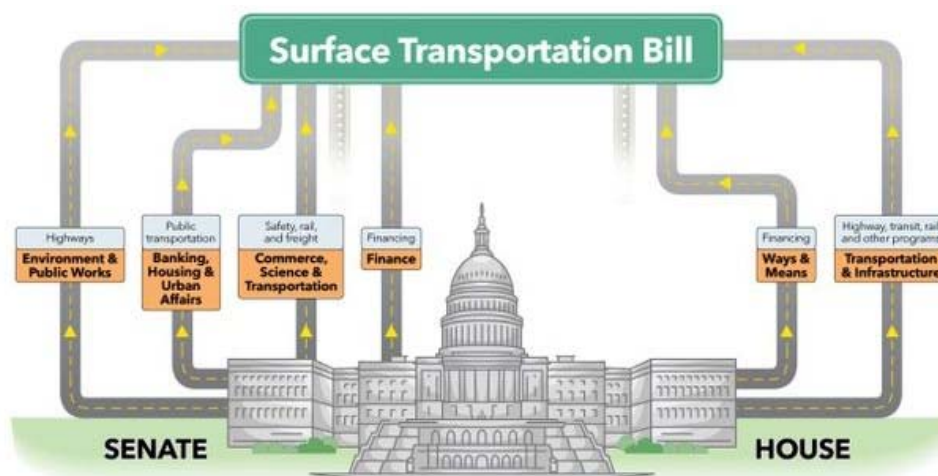
The bill would authorize \$2.5 billion for electric vehicle charging and alternative fueling infrastructure grants and \$6.4 billion for states to reduce transportation emissions. Like the last bill, it includes a title on climate change.

Senator Ben Cardin (D-MD) said in a statement that it “sends a clear signal that climate change is a top priority for our infrastructure investments going forward,” which has been a major goal for Democrats.

Republican priorities of reducing regulation and giving states more flexibility are also incorporated in the bill. The legislation would streamline the environmental review process for major projects, requiring the Transportation Department to average no more than two years to complete a review. Additionally, it would authorize \$2 billion for a grant program for rural communities.

The legislation would also create various programs and studies. The Biden administration and Democrats have prioritized reconnecting urban communities cut off by highways and the bill would authorize \$500 million for a Reconnecting Communities Pilot Program. It would also direct the Transportation Secretary to create a center to study the impact of automated vehicles and new mobility, such as dockless bikes and scooters.

As a reminder, the legislation will ultimately have to move through other Senate Committees, as the Senate Finance Committee has jurisdiction over how to pay for the legislation, which would not be fully offset by Highway Trust Fund Revenues.



Note: Additional committees – including House Energy and Commerce and Science, Space and Technology – may also be involved in the final bill.

House Passes January 6th Commission, Capitol Supplemental

On Thursday, May 20, the House passed legislation (H.R.3237) to provide \$1.9 billion in emergency supplemental appropriations to bolster Capitol Security and replenish accounts impacted due the events of January 6, 2021. The legislation passed with the slimmest of margins, 213-212 with 3 voting present. “Congress owes it to everyone who works in or visits our Capitol to provide funding to recover, rebuild, and keep all who serve in the Legislative Branch safe, healthy, and secure,” House Appropriations Committee Chair Rosa DeLauro (D-CT) said upon passage of the bill. “This narrowly-tailored bill carefully responds to the insurrection and addresses urgent security vulnerabilities. It is imperative that the Senate advance this legislation without any delay.”

The tight margin for passage was due to no support from House Republicans and because several progressive lawmakers either voted present or against the bill. Republicans voted against the bill claiming that it cost too much money and that there was no guarantee the funding would be properly spent enhancing security. Several progressive lawmakers released a joint statement, saying a package that “pours \$1.9 billion into increased police surveillance and force without addressing the underlying threats of organized and violent white supremacy, radicalization, and disinformation that led to this attack will not prevent it from happening again.”

The House also voted on Wednesday, May 19 to approve legislation to establish an independent commission to investigate the events of January 6. Democrats were joined by 35 Republicans to pass the legislation. The final vote was 252-175. As a reminder, the legislation proposes a commission made up of an equal number of members appointed by Republicans and Democrats with a majority vote being required to issue a subpoena.

There has been some vocal concern about the supplemental appropriations bill in the Senate from both Democrats and Republicans (including Senate Appropriations Committee Chairman Patrick Leahy (D-VT)), meaning it may not move forward in the near future. On the Commission legislation, Senate Majority Leader Mitch McConnell (R-KY) has indicated he is opposed to the legislation, meaning there will unlikely be 10 votes in the Senate to move it forward given the Chamber’s filibuster rules. Senate Majority leader Chuck Schumer (D-NY) has indicated he will seek to bring the legislation to the floor in the near future.

GOP Energy & Commerce Members Introduce Drinking Water Bill

House Energy and Commerce Committee Republican Ranking Member Cathy McMorris Rodgers (R-WA) and Subcommittee on Environment and Climate Change Ranking Member David B. McKinley (R-WV) introduced legislation on Tuesday, May 18 to ensure key drinking water programs are funded and protected.

The Drinking Water Funding for the Future Act would, over five years, authorize \$11.6 billion for federal and state drinking water programs, as well as \$9.5 billion for the state drinking water revolving loan fund and for rural and tribal areas.

Additionally, the legislation would:

- Bring investment to and modernization of the country's drinking water infrastructure.
- Continue to promote accountability by helping states and utilities with compliance and asset management.
- Provide funding for risk and resilience measures at public water systems, including cybersecurity attack prevention.
- Assist underserved and disadvantaged areas with funding for better water quality and replacement of lead service lines.
- Prioritize funding for grants to develop, test, and deploy innovative water technologies or provide technical assistance to public water systems to deploy these technologies.

“This infrastructure bill will make sure state and local partners have the tools they need to keep people safe and healthy in their communities,” said Representative Rodgers. “It will strengthen access to safe drinking water and support America's ability to modernize our drinking water infrastructure. To win the future, this must be a priority in any real bipartisan infrastructure plan.”

House Republicans Unveil Wastewater Legislation

Legislation introduced by House Republicans would authorize \$14 billion over the next five years for the Clean Water State Revolving Fund, which provides loan financing and assistance for communities for a range of water infrastructure projects.

The legislation is much less than the \$40 billion over the next five years authorized for the Clean Water State Revolving Fund in the Water Quality Protection and Job Creation Act of 2021 (H.R. 1915) introduced by House Transportation and Infrastructure (T&I) Chair Peter DeFazio (D-OR) earlier this spring.

Chairman DeFazio has stated that he hopes to mark up H.R. 1915 soon.

“I look forward to working with the Chair and members of the Majority to reach bipartisan agreement on these important issues just as we did last Congress,” said the panel's top Republican Sam Graves (R-MO), who is sponsoring the bill, the Wastewater Infrastructure Improvement Act, along with Reps. David Rouzer (R-NC) and Don Young (R-AK).

The GOP bill is in line with what the wastewater portion of the bipartisan water infrastructure legislation the Senate passed in April. The Senate bill would authorize \$35 billion for both drinking water and wastewater infrastructure projects. In the House, T&I has control over wastewater, while Energy and Commerce Committee has jurisdiction over drinking water.

Legislation from the House Democrats on the Energy and Commerce Committee includes \$51.6 billion to protect drinking water by extending and increasing funding for the Drinking Water State Revolving Loan Fund and other programs and investing in the replacement of lead service lines.

The GOP wastewater bill would also invest in other clean water programs for localities, including assistance for states to implement water quality improvement programs and stormwater management projects.

Lawmakers Take Steps to Protect Drinking Water from PFAS

Senator Richard Blumenthal (D-CT) led a bipartisan group of senators calling on the Food and Drug Administration to set standards on per- and polyfluoroalkyl substances found in bottled water. The group of Senators wrote a letter to Food and Drug Administration acting Commissioner Janet Woodcock on Tuesday, May 18.

The group of Senators, which included Senator Dianne Feinstein (D-CA), asked the FDA in the letter “to promulgate Standards of Quality (SOQ) for per- and polyfluoroalkyl substances (PFAS) in bottled water to provide consumers; federal, state, and local governments; and emergency relief personnel further assurance that bottled water products are safe for everyday use and in times of need when tap water is compromised.”

“Given the widespread persistence of PFAS in our environment and drinking water, many people have turned to bottled water to avoid adding toxic chemicals to their bodies. Establishing an SOQ for bottled water is an important step that will help ensure consumer confidence and protect public health. We urge FDA to act expeditiously to tackle this critical public health issue and establish standards based on the best available science and allow for periodic review,” the lawmakers wrote in the letter.

Additionally, on Monday, May 17, Representative Brendan Boyle (PA) introduced bipartisan legislation, the Protect Drinking Water from PFAS Act of 2021, to require the U.S. Environmental Protection Agency (EPA) to set an enforceable, nationwide primary drinking water standard for PFAS contaminants, including PFOS and PFOA.

“No American should question the safety of their drinking water – period. We must address these contaminants with the full force of the Safe Drinking Water Act.” Representative Boyle said after introduction of the legislation.

EPA Water Nominee Commits to ‘Enduring Solutions’ in Confirmation Hearing

Radhika Fox, President Biden’s nominee to be the Environmental Protection Agency’s assistant administrator for water, on Wednesday, May 12 pledged to “listen to all sides in order to find enduring solutions” in a hearing before the Senate Environment and Public Works Committee.

Fox, who currently serves in the position on an acting basis, told the committee that “most people don’t think about” the policies and programs that go into Americans’ water service, including “the key role of states and tribes in providing these essential water services.”

“It just works, for most Americans but not for all,” she added, invoking the water crisis in Flint, Michigan, after its water supply was contaminated.

She went on to argue that the role calls for active engagement with stakeholders, saying “we can’t make policy sitting behind a desk in Washington, D.C. We have to actively engage with all who are impacted by our decisions, whether it’s water utilities, farmers and ranchers, community orgs, environmental groups, states, tribes, local officials and many, many others.”

“Water is the great uniter. It can unite this country; it can help pull us out of the compounding crises that face our nation, whether it’s a global pandemic, economic recession, longstanding racial inequities and climate change,” she added.

Ranking member Sen. Shelley Moore Capito (R-WV) questioned Fox on her position on the Obama administration’s 2015 Navigable Waters Protection Rule, which significantly broadened the definition of “waters of the United States,” later curtailed under the Trump administration.

Fox responded that “we are in the process of reviewing” the rule, adding that the EPA is “trying to understand, what are the lessons learned from an implementation perspective on both the 2015 rule and the 2020 rule?”

“Administrator [Michael] Regan and I want an enduring definition of waters of the US, one that can withstand administration changes,” she added.

Asked what her priorities would be if confirmed, Fox said they would include “mak[ing] sure the Office of Water is implementing the range of water infrastructure funding and financing programs this committee has taken so much leadership on developing.”

Another priority, Fox said, would be addressing per- and polyfluoroalkyl substances (PFAS) and other emerging contaminants, noting that Regan has asked her to co-chair an executive council on PFAS.

“That is going to be important as we think about making sure that water is clean for all families,” she said.

Census Won’t Expand or Contract Opportunity Zone Boundaries

The Internal Revenue Service rejected requests to allow changes to the boundaries of opportunity zones, closing the door on investors’ hopes of having expanded access to capital gains tax breaks.

The announcement, 2021-10, came in response to questions from the public on the effect, if any, of the 2020 decennial census, recently released by the U.S. Census Bureau, on boundaries of qualified opportunity zones.

In the announcement, the IRS noted that the 2017 tax law that created Opportunity Zones “does not permit QOZs to be nominated or designated after the statutory deadlines; nor does it permit any post-designation changes to the boundaries of the Designated QOZs. The boundaries of the

Designated QOZs were established at the time they were designated and are not subject to change.”

Since the IRS noted that it didn’t have the authority to change Opportunity Zone boundaries, existing boundaries do “not shrink or expand if the 2020 decennial census results in a change to the boundaries of a census tract.”

The IRS’s decision followed extensive interest in moving tract lines as part of the Census Bureau’s decennial program to update tracts based on population changes. Some investors had hoped that through changes to the boundaries of the zones, more projects could qualify for the accompanying tax breaks. Investors can get those tax breaks by putting profits into funds that finance projects in the designated zones.

Administration Unveils Plan to Conserve 30 Percent of US Lands and Water

Biden administration officials on Thursday, May 6 released a new report detailing how they want to achieve the president's goal of conserving 30 percent of the country's lands and waters by 2030, focusing on voluntary and locally led efforts instead of a nationally mandated program.

The report by Interior Secretary Deb Haaland, Agriculture Secretary Tom Vilsack, Commerce Secretary Gina Raimondo and White House Council on Environmental Quality Chair Brenda Mallory, laid out priorities to achieve the conservation goal.

Those priorities include creating parks in areas that lack access to nature, supporting tribal priorities, conserving fish and wildlife habitats and increasing outdoor recreation access.

Officials aim to incentivize voluntary actions from fishers, hunters, ranchers and forest owners and create jobs by investing in resilience.

“Where this path leads over the next decade will be determined not by our agencies, but by the ideas and leadership of local communities. It is our job to listen, learn, and provide support along the way to help strengthen economies and pass on healthy lands, waters, and wildlife for generations to come,” they wrote in a letter released with the report.

While the report lacked some detail as to what the federal government would do in order to make sure the goals are met, White House climate adviser Gina McCarthy called it a "kickoff" and said a plan would be developed.

"This is really the kickoff of an interagency working group that's going to be developing a plan and that plan is going to look at the areas that we already know we're conserving, what those efforts are, how we look at expanding our protected area database and using science to really tell us what kind of baseline we have and what we're hoping to accomplish to ensure that we meet this goal," McCarthy said.

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The report put forth ideas to achieve the administration's goals like developing grants to support Indigenous-led conservation, using the 2023 Farm Bill to strengthen relevant programs and expanding existing programs.

Asked how the federal government would ensure that it had enough voluntary participation, Secretary Vilsack said that his department would seek to provide technical assistance.

"From a private working lands perspective, one of the key areas is making sure we have enough capacity to provide technical assistance," he said. "We have requested additional capacity at [the Natural Resources Conservation Service] to be able to provide that technical assistance and we're hoping Congress will be supportive of that."

Secretary Haaland, meanwhile, said that Interior would continue to have conversations "to build opportunities for volunteers to know and understand" how to be involved.

The report notes that the president is aiming for "conservation" rather than "preservation" or "protection" because "many uses of our lands and waters, including of working lands, can be consistent with the long-term health and sustainability of natural systems."

Specifically, it says that maintaining ranching in the West is "essential" for wildlife health and local economies.

Asked about this, McCarthy stressed the importance of working with private land owners.

"We want to make sure that we understand and take advantage of working lands and take advantage of not just public lands ... but private lands," she said.

"We have farmers and fishers. We have ranchers. We have foresters. All of these are opportunities to manage our land appropriately," she said.

A key Republican, Representative Bruce Westerman (R-AR), said in a statement that he was glad the report included things like needing outdoor recreation but also argued it had too many unanswered questions.

"I appreciate that the report incorporates many of the principles discussed at our forum, such as recognizing the vital distinction between conservation and preservation and the need to improve access to outdoor recreation, particularly for the nation's sportsmen and women," said Representative Westerman, the top Republican on the House Natural Resources Committee, referring to an event earlier this week.

"However, this report still falls short of a serious proposal and has far too many unanswered questions, such as how 'conservation' of our lands and waters will be defined and the current baseline for what is considered 'conserved,'" he added. "Although I am pleased to see the administration is finally publicizing information on a previously undefined goal, the lack of specific details in the report is unacceptable."

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While on the campaign trail, President Biden’s climate plan endorsed the so-called 30 by 30 idea to conserve 30 percent of lands and waters by 2030, saying it would do so with aims of “protecting biodiversity, slowing extinction rates and helping leverage natural climate solutions.”

As part of the report, administration officials said they aim to develop a new tool to keep track of conservation progress called the American Conservation and Stewardship Atlas. They also hope the government will publish annual updates about the health of nature in the country and efforts to support conservation and restoration.

Bill Number	Sponsors	Title and/or Summary	Summary/Status	Latest Action
XX	President Joe Biden	American Jobs Plan	The White House proposed \$621 billion for transportation, \$400 billion for elder and disability care, and \$300 billion for manufacturing. Additional funds would be invested in housing, research and development, schools, water, broadband, and the electric grid, among other projects.	<p>On March 31, President Biden announced the first portion of his wide ranging infrastructure package.</p> <p>Speaker of the House Nancy Pelosi has expressed that she would like to see infrastructure legislation passed prior to the July 4th recess. The House Transportation and Infrastructure Committee has announced they will be working on the next surface transportation bill over the next several months.</p> <p>The original proposal included tax increases, which Republicans have indicated they will not support.</p> <p>Among Democrats, the Progressive Caucus has expressed that they would like to see a much larger package.</p> <p>Legislative text for the proposal has not yet been developed, as negotiations are ongoing between the White House and Republicans.</p>

Bill Number	Sponsors	Title and/or Summary	Summary/Status	Latest Action
XX	President Joe Biden	American Families Plan	<p>The American Families Plan calls for \$1 trillion in new spending and \$800 billion in new tax credits. The plan would provide \$200 billion program offering universal pre-kindergarten for all three- and four-year-olds; \$109 billion for tuition-free community college for any American who wants it; \$85 billion to increase Pell Grants to benefit low-income and minority students; and more than \$4 billion in funding for larger scholarships, certification and support programs for teachers.</p>	<p>President Biden unveiled the companion package to the American Jobs Plan on April 28th prior to his address to a Joint Session of Congress.</p> <p>The legislation does not go as far as some Democrats hoped it would - key House Democrats would like to include a permanent expansion of the child tax credit, which Biden's plan currently does not include.</p> <p>Legislative text for the proposal has not yet been developed.</p>

Bill Number	Sponsors	Title and/or Summary	Summary/Status	Latest Action
XX	Sen. Shelley Moore Capito (R-WV)	Senate GOP Infrastructure Plan	<p>The GOP Infrastructure package would spend \$568 billion on infrastructure. The package would spend \$299 billion on roads and bridges, \$61 billion on public transit systems, \$20 billion on rail, \$35 billion on drinking water and wastewater infrastructure, \$14 billion on water storage, \$13 billion on safety programs, such as the National Highway Traffic Safety Administration, \$17 billion on ports and inland waterways, and \$44 billion on airports.</p>	<p>The package, unveiled by a group of Senate Republicans on Thursday, April 22, led by Senator Shelley Moore Capito (R-WV) represents a significantly smaller counteroffer to President Biden's \$2.3 trillion plan.</p> <p>The White House has stated that the Senators' package is a legitimate starting point, and plans to host lawmakers at the White House for further talks in the coming weeks.</p> <p>Following discussions with President Biden at the White House during the month of May, Senate Republicans presented the administration with a revised counteroffer on May 18th and on Friday, May 21, Friday, May 21 presented Senate Republicans a \$1.7 trillion counterproposal reducing the price tag of President Biden's infrastructure proposal by \$550 billion.</p> <p>Senate Republicans announced on Tuesday, May 25 that they would present the administration with an additional counteroffer on Thursday, May 27.</p>

Bill Number	Sponsors	Title and/or Summary	Summary/Status	Latest Action
S. 29	Sen. Amy Klobuchar (D-MN)	Local Water Protection Act	A bill to amend the Federal Water Pollution Control Act to reauthorize certain programs relating to nonpoint source management, and for other purposes.	The legislation was introduced on January 22, 2021 and referred to the Committee on Environment and Public Works.
H.R 1563	Rep. Mike Garcia (R-CA)	To extend the authorities under the Water Infrastructure Improvements for the Nation Act of 2016 providing operational flexibility, drought relief, and other benefits to the State of California	The legislation would extend the authorities under the Water Infrastructure Improvements for the Nation Act of 2016 providing operational flexibility, drought relief, and other benefits to the State of California. The legislation would extend 4007 authorities through January 1, 2028.	The legislation was introduced on March 3, 2021 and was referred to the House Committees on Natural Resources and Science, Space, and Technology.
H.R.1915	Rep. Peter DeFazio (D-OR) / Grace Napolitano (D-CA)	Water Quality Protection and Job Creation Act of 2021	The legislation would reauthorize the Alternative Water Source Grants Pilot Program, which authorizes the U.S. Environmental Protection Agency to grant up to \$200 million per year to state, interstate, and intrastate water resource development agencies to engineer, design, construct, and test water reuse projects throughout the country.	The legislation was introduced on March 16, 2021.

Bill Number	Sponsors	Title and/or Summary	Summary/Status	Latest Action
H.R.2238	Sen. Jeff Merkley (D-OR) / Rep. Alan Lowenthal (D-CA)	Break Free from Plastic Pollutions Act	The comprehensive legislation would require corporations to take responsibility for pollution, incentivize corporations to make reusable products and items that can be recycled, create a nationwide beverage container refund program, and other items to promote recycling and other investments in U.S. domestic recycling.	The legislation was introduced on March 25, 2021 in the House.
H.R. 866	Rep. Ken Calvert (R-CA)	FISH Act	This bill gives the Fish and Wildlife Service (FWS) the sole authority to protect endangered or threatened species that are anadromous species (species of fish that spawn in fresh or estuarine waters and that migrate to ocean waters) or catadromous species (species of fish that spawn in ocean waters and migrate to fresh waters). Currently, the FWS shares this authority with the National Marine Fisheries Service.	The legislation was introduced on February 5, 2021, and referred to the House Committee on Natural Resources.

Bill Number	Sponsors	Title and/or Summary	Summary/Status	Latest Action
H.R. 1015	Rep. Grace Napolitano (D-CA)	Water Recycling Investment and Improvement Act	This bill makes permanent, and otherwise revises, the Bureau of Reclamation's grant program for the funding of water recycling and reuse projects. Specifically, the bill removes priority under the program for projects in areas that, in the preceding four-year period, have been (1) identified as experiencing severe, extreme, or exceptional drought; or (2) designated as a disaster area by a state. Additionally, the bill increases through FY2025 the authorization of appropriations for the program and otherwise revises provisions related to program funding.	The legislation was introduced on February 22, 2021, and referred to the House Committee on Natural Resources.
H.R.1881	Rep. John Garamendi (D-CA)	To amend the Federal Water Pollution Control Act with respect to permitting terms, and for other purposes.	The legislation would extend permit terms for publicly owned water infrastructure projects under the National Pollutant Discharge Elimination System (NPDES) from 5 years to a maximum of 10 years.	The legislation was introduced on March 12, 2021 and referred to the Committee on Transportation and Infrastructure.

Bill Number	Sponsors	Title and/or Summary	Summary/Status	Latest Action
S.914	Sen. Tammy Duckworth (D-IL)	Drinking Water and Wastewater Infrastructure Act of 2021	Authorizes more than \$35 billion for water resource development projects across the country with a focus on upgrading aging infrastructure, addressing the threat of climate change, investing in new technologies, and providing assistance to marginalized communities.	Introduced on March 23, 2021 and referred to the Senate Environment and Public Works Committee. The legislation passed the Senate on April 29, 2021 by a vote of 89-2.
H.R. 737	Rep. David Valadao (R-CA)	RENEW WIIN Act	The legislation would extend the authorities under the Water Infrastructure Improvements for the Nation Act of 2016 providing operational flexibility, drought relief, and other benefits to the State of California.	The legislation was introduced on February 2, 2021, and referred the House Committee on Natural Resources. 10 members of the California delegation have cosponsored the legislation.
S.91 / H.R.535	Sen. Krysten Sinema (D-AZ) / Rep. John Garamendi (D-CA)	Special Districts Provide Essential Services Act	The legislation would include special districts in the coronavirus relief fund and direct the Secretary of the Treasury to include special districts as an eligible issuer under the Municipal Liquidity Facility.	The legislation was introduced on 1/28 in both the House and Senate. It has been referred to relevant committees in both chambers.
H.R. 895 / S. 209	Rep. David Rouzer (R-NC) / Sen. Jeanne Shaheen (D-NH)	Emergency Assistance for Rural Water Systems Act	To provide for assistance to rural water, wastewater, and waste disposal systems affected by the COVID-19 pandemic, and for other purposes.	The legislation was introduced on February 5, 2021, and referred to the House Committee on Agriculture.

Bill Number	Sponsors	Title and/or Summary	Summary/Status	Latest Action
H.R. 2515	Rep. Garret Graves (R-LA)	Building U.S. Infrastructure through Limited Delays and Efficient Reviews (BUILDER) Act	The legislation modernizes the National Environmental Policy Act (NEPA) and aims to make infrastructure project reviews more efficient, reduce project costs, and spur economic recovery.	<p>The legislation was introduced on April 14, 2021 and was referred to the House Committee on Natural Resources.</p> <p>The legislation's 28 cosponsors are all Republican, including members of GOP leadership.</p>
H.R. 939	Rep. Doug LaMalfa (D-CA)	Combustion Avoidance along Rural Roads (CARR) Act	The bill exempts wildfire mitigation activities conducted within 300 feet of a road from all laws governing environmental review of proposed agency actions or protection of endangered or threatened species. Mitigation activities are those that are conducted by Department of the Interior or the Department of Agriculture on federal land that is administered by the National Park System, the Bureau of Land Management, or the Forest Service. Mitigation activities include forest thinning, hazardous fuel reduction, prescribed burning, and vegetation management.	The legislation was introduced on February 8, 2021 and was referred to the House Committees on Natural Resources and Agriculture.
H.R.3267	Rep. Brendan Boyle (D-PA)	Protect Drinking Water from PFAS Act	The bill amends the Safe Drinking Water Act to require the Administrator of the Environmental Protection Agency to publish a maximum contaminant level goal and promulgate a national primary drinking water regulation for total per- and polyfluoroalkyl substances.	The legislation was introduced on May 17, 2021 and referred to the House Committee on Energy and Commerce.

Bill Number	Sponsors	Title and/or Summary	Summary/Status	Latest Action
H.R. 1512	Rep. Frank Pallone (D-NJ)	The Climate Leadership and Environmental Action for our Nation's Future (CLEAN) Act	The legislation aims to achieve net zero greenhouse gas pollution, combat the climate crisis, and create jobs. The bill authorizes \$565 billion over ten years to enable deep decarbonization.	The legislation was introduced on March 2, 2021, and referred to the relevant committees.
S. 953	Sen. Ron Wyden (D-OR)	Water for Conservation and Farming Act	The legislation would create a Bureau of Reclamation fund of \$300 million to support water recycling projects, water-use efficiency projects and dam safety projects; the WaterSMART program to increase water supply reliability by funding infrastructure and conservation projects that conserves water, increases water use efficiency and improves the condition of natural water recharge infrastructure; Establishes a grant program for any Reclamation States, Tribes, nonprofit conservation organizations, irrigation or water districts, and regional and local authorities to complete habitat restoration projects that improve watershed health and mitigate climate change; among other actions.	The legislation was introduced on March 24, 2021, and referred to the Committee on Energy and Natural Resources.

Bill Number	Sponsors	Title and/or Summary	Summary/Status	Latest Action
H.R.3293	Rep. Lisa Blunt Rochester (D-DE)	Low-Income Water Customer Assistance Programs Act	The legislation would amend the Safe Drinking Water Act and the Federal Water Pollution Control Act to establish programs to assist low-income households in maintaining access to drinking water and wastewater services.	The legislation was introduced on May 18, 2021, and referred to the relevant committees.
H.R.3291	Rep. Paul Tonko (D-NY)	AQUA Act	The legislation would invest \$105 billion over 10 years in the nation's water systems including \$53 billion for the Drinking Water State Revolving Fund,\$45 billion to fully replace every lead service line, and \$5 billion to provide assistance to systems with PFAS contamination. Additionally, the legislation would require the EPA to set national standards for PFAS, 1,4-dioxane, and microcystin toxin, and makes it easier for EPA to set standards in the future. The bill would authorize \$4 billion emergency relief program to provide forgiveness for utility customers facing debts and unpaid fees since March 1, 2020.	The legislation was introduced on May 18, 2021, and referred to the House Committee on Energy and Commerce.

Bill Number	Sponsors	Title and/or Summary	Summary/Status	Latest Action
H.R. 3286	Rep. Raul Ruiz (D-CA)	Emergency Order Assurance, Safety, and Inspection of water Systems (Emergency OASIS Act)	The legislation would require the EPA to establish regulations to flush a drinking water system if contaminants were present in the system for longer than six months, or if water stood motionless in the system for longer than six months.	The legislation was introduced on May 17, 2021 and referred to the House Committee on Energy and Commerce.
Enacted Legislation				
H.R. 1319	Rep. John Yarmuth (D-KY)	American Rescue Plan of 2021	<p>The legislation:</p> <ul style="list-style-type: none"> - Provides an additional \$1,400 to individuals in the form of an economic impact payment. - Provides for the continuation and enhancement of Federal Unemployment Aid. - Provides \$25B in rental assistance - Provides for a 15% SNAP boost - Provides \$25B for childcare providers - Includes the temporary expansion of Child Tax Credits - Mandates sick leave through 9/30 - Includes \$350B in state and local funding 	<p>The legislation stems from President Biden's proposed coronavirus relief plan he introduced prior to taking office.</p> <p>The legislation was introduced on February 24, 2021 in the House, and after passing both the House and Senate, President Biden signed the legislation into law on March 11, 2021.</p>

INFORMATION
ITEM
2B



May 26, 2021

To: Inland Empire Utilities Agency

From: Michael Boccadoro
Beth Olhasso

RE: May Report

Overview:

The water supply situation in California has become headline news throughout the state. With about two-thirds of the state in extreme drought conditions, a snowpack at 2 percent of normal and reservoir levels hovering lower than 50 percent capacity, it is a bleak outlook. The Governor recently declared drought in 41 of 58 counties.

The California Independent System Operator (CAISO) recently released its Summer Loads and Reliability Assessment for 2021 report. The report highlighted increased communication, forecasting and 1,000 megawatts of new capacity to handle extreme heat events like experienced in August of 2020, but also reported that for various reasons, there are still likely to be shut-offs if another regional extreme heat event materializes this summer.

The State is starting to make a dent on controlling the destructive Nutria population that is remaking havoc on Delta levees. The giant rodents, thought eradicated since 1970, reappeared in 2017 and started burrowing into already fragile levees. The levee system is crucial to protecting the State Water Project. The state expects it to take another two to three years to completely control the population once again.

The Governor released his revised budget proposal on May 14. In very welcome news, the state is flush with cash. The state has \$76 billion in extra revenue for the 2021-22 budget year, of which, the Governor and the Legislature have about \$38 billion to allocate at their discretion. In addition, the state also has been allocated about \$27 billion in federal funding from the COVID relief package. The May Revise includes a \$5 billion Water Resilience and Drought Package, similar to the Senate's \$3.4 billion proposal. Both the Governor and the Senate propose significant funding for water arrearages.

The Legislature has passed several key deadlines, policy committee deadline and suspense deadline. Now, they have until June 4 for all bills to pass out of their house of origin or they will become two-year bills. Recently, the Pro Tem and the Speaker announced that they are only allowing twelve bills per member to be heard in the opposite house. Members with significant bill packages will have to start making some tough decisions on what their priority bills are for the year.

Several bills did not survive Appropriations Suspense file. AB 377 (R. Rivas) which attempted to make all waters in CA fishable, drinkable and swimmable with little thought about how to make that actually happen was made a two-year bill. AB 1434 (Friedman) which would lower the indoor water use standard before DWR could complete a feasibility evaluation was also held for the year. Finally, SB 223 (Dodd) which would have required water agencies to create a program for low-income water rate assistance and debt relief will not be considered again until January. Both houses are now working toward the June 4 house of origin deadline.

Inland Empire Utilities Agency

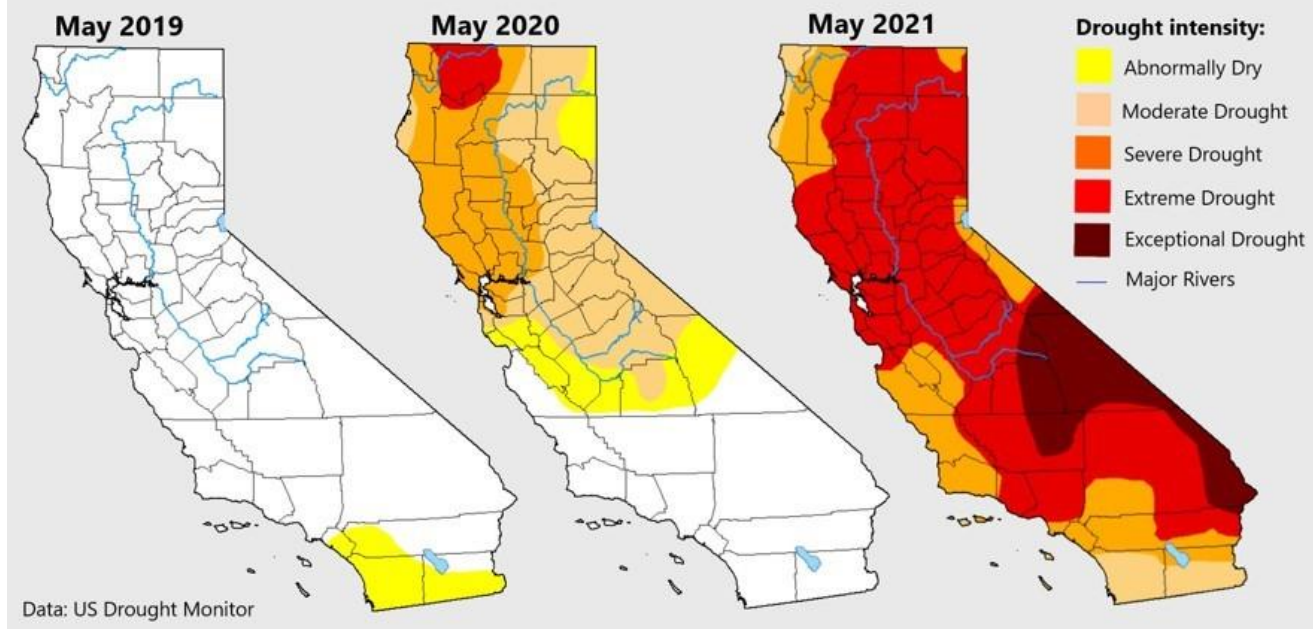
Status Report – May 2021

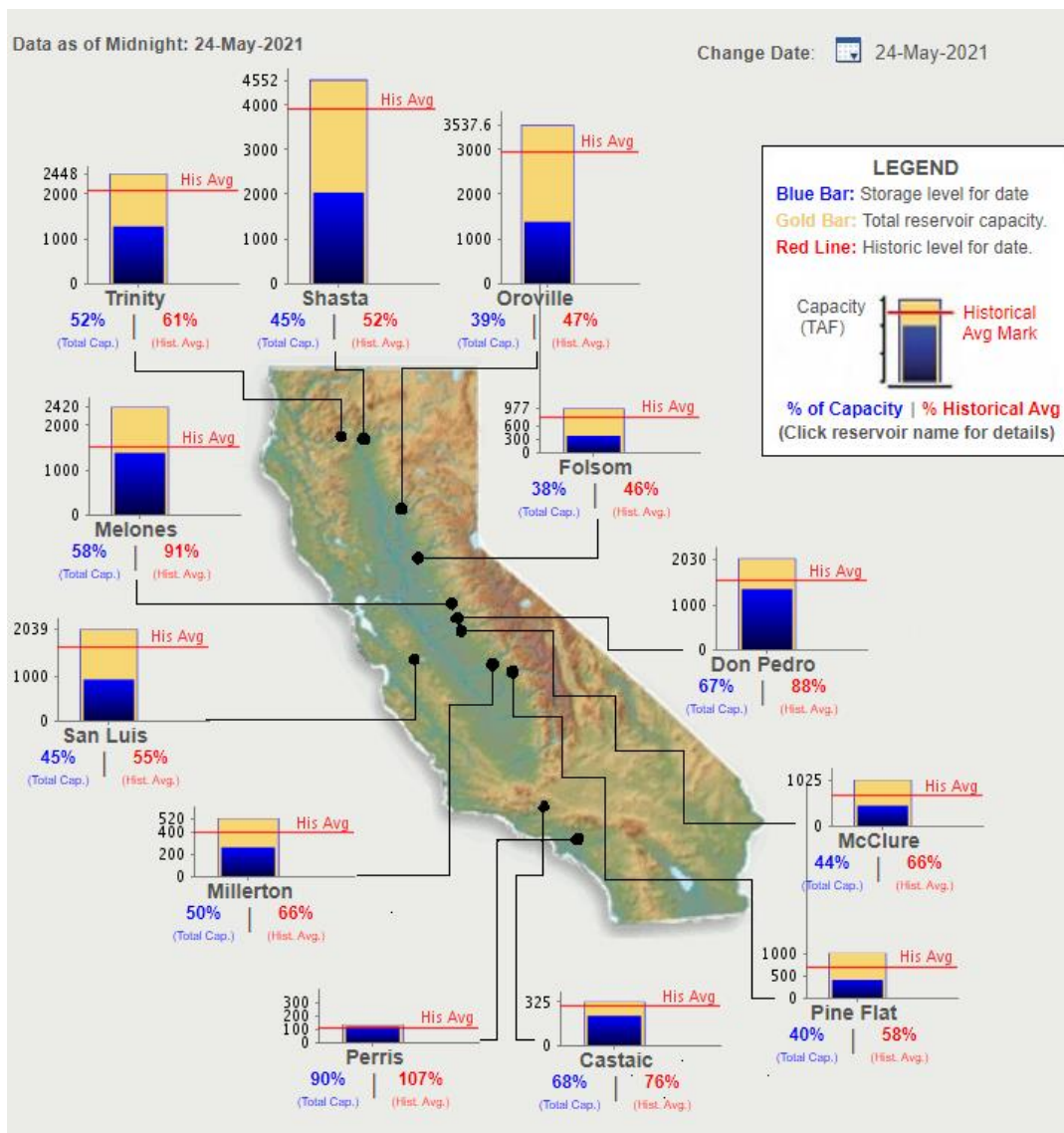
Water Supply Conditions

As widely reported, the Governor has now declared drought in 41 of 58 counties (30 percent of the CA population), leaving Southern California and much of the Central Coast out of the drought declaration. The sierra snowpack is pretty much completely melted, sitting at only two percent of normal for this date. To add insult to the bleak conditions, much of the snow that melted this year didn't make it to streams and reservoirs, but rather was soaked up by parched trees from a dry 2020. While the peak Sierra snowpack at 59 percent of normal was better than in 2014-15, runoff in 2020-21 rival the worst two years of the last drought.

Storage levels have started to decline when they should still be filling with snowmelt. San Luis Reservoir, the main south-of-Delta storage facility for the State Water Project, is at 55 percent of average for this time of the year and 45 percent capacity and Oroville is at 47 percent of average and 39 percent capacity. Finally, over 73 percent of the state is in extreme drought conditions, a 20 percent jump from last month. Conditions are deteriorating rapidly.

Drought progression in California: 2019-2021





CAISO Warns of Summer Outages

Seeming to be hedging its bets, touting that there are new resources coming online by the summer, and that grid operators have learned lessons from last year and made modifications to market operations, the California Independent System Operator (CAISO) announced cautious optimism that there will be enough electricity to meet demand this summer in the recently released 2021 Summer Loads and Resources Assessment. But at the same time, despite growing in-state generation, CAISO is warning that unusually low levels of hydroelectricity and a potentially limited supply of imported energy could lead to more power outages if there is another extreme regional heatwave like the one from August 2020.

The state's grid will have at least 2,000 more megawatts of capacity to meet demand in 2021 than in 2020 and officials are still attempting to bring at least another 1,000 MWs of new resources to the system by the summer.

In the "lessons learned" category, grid operators are trying to account for a regional heat event that spans multiple states like last year. The assessment notes that imported resources significantly diminish in a widespread heat event and that the state will have to rely on measures to reduce load including rotating power outages during a significant event.

Nutria Update

The state has been rushing to prevent significant damage to the Delta's already fragile levees from invasive Nutria, giant rodents that burrow into levees. Originally brought to the state in the 1800s for the fur trade, they were thought to be eradicated from the state in the 1970s, but were discovered again in 2017.

As one of the Central Valley's biggest enemies because of their destructive and prolific breeding nature, the state has dedicated significant resources to their eradication, rounding up about 2,500 of the animals to date.

Levee protection in the Delta is crucial to the State Water Project. Many of the Delta's levees are already in significant disrepair due to age, subsidence, poor original construction and other issues. Burrowing nutria could just be the final piece that could cause levee failure, so their eradication is absolutely critical.

The state initiative to round up nutria has about 30 staff and expects to remove a majority of the population on the next two to three years.

Governor Releases Revised Budget

As is customary, the Governor released his revised budget proposal on May 14. In very welcome news, the state is flush with cash. The state has \$76 billion in extra revenue for the 2021-22 budget year. \$27 billion of that is constitutionally required to be spent on schools and community colleges, \$8 billion is required to go to reserves, and \$3 billion is required for debt payments. After those required allocations, the Governor and the Legislature have about \$38 billion extra money to allocate at their discretion. In addition, the state also has been allocated about \$27 billion in federal funding from the COVID relief package. The state has until the end of 2024 to use the funds in four areas: (1) respond to the public health emergency and associated negative economic impacts; (2) support essential work; (3) backfill revenue reduction (4) for water, sewer or broadband infrastructure.

The May Revise includes a \$5 billion Water Resilience and Drought Package. As a reminder, the Senate also has a drought proposal totaling \$3.4 billion. The major differences include the Governor only proposing \$150 million for water recycling (over two years, shared with groundwater cleanup) and the Governor proposes \$1 billion over two years, for water arrearage debt to the SWRCB. The Senate proposes \$1 billion to be shared with municipal electric corporations. There are other significant differences outlined in the chart below. As of submittal of this report May 26, the Senate and Assembly budget sub committees have both discussed the matter and reported a general plan to their respective full budget committees. The matter will ultimately be worked out with leadership behind the scenes.

There is significant effort to increase recycled water and IRWM funding by a large group of stakeholders.

Water and Drought Package Comparisons
(in millions)

	Senate Sub 2 May 4 proposal	Governor May Revision (across 2 years)
Activity		
Address water arrearage debt (a)	1,000	1,000
Small community drought assistance/drinking water grants and projects	500	1,450
SGMA implementation (b)	300	300
Recycled water/groundwater clean-up/water quality	300	170
Agricultural water use efficiency including SWEEP (b)	250	60
Land conservation/restoration programs	265	266
Urban water-use efficiency	250	-
Resilient water infrastructure projects	200	266
Stormwater management	200	-
Water data and forecast improvements	75	91
Drought projects at State Parks	50	-
Drought assistance for fish and wildlife	35	33
Land repurposing program	-	500
Salton Sea	-	220
SWP and CVP canal repairs	-	200
Oroville pump storage project	-	200
Urban water management grants	-	150
Flood management projects	-	140
Drought emergency response activities	-	65
Specified water and climate studies	-	45
Totals (c)	3,425	5,156

- (a) The Governor's \$1 billion proposal to address water arrearages was not presented as part of his water package but rather in a separate budget change proposal.
- (b) Not reflected in this chart are an additional \$60 million for SGMA implementation and \$40 million for SWEEP the Governor proposed in January and the subcommittee adopted at earlier hearings.
- (c) The Governor's total excludes \$200 million for multibenefit flood and habitat projects which is displaced instead in the "climate package" comparison chart.

Legislative Update

The Legislature has passed several key deadlines, policy committee deadline and suspense deadline. Now, they have until June 4 for all bills to pass out of their house of origin or they will become two-year bills. Recently, the Pro Tem and the Speaker announced that they are only allowing twelve bills per member to be heard in the opposite house. Members with significant bill packages will have to start making some tough decisions on what their priority bills are for the year. The social distancing rules in the Capitol continue to restrict the legislature's ability to act on a significant number of bills.

As mentioned above, the deadline for bills to move out of the Appropriations Committee was May 20, and there were a number of bills that were held in the committee that IEUA was opposing.

Updates on Priority Bills (reminder- we do not yet know if all of the bills still moving are going to be on the member's 12-bill list)

- AB 818 (Bloom)- Solid Waste: premoistened nonwoven disposable wipes: Co-Sponsored by CASA and disposable wipes industry. Would require specific “Do Not Flush” labeling on specific disposable wipes. The bill has been sailing through the process and already over in the Senate.
- SB 230 (Portantino)- State Water Resources Control Board: Constituents of Emerging Concern (CECs): This bill is a reintroduction of a bill sponsored by MWD and California Municipal Utilities Association (CMUA) that would require the SWRCB to convene a Science Advisory Panel to review and provide recommendations to the board on further action to regulate CECs in the state. The goal is to establish a process by which the board decides to regulate CECs rather than the unpredictable process currently used. The bill passed out of its first committee, but was tagged with significant fiscal costs in Appropriations. MWD, CMUA and the author decided to make the bill a two-year bill and it will not move forward in 2021.
- SB 273 (Hertzberg) Water Quality: municipal wastewater agencies: This legislation, sponsored by CASA, would authorize a wastewater agency to capture and treat stormwater utilizing ratepayer funds. The bill got out of it’s both the Governance and Finance and Environmental Quality Committees, on the consent calendar as well as of the Senate Floor on the Consent Calendar. The bill is over in the Assembly.
- Climate Bonds: Leadership, especially in the Assembly, have indicated that with the drought proposal in the budget, it is unlikely they will try to move a bond this year.
 - SB 45 (Portantino): Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Act of 2022: This is a reintroduction of Senator Allen’s SB 45 from 2020. It is a \$5.5 Billion bond. The bill has been heard in the Natural Resources and Water Committee and Governance and Finance Committee, with very little discussion by members and virtually no opportunity to testify by the public. The bill will next be heard on the Senate floor.
 - AB 1500 (E. Garcia) Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022. This legislation is similar to Asm. Garcia’s bond from 2020. It is a \$6.7 billion bond. AB 1500 was heard in the Water, Parks and Wildlife Committee where it passed easily. The bill was passed out of the Appropriations but was sent to the Rules Committee, a clear indication the Speaker intends to “park” the bill for the summer.

If, for some reason, they decide they do want a bond this year, they will have time to hammer out a deal. They have until the end of January 2022 to make a final decision if they want a measure on the March 2022 ballot.

- AB 377 (R. Rivas): Water quality: impaired waters. This legislation would require all surface waters to be fishable, swimmable and drinkable by 2050. The bill attempts to do this by taking away regional board discretion to issue waste discharge and MS4 permits in accordance with a larger basin plan in favor of a one size fits all approach to managing water quality. The legislation has been widely opposed. Supporters, the author and the Environmental Safety and Toxic Materials (ESTM) Committee worked to try to find a path forward for the bill, but so far, the suggestions from the sponsor do not address the concerns of the opponents. The bill has taken significant amendments along the way, but was not able to make enough adjustments to

appease the opposition. The bill was made a two-year bill and will stay in Appropriations Committee until January.

- AB 1434 (Friedman) Urban water use objectives: indoor residential water use: This legislation would set the standard for indoor water use at 48 gallons per capita daily (GPCD) beginning in 2023, 44 GPCD in 2025 and 40 GPCD in 2030. A strong coalition including ACWA, CASA, WaterReuse, So Cal Water Coalition and the CA Water Association worked to meet with members of the Water, Parks and Wildlife Committee to express significant concerns with the bill. The bill met some concerned committee members, with the bill passing only after a member changed his vote as a “courtesy” to the author. After significant pushback from stakeholders, the author decided to make the bill a two-year bill.
- SB 372 (Leyva) medium and heavy-duty fleet purchasing assistance program: zero emission vehicles. The bill, while still a work in progress, seeks to make financing tools available to help transition medium and heavy-duty truck fleets to zero emission vehicles. The took amendments as it came out of the Appropriations Committee to include construction or earth-moving equipment as eligible under the program. The bill is on the Senate floor.

IEUA BILLS—May 26, 2021 BILLS WITH POSITIONS

[illegible]

			<p>of the public to observe and comment is preserved, as specified, and that a local agency permitting teleconferencing have a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified. This bill would remove the requirements of the act particular to teleconferencing and allow for teleconferencing subject to existing provisions regarding the posting of notice of an agenda and the ability of the public to observe the meeting and provide public comment. The bill would require that, in each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the local agency also give notice of the means by which members of the public may observe the meeting and offer public comment and that the legislative body have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act, as provided.</p>	Two-Year Bill	
AB 818	Asm. Bloom/ CASA	Solid Waste: premoistened nonwoven disposable wipes	<p>Would require, except as provided, certain premoistened nonwoven disposable wipes manufactured on or after July 1, 2022, to be labeled clearly and conspicuously with the phrase “Do Not Flush” and a related symbol, as specified. The bill would prohibit a covered entity, as defined, from making a representation about the flushable attributes, benefits, performance, or efficacy of those premoistened nonwoven disposable wipes, as provided. The bill would establish enforcement provisions, including authorizing a civil penalty not to exceed \$2,500 per day, up to a maximum of \$100,000 per violation, to be imposed on a covered entity who violates those provisions.</p>	<p>SUPPORT</p> <p>In Senate awaiting committee assignment</p>	Supported by CASA, ACWA, MWD

AB 1434	Asm. Friedman	Urban water use objectives: Indoor water use	Would establish, beginning January 1, 2023, until January 1, 2025, the standard for indoor residential water use as 48 gallons per capita daily. The bill would establish, beginning January 1, 2025, the standard as 44 gallons per capita daily and, beginning January 1, 2030, 40 gallons per capita daily. The bill would eliminate the requirement that the department, in coordination with the state board, conduct necessary studies and investigations and jointly recommend to the Legislature a standard for indoor residential water use.	OPPOSE Two-Year Bill	OPPOSED by ACWA, CASA, WatReuse, CSDA
AB 1500	Asms. E. Garcia/Mullin	Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022	Would enact the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$6,700,000,000 pursuant to the State General Obligation Bond Law to finance projects for safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, and workforce development programs.	SUPPORT IF AMENDED Assembly Rules Committee	
SB 45	Sen. Portantino	Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond act of 2022	Would enact the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$5,510,000,000 pursuant to the State General Obligation Bond Law to finance projects for a wildfire prevention, safe drinking water, drought preparation, and flood protection program.	SUPPORT IF AMENDED SEN Floor	
SB 222	Sen. Dodd	Water Affordability Assistance Program	Would establish the Water Affordability Assistance Fund in the State Treasury to help provide water affordability assistance, for both drinking water and wastewater services, to low-income ratepayers and ratepayers experiencing economic hardship in California. The bill would make moneys in the fund available upon appropriation by the Legislature to the state board to provide, as part of the Water Affordability Assistance Program established by the	SEN Floor	Opposed by ACWA

SB 273	Sen. Hertzberg/ CASA	Water quality: municipal wastewater agencies	Would authorize a municipal wastewater agency, as defined, to enter into agreements with entities responsible for stormwater management for the purpose of managing stormwater and dry weather runoff, to acquire, construct, expand, operate, maintain, and provide facilities for specified purposes relating to managing stormwater and dry weather runoff, and to levy taxes, fees, and charges consistent with the municipal wastewater agency's existing authority in order to fund projects undertaken pursuant to the bill. The bill would require the exercise of any new authority granted under the bill to comply with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. To the extent this requirement would impose new duties on local agency formation commissions, the bill would impose a state-mandated local program.	SUPPORT In Assembly awaiting committee assignment	Supported by CASA, ACWA
SB 372	Sen Leyva/ NRDC	Medium and heavy-duty fleet purchasing assistance program: zero-emission vehicles	Would require an unspecified agency to establish a program to make financing tools and nonfinancial supports available to the operators of medium- and heavy-duty vehicle fleets to enable those operators to transition their fleets to zero-emission vehicles. The bill would require the agency to consult with various state agencies and stakeholders in the development and implementation of the program.	Senate Floor	

INFORMATION
ITEM
2C



CALIFORNIA STRATEGIES, LLC

Date: May 28, 2021
To: Inland Empire Utilities Agency
From: John Withers, Jim Brulte
Re: California Strategies, LLC May 2021 Activity Report

- 1) This month Jim Brulte and John Withers participated in a senior staff meeting via Microsoft Teams on May 11 due to the Coronavirus.
- 2) Topics of discussion included:
 - a) Regional Relations
 - i) A general discussion with staff about various stakeholders and customers.
 - ii) Ongoing discussion related to Census and Redistricting was held.
 - b) CBP/WSIP
 - i) A discussion was held regarding the WSIP. Ongoing positive and constructive progress with MET was noted.
 - c) Regional Contract
 - i) Recent Committee meetings and activities were discussed and reviewed with the outstanding issues of governance and reclaimed water was noted.
 - d) MEU Rate
 - i) A discussion was held on the status and issues associated with this rate.
 - e) IEUA Member Agency Outreach – Facility Tours
 - i) Ontario Councilwoman Dorst-Porada and Utility Director Burton are touring several facilities to increase understanding of projects.
 - ii) Future tour is being scheduled with the City of Fontana.

INFORMATION
ITEM
2D

Date: June 16, 2021

To: The Honorable Board of Directors

SD
From: Shivaji Deshmukh, General Manager

Committee: Community & Legislative Affairs

06/09/21

Executive Contact: Kathy Besser, Executive Manager of Government & Ext. Affairs/AGM

Subject: Public Outreach and Communication

Executive Summary:

A SCWC California Water IE Publication was published on May 27 in the Daily Bulletin, San Bernardino Sun, Press Enterprise, and Redlands Daily Facts. IEUA staff worked with the publications vendor to develop an article for this outreach piece focusing on resiliency and innovation.

Staff is working with regional and member agencies to develop summer messaging that highlights the State's dry climate as well as the efforts that continue to be made to ensure a reliable water supply through investments and community water-use efficiency efforts.

A dedication ceremony was held on Friday, May 21 at St. Joseph School in Upland to celebrate the completion of their water-wise garden as part of the Garden in Every School® program. Randall Pepper Elementary School (Fontana) and Loving Savior of the Hills (Chino Hills) remain on hold. Staff is coordinating with the two schools for possible summer ground clearing in order to begin the garden installations in September.

Staff's Recommendation:

This is an informational item for the Board of Directors to receive and file.

Budget Impact *Budgeted (Y/N):* Y *Amendment (Y/N):* N *Amount for Requested Approval:*

Account/Project Name:

Fiscal Impact (explain if not budgeted):

Prior Board Action:

N/A

Environmental Determination:

Not Applicable

Business Goal:

IEUA is committed to providing a reliable and cost-effective water supply and promoting sustainable water use throughout the region.

IEUA is committed to enhancing and promoting environmental sustainability and the preservation of the region's heritage.

Attachments:

Attachment 1 - Background

Background

Subject: Public Outreach and Communication

June

- June, Great Outdoors Month
- June 5, World Environment Day
- June 6-12, National Garden Week
- June 8, World Oceans Day
- June 10, MWD Solar Cup 2021 Recognition Ceremony, Virtual (via Zoom), 5:00 p.m.
- June 23, National Hydration Day

Media and Outreach

- A SCWC California Water IE Publication was published on May 27 in the Daily Bulletin, San Bernardino Sun, Press Enterprise, and Redlands Daily Facts. IEUA staff worked with the publications vendor to develop an article for this outreach piece focusing on resiliency and innovation.
- Staff is working with regional and member agencies to develop summer messaging that highlights the State's dry climate as well as the efforts that continue to be made to ensure a reliable water supply through investments and community water-use efficiency efforts.
- Staff recognized Water Awareness Month during the month of May by publishing multiple social media outreach messaging across all channels and a weekly Kahoot quiz where participants answered questions for a chance to win water-saving giveaways.
- Staff recognized Compost Awareness Week by publishing stories throughout the week highlighting members of the Organics Management department, as well as a post educating the public on how to create their own compost at home.
- Drinking Water Week was recognized from May 2-8. Staff thanked all water professionals who ensure water, whether recycled or tap, is readily available.
- Staff published three Water Awareness Month-themed Reels on the Agency's social media channels, resulting in a combined total of over 5,000 views and more than 100 likes.
- The Agency's Internal Audit department was featured on social media channels in honor of Internal Audit Awareness Month.
- Staff celebrated Special Districts Week and Public Works Week on social media by raising awareness of IEUA as a special district and thanking public works professionals for the value they provide to their communities.
- Fontana Councilmember Jesse Sandoval was given an informative, behind the scenes tour of Regional Water Recycling Plant No. 1. A post was shared on the Agency's social media channels thanking the Engineering and Operations staff for coordinating and leading the tour, as well as to Councilmember Sandoval for taking the time to join us.

- Staff celebrated the record-breaking milestone of 14,442 total acre-feet of recycled water recharged in a single fiscal year and credited the staff working at the Agency's treatment plants and Groundwater Recharge department for this accomplishment.
- The Agency continues to publish content on LinkedIn and has gained 34 followers since April 2021, with 414 page views in the last 30 days.
- May: 32 posts were published to the IEUA Facebook page, 32 tweets were sent on the @IEUAWater Twitter handle, 35 posts were published to IEUA's Instagram grid, and 10 posts were published to the IEUA LinkedIn page.
 - The top three Facebook posts, based on reach and engagement, in the month of May were:
 - 5/11 Collection System Operator I-II (DOQ) and Mechanic I-III (DOQ) Hiring
 - 5/18 Control Systems Analyst I-II (DOQ), Network Administrator and Safety Analyst Hiring
 - 5/4 International Compost Awareness Week
 - The top three Twitter tweets, based on reach and engagement, in the month of May were:
 - 5/17 Special Districts Week
 - 5/4 IEUA Board President Jasmin A. Hall Receives Diversity Professional Women of Excellence Leadership Award
 - 5/23 Water Awareness Month Kahoot Quiz
 - The top three Instagram posts, based on reach and engagement, in the month of May were:
 - 5/18 Water Awareness Month- Save Water PSA Reel
 - 5/6 Water Awareness Month- Pass the Phone Reel
 - 5/20 Councilmember Jesse Sandoval RP-1 Tour
 - The top three LinkedIn posts, based on impressions and reactions, in the month of May were:
 - 5/20 Councilmember Jesse Sandoval RP-1 Tour
 - 5/5 IEUA Board President Jasmin A. Hall Receives Diversity Professional Women of Excellence Leadership Award
 - 5/18 *Wave Hello* feature- Rea Tom, Office Assistant
- A Water Awareness Month digital banner ad ran in *La Opinion* for the month of May.
- A Water Awareness Month digital banner ad ran in *Fontana Herald News* for the month of May.
- A Water Awareness Month ad ran on May 10 in *La Opinion*.
- A Water Awareness Month ad ran on May 14 in the *Daily Bulletin*.

For the month of May, there were 14,853 searches for a park in IEUA's service area on Yelp, where Chino Creek Wetlands and Educational Park was viewed 1,241 times on a mobile device.

Education and Outreach Updates

- A dedication ceremony was held on Friday, May 21 at St. Joseph School in Upland to celebrate the completion of their water-wise garden as part of the Garden in Every School® program. Randall Pepper Elementary School (Fontana) and Loving Savior of

the Hills (Chino Hills) remain on hold. Staff is coordinating with the two schools for possible summer ground clearing in order to begin the garden installations in September.

- Solar Cup 2021 is nearing completion. MWD will host a virtual recognition ceremony on June 10 at 5:00 p.m. Teams have until June 1 to complete and submit challenges including a video of their assembled solar vehicle model. The video must showcase how quickly the solar vehicle travels within a specified distance.

Agency-Wide Membership Updates

- Richard Lao, Senior Environmental Resources Planner, attended the Southern California Alliance of Publicly Owned Treatment Works (SCAP) Air Quality Committee Meeting on April 13.
- Richard Lao, Senior Environmental Resources Planner, attended the California Association of Sanitation Agencies (CASA) Water Regulatory Working Group Committee Meeting on April 15.
- Richard Lao, Senior Environmental Resources Planner, attended the California Association of Sanitation Agencies (CASA) Air Quality, Climate Change, and Energy Workgroup Meeting on April 22.
- Jeff Ziegenbein, Manager of Regional Compost Operations attended the California Association of Sanitation Agencies (CASA) Biosolids Workgroup Meeting on April 15.