



**BOARD OF DIRECTORS
EAST BAY MUNICIPAL UTILITY DISTRICT**

375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

Notice of Time and Location Change

**LEGISLATIVE/HUMAN RESOURCES
COMMITTEE MEETING**

Tuesday, June 8, 2021

10:00 a.m.

****Virtual****

Notice is hereby given that the Tuesday, June 8, 2021 Legislative/Human Resources Committee Meeting of the Board of Directors has been rescheduled from 10:15 a.m. to 10:00 a.m.

Due to COVID-19 and in accordance with the most recent Alameda County Health Order, and with the Governor's Executive Order N-29-20 which suspends portions of the Brown Act, **this meeting will be conducted via webinar and teleconference only**. In compliance with said orders, a physical location will not be provided for this meeting. These measures will only apply during the period in which state or local public health officials have imposed or recommended social distancing.

Dated: June 3, 2021



Rischa S. Cole
Secretary of the District

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**BOARD OF DIRECTORS
EAST BAY MUNICIPAL UTILITY DISTRICT**

375 – 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

AGENDA
Legislative/Human Resources Committee
Tuesday, June 8, 2021
10:00 a.m.
****Virtual****

Location

Due to COVID-19 and in accordance with the most recent Alameda County Health Order, and with the Governor's Executive Order N-29-20 which suspends portions of the Brown Act, **this meeting will be conducted by webinar or teleconference only.** In compliance with said orders, a physical location will not be provided for this meeting. These measures will only apply during the period in which state or local public health officials have imposed or recommended social distancing.

*Committee Members John A. Coleman {Chair}, Lesa R. McIntosh,
and William B. Patterson will participate by webinar or teleconference*

***** Please see appendix for public participation instructions*****

ROLL CALL:

PUBLIC COMMENT: The Board of Directors is limited by State law to providing a brief response, asking questions for clarification or referring a matter to staff when responding to items that are not listed on the agenda.

DETERMINATION AND DISCUSSION:

1. Legislative Update: (Dumaine)
 - Receive Legislative Report No. 06-21 and consider positions on the following bills:
AB 418 (Valladares) Emergency Services: Grant Program; SB 63 (Stern) Fire Prevention:
Vegetation Management: Public Education: Grants: Defensible Space: Fire Hazard
Severity Zones: Forest Management; and H.R. 3404 (Huffman) FUTURE Western Water
Infrastructure and Drought Resiliency Act; and receive information on State and Federal
Government Actions Related to the Coronavirus Disease 2019 (COVID-19)
 - Update on Legislative Issues of Interest to EBMUD

2. Resolution Supporting the Intent of the Federal Green New Deal's Goals (Dumaine)
to Reduce Greenhouse Gas Emissions, Build Resiliency Against Climate Change-Related
Disasters, and Increase the Use of Clean, Renewable, and Zero-Emission Energy Sources

DETERMINATION AND DISCUSSION: (continued)

3. Human Resources Information System Replacement Project Update (Acosta)
4. Resolution Condemning and Combating Discrimination, Intolerance, and Violence Against the Lesbian, Gay, Bisexual, Transgender, Queer, Questioning, Intersex, Asexual, and Other Gender and Sexual Identities Community (White)

ADJOURNMENT:

Disability Notice

If you require a disability-related modification or accommodation to participate in an EBMUD public meeting please call the Office of the Secretary (510) 287-0404. We will make reasonable arrangements to ensure accessibility. Some special equipment arrangements may require 48 hours advance notice.

Document Availability

Materials related to an item on this agenda that have been submitted to the EBMUD Board of Directors within 72 hours prior to this meeting are available for public inspection in EBMUD's Office of the Secretary at 375 11th Street, Oakland, California, during normal business hours, and can be viewed on our website at www.ebmud.com.



Legislative/Human Resources Committee Meeting
Tuesday, June 8, 2021
10:00 a.m.

EBMUD public Board meetings will be conducted via Zoom.
Board committee meetings are recorded, and live-streamed on the District's website.

Please visit this page beforehand to familiarize yourself with Zoom.
<https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Meeting>

Online

<https://ebmud.zoom.us/j/98022213415?pwd=Q0JkaXptbSt3eW5XRElvRUNIZHRpUT09>

Webinar ID: 980 2221 3415

Passcode: 352334

By Phone

Telephone: 1 669 900 6833

Webinar ID: 980 2221 3415

Passcode: 352334

International numbers available: <https://ebmud.zoom.us/j/98022213415>

Providing public comment

The EBMUD Board of Directors is limited by State law to providing a brief response, asking questions for clarification, or referring a matter to staff when responding to items that are not listed on the agenda.

If you wish to provide public comment please:

- Use the raise hand feature in Zoom to indicate you wish to make a public comment
<https://support.zoom.us/hc/en-us/articles/205566129-Raising-your-hand-in-a-webinar>
 - If you participate by phone, press *9 to raise your hand
- When prompted by the Secretary, please state your name, affiliation if applicable, and topic
- The Secretary will call each speaker in the order received
- Comments on **non-agenda items** will be heard at the beginning of the meeting
- Comments on **agenda items** will be heard when the item is up for consideration
- Each speaker is allotted 3 minutes to speak; the Committee Chair has the discretion to amend this time based on the number of speakers
- The Secretary will keep track of time and inform each speaker when his/her allotted time has concluded

To observe the Legislative/Human Resources Committee Meeting,
please visit: <https://www.ebmud.com/about-us/board-directors/board-meetings/>

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EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: June 3, 2021

MEMO TO: Board of Directors

THROUGH: Clifford C. Chan, General Manager 

FROM: Marlaigne Dumaine, Manager of Legislative Affairs 

SUBJECT: Legislative Report No. 06-21

The following issues are being referred to the Legislative/Human Resources Committee for review and recommendation to the Board of Directors for action, as appropriate, on June 8, 2021.

RECOMMENDED ACTION

Approve positions on the following bills: 1) Support AB 418 (Valladares) Emergency services: grant program; 2) Support SB 63 (Stern) Fire prevention: vegetation management: public education: grants: defensible space: fire hazard severity zones: forest management; 3) Support H.R. 3404 (Huffman) FUTURE Western Water Infrastructure and Drought Resiliency Act; and receive information on State and Federal Government Actions Related to the Coronavirus Disease 2019 (COVID-19).

STATE LEGISLATION

**RECOMMENDED
POSITION**

AB 418 (Valladares)	EMERGENCY SERVICES: GRANT PROGRAM	SUPPORT
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Existing law, the California Emergency Services Act, establishes the Governor's Office of Emergency Services (Cal OES) and provides that Cal OES is responsible for the state's emergency and disaster response services for natural, technological, or manmade disasters and emergencies.

AB 418 (Valladares), as amended May 24, 2021, would establish the Community Power Resiliency Program (Program), to be administered by Cal OES, to support local government efforts to improve resiliency in response to power outage events. The bill requires Cal OES to provide competitive and noncompetitive grant funding through the Program to counties, cities, special districts, and tribes to plan and deploy resiliency projects that maintain service during power outage events.

The bill would authorize Cal OES to allocate funds, pursuant to a future appropriation by the legislature, in a prescribed manner for each type of eligible entity – counties, cities, special districts, and tribes. The bill’s provisions specify that funds for special districts shall be administered through a competitive grant process and must be used to improve the energy resiliency of a critical facility or infrastructure operated by the special district.

To be eligible for funding, an entity required to have an emergency plan must either (1) describe the portion of their emergency plan that includes power outages, whether resulting from a public safety power shutoff (PSPS) event or for any other reason; or (2) confirm that power outages, whether resulting from a PSPS or for any other reason, will be included the next time the local or tribal government revises any portion of its emergency plan.

AB 418 is modeled after the funding approach used in the state budget for the last two years and would formalize a funding structure that recognizes the importance of special districts. In response to recent PSPS events throughout the state, the state budget provided funding for community resilience projects in fiscal years 2019-2020 and 2020-2021, at \$75 million and \$50 million, respectively. Special districts were added as eligible entities in the 2020-2021 budget and, according to an analysis of AB 418 by the Assembly Emergency Management Committee, Cal OES received \$47 million worth of applications for the \$20 million special district allocation, demonstrating the unmet need for future project funding.

EBMUD was awarded a \$300,000 grant in March 2021 for a resiliency project in wastewater operations from the special district allocation included in the 2020-2021 state budget. AB 418 would formalize the program that was part of the budget and, subject to future funding, would enable a special district, like EBMUD, to seek financial assistance from the state to upgrade infrastructure or critical facilities to build resiliency to PSPS events and other power outages. EBMUD’s Emergency Operations Plan currently addresses PSPS events and power outages and thus the bill would not result in additional costs to EBMUD.

EBMUD, in 2020, supported AB 2178 (Levine) and SB 862 (Dodd), similar bills which would have added to the list of conditions that may constitute a local emergency and a state of emergency a “deenergization event,” for purposes of the California Emergency Services Act. Neither bill advanced out of the legislature last year.

The official list of support and opposition to AB 418 is shown below.

Support

Association of California Water Agencies (ACWA)
Rural County Representatives of California (RCRC)

Opposition

None listed

SB 63
(Stern)

**FIRE PREVENTION: VEGETATION
MANAGEMENT: PUBLIC EDUCATION:
GRANTS: DEFENSIBLE SPACE:
FIRE HAZARD SEVERITY ZONES:
FOREST MANAGEMENT**

SUPPORT

Existing law requires the Director of the California Department of Forestry and Fire Protection (CAL FIRE) to identify areas of the state as “very high” fire hazard severity zones based on specified criteria. Pursuant to legislation in 2017, CAL FIRE established a local assistance grant program for fire prevention activities in the state. Existing law defines the eligible activities for this grant funding. Existing law also requires a property owner in a high fire hazard severity zone to maintain defensible space.

SB 63 (Stern), as amended on May 3, 2021, would make multiple changes to state law to enhance fire prevention efforts by CAL FIRE, in the three main areas described below.

First, the bill would modify CAL FIRE’s local assistance grant fund program to focus on increasing the protection of people, structure and communities, and would expand eligible activities funded by the program to include: (1) vegetation management along roadways and driveways to reduce fire risk; (2) public outreach regarding making homes and communities more wildfire resilient, including defensible space training; (3) projects to reduce the flammability of structure and communities to prevent their ignition from wind-driven embers; and (4) development of a risk reduction checklist for communities.

Second, SB 63 would require CAL FIRE to take on additional responsibilities to:

- Include in its fuels management guidance, the minimization of flammable nonnative grasses and weeds and suggestions for fuel modification beyond the property line to maintain 100 feet of defensible space from a structure;
- Require the Office of the State Fire Marshal, in its model defensible space program, to include provisions for fuel modifications beyond the property line, including on unimproved lots, to maintain 100 feet of defensible space from the structure;
- In consultation with the State Air Resources Board and Forest Management Task Force, report specified information to the legislature on the Greenhouse Gas Reduction Fund monies spent pursuant to SB 901 (Dodd, 2018);
- Develop a statewide defensible space and home hardening assessment and education program by trained representatives of Fire Safe Councils, University of California fire advisors, registered professional foresters, resource conservation districts, in the state responsibility area (SRA);
- Develop and implement a training pilot program to train individuals to support and augment CAL FIRE’s defensible space and home hardening assessment and public education efforts; and

- Establish a program for purposes of conducting landscape scale ecological restoration and fire resiliency projects on national forest lands.

Finally, the bill would require the Director of CAL FIRE, in addition to the existing requirement to identify areas of the state that are “very high” fire hazard severity zones in the local responsibility area, to also identify areas of the state as “moderate” and “high” fire hazard severity zones based on consistent statewide criteria and the severity of fire hazard expected for those areas. Upon designation, local agencies must make information regarding these zone designations available for public review and comment within 30 days. CAL FIRE already uses these designations to classify lands within the state responsibility area. Additionally, SB 63 would require the State Fire Marshal and the Department of Housing and Community Development to propose updated building standards to the Building Standards Commission for “high” fire severity zones, as well as consider the expanded application of building standards to “moderate” fire hazard zones.

SB 63’s local assistance grant provisions could provide potential funding eligibility for EBMUD, as well as its local partners, in both EBMUD’s service area and upcountry facilities, including the Upper Mokelumne River Watershed Authority. By providing potential funding eligibility, SB 63 may make local projects more feasible, thus helping reduce fire risk and impacts in the East Bay and Mokelumne watershed areas. While this bill could result in costs to EBMUD related to increased vegetation management efforts, the benefits of lessened fire risk and potential cost savings in terms of avoided fires are expected to outweigh any costs.

EBMUD has previously supported measures to facilitate forest health and fire prevention efforts. In 2020, EBMUD took a support position on SB 1348 (Stern), which contains several areas of overlap with SB 63. SB 1348 did not advance out of the legislature. EBMUD supported SB 1079 (Monning, Chapter 622, Statutes of 2018) to facilitate access to grants for forest health and fire prevention efforts.

Support

American Planning Association, California Chapter
Breathe California
Building Owners and Managers Association of California
California Apartment Association
California Association of Resource Conservation Districts
California Building Industry Association
California Business Properties Association
California Fire Chiefs Association
California Fire Safe Council
City of Thousand Oaks
Fire Districts Association of California
International Council of Shopping Centers
NAIOP of California, the Commercial Real Estate Development Association

National Fire Protection Association
Pacific Gas and Electric Company
Southern California Edison
Tree Care Industry Association

Opposition

None listed

**H.R. 3404
(Huffman)**

**FUTURE WESTERN WATER
INFRASTRUCTURE AND DROUGHT
RESILIENCY ACT**

SUPPORT

The FUTURE Western Water Infrastructure and Drought Resiliency Act (FUTURE Western Water Act) would allocate over \$1 billion of federal money to update infrastructure, protect and restore ecosystems, and upgrade water technology and data gathering systems. In 2020, EBMUD supported a substantially similar measure by Representative Huffman entitled the FUTURE Drought Resiliency Act, which was in discussion draft form at the time of the Board-approved position. As part of the support position, EBMUD requested that Representative Huffman clarify that the Mokelumne River fishery would qualify as a critically important fishery in provisions intended to provide funding for drought planning and preparedness for critically important fisheries. Language from the FUTURE Drought Resiliency Act discussion draft, including this important clarification, was later included in the House’s infrastructure bill, H.R. 2, the Moving Forward Act, which passed the House but did not advance out of Congress.

The FUTURE Western Water Act includes this clarification and contains provisions in the four main areas of infrastructure development, technology and data improvement, ecosystem protection and restoration, and water workforce development. Unlike other western water proposals being discussed in Congress, this measure does not propose to extend the California provisions of the Water Infrastructure Improvements for the Nation Act, some of which have the potential to harm the Mokelumne fishery. Major components are summarized below.

Infrastructure development: The bill supports significant new investments in water infrastructure, 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. The legislation would establish a process to authorize new major water storage projects owned or supported by the Department of the Interior, modeled on the process used to authorize U.S. Army Corps of Engineers water projects through the Water Resources Development Act.

Improved technology and data: The bill includes major investments in water data and technology to improve water management and reduce energy and water waste. Data and technology investments include an expanded water technology “X-Prize,” support for new stream gauges to improve downstream water planning, and support for the development and deployment of emerging technologies to help manage and improve water supply availability.

Ecosystem protection and restoration: The bill advances measures to reverse the widespread fish and wildlife species decline across the western United States. Measures include new voluntary incentives for farmers to provide waterbird habitat, expanded watershed health project funding, support for wildlife refuges, multi-benefit water storage projects that provide both water supply benefits and fish and wildlife benefits, and improved drought planning efforts to protect biodiversity and sustain key fisheries, including commercially and recreationally important fisheries, like EBMUD's Mokelumne River fishery.

Water job training and education: The bill provides federal 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 would provide potential benefit to EBMUD and its ratepayers in four primary areas: (1) eligibility to compete for recycled water funding; (2) drought planning for critically important fisheries; (3) eligibility to compete for ecosystem restoration grant funding; and (4) water workforce development program eligibility. No additional costs to EBMUD are anticipated as a result of this measure.

In 2015, EBMUD supported Representative Huffman's Drought Recovery and Resilience Act, H.R. 2983, which did not advance out of Congress.

Consistent with other federal measures, there is no official support and opposition list for H.R. 3404.

**STATE AND FEDERAL GOVERNMENT ACTIONS
RELATED TO THE CORONAVIRUS DISEASE 2019
(COVID-19)**

INFORMATION

An overview of key state and federal actions taken in response to the COVID-19 pandemic since the May 6, 2021 Legislative Report No. 05-21 is provided below.

State Government Actions

At the time of this writing, there have been no significant COVID-19 related state actions directly related to EBMUD since the May 6, 2021 Legislative Report No. 05-21.

Federal Government Actions

Discussions continue at the federal level on the implementation of the Low-Income Household Water Assistance Program (LIHWAP) funding contained in H.R. 133 and H.R. 1319, as well as on creation of a long-term ratepayer assistance program. No decisions have been made. Staff continues to track these efforts.

Next Steps

Staff is continuing to pursue funding eligibility for EBMUD under federal COVID-19 relief packages, including the state implementation of the funding allocations, and is engaged in discussions regarding future federal stimulus efforts. Staff will continue to monitor state and federal government actions in response to COVID-19 and engage as warranted. Staff will continue to provide updates to the Board, as appropriate.

CCC:MD:DM/JW

Attachments

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AMENDED IN ASSEMBLY MAY 24, 2021

AMENDED IN ASSEMBLY APRIL 19, 2021

AMENDED IN ASSEMBLY APRIL 8, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 418

Introduced by Assembly Member Valladares

February 4, 2021

An act to add Article 16.7 (commencing with Section 8654.15) to Chapter 7 of Division 1 of Title 2 of the Government Code, relating to emergency services.

LEGISLATIVE COUNSEL'S DIGEST

AB 418, as amended, Valladares. Emergency services: grant program.

Existing law, the California Emergency Services Act establishes the Office of Emergency Services in the office of the Governor and provides that the office is responsible for the state's emergency and disaster response services for natural, technological, or manmade disasters and emergencies.

This bill would establish the Community Power Resiliency Program (program), to be administered by the Office of Emergency Services, to support local governments' efforts to improve resiliency in response to power outage events, as provided. The bill would ~~authorize~~ *require* the office to allocate ~~specified sums,~~ *funds*, pursuant to an appropriation by the Legislature, to local governments, special districts, and tribes for various purposes relating to power resiliency, and would require certain entities, in order to be eligible for funding, to either describe the portion of their emergency plan that includes power outages or confirm

that power outages will be included when the entity revises any portion of their emergency plan.

Cities, special districts, and tribes would be ~~eligible, allocated funds on a competitive basis, under the provisions of this bill, to apply for competitive grants,~~ while counties would be allocated a noncompetitive amount to be divided between all counties based upon population. The bill would require the office to provide an annual report to the Legislature detailing specified information, and to monitor, track, and report to the Legislature information regarding specific projects. The bill would authorize the office to retain up to 3% of the total appropriation ~~and would require the office to administer for administration of the program.~~

The bill would ~~specify that the Legislature intends declare the intent of the Legislature to enact future legislation to transfer \$100,000,000 from the General Fund funds to the Office of Emergency Services for the program.~~

The bill would ~~specify sums that would be allocated to the entities if the Legislature enacts future legislation to allocate only \$50,000,000 to the office for the program.~~

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. Article 16.7 (commencing with Section 8654.15)
2 is added to Chapter 7 of Division 1 of Title 2 of the Government
3 Code, to read:

4
5 Article 16.7. Community Power Resiliency Program
6

7 8654.15. (a) The Community Power Resiliency Program is
8 hereby established, to be administered by the office, to support
9 local government efforts to improve resiliency in response to power
10 outage events.

11 (b) The office shall also provide competitive and noncompetitive
12 grant funding through the program to local governments, special
13 districts, and tribes to plan and deploy resiliency projects that
14 maintain service during power outage events.

1 8654.16. (a) The office shall allocate funds, pursuant to any
2 future appropriation by the Legislature for the purposes of this
3 article, as follows:

4 (1) To counties on a noncompetitive basis, to be divided between
5 all counties based upon the population. Counties shall use grant
6 funds to improve local resilience to ensure that local operations
7 and critical facilities and infrastructure can continue to operate
8 during power outage events.

9 (2) To cities on a competitive basis. ~~Cities shall be eligible for~~
10 ~~grants of up to three hundred thousand dollars (\$300,000).~~ The
11 office shall give preference points to cities that did not receive a
12 grant award from the 2019 Community Power Resiliency
13 appropriation or the 2020 Community Power Resiliency
14 appropriation.

15 (3) To special districts on a competitive basis. Special districts
16 shall be eligible to apply for grants ~~of up to three hundred thousand~~
17 ~~dollars (\$300,000)~~ to improve the energy resiliency of a critical
18 facility or infrastructure operated by the special district.

19 (4) To California federally recognized tribes on a competitive
20 basis. ~~Tribes are eligible to apply for grants of up to two hundred~~
21 ~~thousand dollars (\$200,000) without specification of prioritization~~
22 ~~of funding.~~ The office shall give preference points to tribes that
23 did not receive a grant award from the 2019 Community Power
24 Resiliency appropriation or the 2020 Community Power Resiliency
25 appropriation.

26 (b) Before being eligible to receive funding, all entities who are
27 required to have an emergency plan shall do either of the following:

28 (1) Describe the portion of their emergency plan that includes
29 power outages, whether resulting from power shutoff events or
30 for any other reason.

31 (2) Confirm that power outages, whether resulting from power
32 shutoff events or for any other reason, will be included the next
33 time the local or tribal government revises any portion of its
34 emergency plan.

35 (c) The office shall provide an annual report to the Legislature,
36 including, at a minimum, all of the following:

37 (1) The number of applications received under this program to
38 date.

39 (2) The total amount requested by eligible entities to date.

40 (3) How the eligible entities invested grants under this program.

1 (4) The effectiveness and performance metrics used in carrying
2 out this program.

3 (d) The office shall monitor, track, and report to the Legislature
4 specific projects, per established protocols, to ensure timely and
5 effective utilization of allocated funds and staff resources for the
6 purpose of building resiliency in response to power outage events.

7 (e) The office shall submit the reports to the Legislature required
8 by this article in compliance with Section 9795 of the Government
9 Code.

10 8654.17. The office may retain up to 3 percent of any
11 appropriation to administer the program, including the competitive
12 grant resource allocation, approval determination, and procedures
13 for allocating preference points.

14 SEC. 2. It is the intent of the Legislature to enact future
15 legislation to transfer ~~one hundred million dollars (\$100,000,000)~~
16 *funds* to the office to support the Community Power Resiliency
17 Program as described in Section 1 of this act. If the Legislature
18 transfers ~~one hundred million dollars (\$100,000,000)~~ *funds* to the
19 office, the office shall allocate the funds based on Section 1 of this
20 act ~~and the following: to counties, cities, special districts, and~~
21 *tribes.*

- 22 ~~(a) Thirty million dollars (\$30,000,000) to counties.~~
- 23 ~~(b) Thirty million dollars (\$30,000,000) to cities.~~
- 24 ~~(c) Thirty million dollars (\$30,000,000) to special districts.~~
- 25 ~~(d) Seven million dollars (\$7,000,000) to tribes.~~

26 SEC. 3. If the Legislature enacts future legislation to transfer
27 ~~fifty million dollars (\$50,000,000)~~ *funds* to the office to support
28 the Community Power Resiliency Program as described in Section
29 1 of this act, the office shall allocate the funds based on Section 1
30 of this act ~~and the following: to counties, cities, special districts,~~
31 *and tribes.*

- 32 ~~(a) Twenty million dollars (\$20,000,000) to counties.~~
- 33 ~~(b) Thirteen million dollars (\$13,000,000) to cities.~~
- 34 ~~(c) Thirteen million dollars (\$13,000,000) to special districts.~~
- 35 ~~(d) Two million five hundred thousand dollars (\$2,500,000) to~~
36 ~~tribes.~~

AMENDED IN SENATE MAY 3, 2021

SENATE BILL

No. 63

Introduced by Senator Stern

December 7, 2020

An act to amend Sections 51177, 51178, 51178.5, 51182, and 51189 of the Government Code, to amend Section 13108.5 of the Health and Safety Code, and to amend Sections 4124.5 and 4291 of, to add Section 4799.05.5 to, and to add and repeal Sections 4123.8, 4291.5, and 4291.6 of, the Public Resources Code, relating to fire prevention.

LEGISLATIVE COUNSEL'S DIGEST

SB 63, as amended, Stern. Fire prevention: vegetation management: public education: grants: defensible space: fire hazard severity zones: forest management.

(1) Existing law requires the Director of Forestry and Fire Protection to identify areas of the state as very high fire hazard severity zones based on specified criteria. Existing law requires a local agency, within 30 days after receiving a transmittal from the director that identifies very high fire hazard severity zones, to make the information available for public review, as provided.

This bill, among other things, would also require the director to identify areas of the state as moderate and high fire hazard severity zones and would require a local agency to make this information available for public review and comment, as provided. By expanding the responsibility of a local agency, the bill would impose a state-mandated local program.

This bill would also make conforming changes.

(2) Existing law requires a person who owns, leases, controls, operates, or maintains an occupied dwelling or structure in, upon, or

adjoining a mountainous area, forest-covered land, brush-covered land, grass-covered land, or land that is covered with flammable material that is within a very high fire hazard severity zone, as designated by a local agency, or a building or structure in, upon, or adjoining those areas or lands within a state responsibility area, to maintain a defensible space of 100 feet from each side and from the front and rear of the structure, as specified. Existing law authorizes a greater distance than specified above on the specified land in a very high fire hazard severity zone. Existing law specifies that clearance beyond the property line may only be required if state law, local ordinance, rule, or regulation includes certain findings and specifies that clearance on adjacent property shall only be conducted following written consent by the adjacent landowner.

This bill, among other things, would instead provide that fuel modification beyond the property line may only be required by state law, local ordinance, rule, or regulation in order to maintain the 100 feet of defensible space.

This bill would also require the Director of Forestry and Fire Protection to establish a statewide program to allow qualified entities, as defined, to support and augment the Department of Forestry and Fire Protection in its defensible space and home hardening assessment and education efforts and to establish a common reporting platform for participating qualified entities to report defensible space and home hardening assessment data to the department. The bill would repeal this provision on January 1, 2026.

Existing law requires the Office of the State Fire Marshal to develop a model defensible space program that is required to be made available for use by a city, county, or city and county in the enforcement of the above defensible space provisions. The program is required to have specified components, including general guidelines for creating and maintaining defensible space around structures, as provided.

This bill would also include as a component of the model defensible space program, provisions for fuel modifications beyond the property line, as provided.

The California Building Standards Law provides for the adoption of building standards by state agencies by requiring all state agencies that adopt or propose adoption of any building standard to submit the building standard to the California Building Standards Commission for approval or adoption. In the absence of a designated state agency, the commission is required to adopt specific building standards, as prescribed. Existing law requires the State Fire Marshal, in consultation

with the Director of Forestry and Fire Protection and the Director of Housing and Community ~~development~~, *Development*, to propose specified fire protection building standards in fire hazard severity zones, including very high fire hazard severity zones, in state responsibility areas.

This bill would require the State Fire Marshal and the Department of Housing and Community Development to propose, and the State Building Standards Commission to adopt, expanded application of the above-described specified building standards to high fire hazard severity zones. The bill would also require the State Fire Marshal and the Department of Housing and Community Development to consider, if it is appropriate, expanding application of these building standards to moderate fire hazard severity zones.

This bill would also make other related changes.

(3) Existing law appropriates specified moneys to the Department of Forestry and Fire Protection for purposes of healthy forest and fire prevention programs and projects that improve forest health and reduce greenhouse gas emissions caused by uncontrolled wildfires and to complete prescribed fire and other fuel reduction projects, as provided.

This bill would require, on or before January 1, 2023, the department, in consultation with the State Air Resources Board and the California Forest Management Task Force, to report to the relevant fiscal and policy committees of the Legislature on moneys spent pursuant to the above provision, as provided.

(4) Existing law requires the Department of Forestry and Fire Protection to establish a local assistance grant program for fire prevention activities in the state. Existing law requires the local assistance grant program to establish a robust year-round fire prevention effort in and near fire threatened communities. Existing law requires that the eligible activities include, among other things, fire prevention activities, as provided. Existing law permits the Director of Forestry and Fire Protection to authorize advance payments, not exceeding 25% of the total grant award, from a grant awarded pursuant to the local assistance grant program. Existing law requires the grantee to expend these funds from the advance payment within 6 months of receipt, as provided.

This bill, among other things, would specify that the above-described fire prevention effort in and near fire threatened communities focus on increasing the protection of people, structures, and communities, as provided. The bill would define “fire threatened communities” as

provided. The bill would specifically include vegetation management along roadways and driveways to reduce fire risk, public education outreach regarding making homes and communities more wildfire resilient, projects to reduce the flammability of structures and communities to prevent their ignition from wind-driven embers, and developing a risk reduction checklist for communities as part of the eligible activities, among other things, as provided. The bill would instead authorize an advance payment not exceeding 50% of the total grant award and would instead require the grantee to expend these funds within 12 months.

This bill would require the department to develop and implement a training program, as provided, to train individuals to support and augment the department in its defensible space and home hardening assessment and public education efforts. The bill would require the department to issue a certification of completion to individuals who have successfully completed the training program. The bill would repeal these provisions on January 1, 2026.

(5) Existing law requires the Director of Forestry and Fire Protection to provide grants to, or enter into contracts or other cooperative agreements with, specified entities for the implementation and administration of projects and programs to improve forest health and reduce greenhouse gas emissions.

This bill would require the Department of Forestry and Fire Protection, under Good Neighbor Authority agreements entered into between the state and the federal government, as provided, to establish a program for purposes of conducting landscape scale ecological restoration and fire resiliency projects on national forest lands, including the development of specified federal and state environmental protection documents for landscape scale ecological restoration and fire resiliency projects on national forest lands that are at least 25,000 acres. The bill would authorize the department to contract with Native American tribes, local governments, forest collaboratives, and qualified nongovernmental organizations to conduct restoration activities on federal forest lands and to develop the federal documents.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 51177 of the Government Code is
2 amended to read:

3 51177. As used in this chapter:

4 (a) “Defensible space” means the area adjacent to a structure
5 or dwelling where wildfire prevention or protection practices are
6 implemented to provide defense from an approaching wildfire or
7 to minimize the spread of a structure fire to wildlands or
8 surrounding areas.

9 (b) “Director” means the Director of Forestry and Fire
10 Protection.

11 (c) “Fuel” means any combustible material, including
12 petroleum-based products, cultivated landscape plants, grasses,
13 and weeds, and wildland vegetation.

14 (d) “Fuel management” means the act or practice of controlling
15 flammability and reducing resistance to control of fuels through
16 mechanical, chemical, biological, or manual means or by fire, in
17 support of land management objectives.

18 (e) “Local agency” means a city, county, city and county, or
19 district responsible for fire protection within a very high fire hazard
20 severity zone.

21 (f) “Single specimen tree” means any live tree that stands alone
22 in the landscape so as to be clear of buildings, structures,
23 combustible vegetation, or other trees, and that does not form a
24 means of rapidly transmitting fire from the vegetation to an
25 occupied dwelling or structure or from an occupied dwelling or
26 structure to vegetation.

27 (g) “State responsibility areas” means those areas identified
28 pursuant to Section 4102 of the Public Resources Code.

29 (h) “Vegetation” means all plants, including trees, shrubs, grass,
30 and perennial or annual plants.

31 (i) “Very high fire hazard severity zone” means an area
32 designated as a *very high fire hazard severity zone* by the director
33 pursuant to Section 51178 that is not a state responsibility area.

1 (j) “Wildfire” means an unplanned, unwanted wildland fire,
2 including unauthorized human-caused fires, escaped wildland fire
3 use events, escaped prescribed fire projects, and all other wildland
4 fires where the objective is to extinguish the fire.

5 SEC. 2. Section 51178 of the Government Code is amended
6 to read:

7 51178. The director shall identify areas in the state as moderate,
8 high, and very high fire hazard severity zones based on consistent
9 statewide criteria and based on the severity of fire hazard that is
10 expected to prevail in those areas. Moderate, high, and very high
11 fire hazard severity zones shall be based on fuel loading, slope,
12 fire weather, and other relevant factors including areas where Santa
13 Ana, Mono, and Diablo winds have been identified by the
14 Department of Forestry and Fire Protection as a major cause of
15 wildfire spread.

16 SEC. 3. Section 51178.5 of the Government Code is amended
17 to read:

18 51178.5. Within 30 days after receiving a transmittal from the
19 director that identifies fire hazard severity zones pursuant to
20 Section 51178, a local agency shall make the information available
21 for public review and comment. The information shall be presented
22 in a format that is understandable and accessible to the general
23 public, including, but not limited to, maps.

24 SEC. 4. Section 51182 of the Government Code is amended
25 to read:

26 51182. (a) A person who owns, leases, controls, operates, or
27 maintains an occupied dwelling or occupied structure in, upon, or
28 adjoining a mountainous area, forest-covered land, shrub-covered
29 land, grass-covered land, or land that is covered with flammable
30 material, which area or land is within a very high fire hazard
31 severity zone designated by the local agency pursuant to Section
32 51179, shall at all times do all of the following:

33 (1) (A) Maintain defensible space of 100 feet from each side
34 and from the front and rear of the structure, but not beyond the
35 property line except as provided in subparagraph (B). The amount
36 of fuel modification necessary shall consider the flammability of
37 the structure as affected by building material, building standards,
38 location, and type of vegetation. Fuels shall be maintained and
39 spaced in a condition so that a wildfire burning under average
40 weather conditions would be unlikely to ignite the structure. This

1 subparagraph does not apply to single specimens of trees or other
2 vegetation that are well-pruned and maintained so as to effectively
3 manage fuels and not form a means of rapidly transmitting fire
4 from other nearby vegetation to a structure or from a structure to
5 other nearby vegetation or to interrupt the advance of embers
6 toward a structure. The intensity of fuels management may vary
7 within the 100-foot perimeter of the structure, with more intense
8 fuel reductions being used between 5 and 30 feet around the
9 structure, and an ember-resistant zone being required within 5 feet
10 of the structure, based on regulations promulgated by the State
11 Board of Forestry and Fire Protection, in consultation with the
12 Department of Forestry and Fire Protection, to consider the
13 elimination of materials in the ember-resistant zone that would
14 likely be ignited by embers. The promulgation of these regulations
15 by the State Board of Forestry and Fire Protection is contingent
16 upon an appropriation by the Legislature in the annual Budget Act
17 or another statute for this purpose. Consistent with fuels
18 management objectives, steps should be taken to minimize erosion,
19 soil disturbance, and the spread of flammable nonnative grasses
20 and weeds.

21 (B) A greater distance than that required under subparagraph
22 (A) may be required by state law, local ordinance, rule, or
23 regulation. Fuel modification beyond the property line may only
24 be required by state law, local ordinance, rule, or regulation in
25 order to maintain 100 feet of defensible space from a structure.
26 Fuel modification on adjacent property shall only be conducted
27 following written consent by the adjacent ~~landowner or pursuant~~
28 ~~to a local ordinance.~~ *landowner*. Any local ordinance ~~shall require~~
29 ~~notification of the adjacent landowner prior to the fuel modification~~
30 ~~and related to fuel modification~~ shall be in compliance with all
31 applicable state laws, regulations, and policies. Any local ordinance
32 may include provisions to allocate costs for any fuel modification
33 beyond the property line.

34 (C) An insurance company that insures an occupied dwelling
35 or occupied structure may require a greater distance than that
36 required under subparagraph (A) if a fire expert, designated by the
37 fire chief or fire official from the authority having jurisdiction,
38 provides findings that the fuel modification is necessary to
39 significantly reduce the risk of transmission of flame or heat
40 sufficient to ignite the structure, and there is no other feasible

1 mitigation measure possible to reduce the risk of ignition or spread
2 of wildfire to the structure. The greater distance may not be beyond
3 the property line unless allowed by state law, local ordinance, rule,
4 or regulation.

5 (2) Remove that portion of a tree that extends within 10 feet of
6 the outlet of a chimney or stovepipe.

7 (3) Maintain a tree, shrub, or other plant adjacent to or
8 overhanging a building free of dead or dying wood.

9 (4) Maintain the roof of a structure free of leaves, needles, or
10 other vegetative materials.

11 (5) Before constructing a new dwelling or structure that will be
12 occupied or rebuilding an occupied dwelling or occupied structure
13 damaged by a fire in that zone, the construction or rebuilding of
14 which requires a building permit, the owner shall obtain a
15 certification from the local building official that the dwelling or
16 structure, as proposed to be built, complies with all applicable state
17 and local building standards, including those described in
18 subdivision (b) of Section 51189, and shall provide a copy of the
19 certification, upon request, to the insurer providing course of
20 construction insurance coverage for the building or structure. Upon
21 completion of the construction or rebuilding, the owner shall obtain
22 from the local building official, a copy of the final inspection report
23 that demonstrates that the dwelling or structure was constructed
24 in compliance with all applicable state and local building standards,
25 including those described in subdivision (b) of Section 51189, and
26 shall provide a copy of the report, upon request, to the property
27 insurance carrier that insures the dwelling or structure.

28 (b) A person is not required under this section to manage fuels
29 on land if that person does not have the legal right to manage fuels,
30 nor is a person required to enter upon or to alter property that is
31 owned by any other person without the consent of the owner of
32 the property.

33 (c) (1) The State Board of Forestry and Fire Protection, in
34 consultation with the Department of Forestry and Fire Protection,
35 shall develop, periodically update, and post on its internet website
36 a guidance document on fuels management pursuant to this chapter.
37 The guidance document shall include, but not be limited to,
38 regionally appropriate vegetation management suggestions that
39 preserve and restore native species that are fire resistant or drought
40 tolerant, or both, minimize erosion, minimize the spread of

1 flammable nonnative grasses and weeds, minimize water
2 consumption, and permit trees and shrubs near homes for shade,
3 aesthetics, and habitat; suggestions for fuel modification beyond
4 the property line in order to maintain 100 feet of defensible space
5 from a structure; and suggestions to minimize or eliminate the risk
6 of flammability of nonvegetative sources of combustion such as
7 woodpiles, propane tanks, decks, and outdoor lawn furniture.

8 (2) On or before January 1, 2023, the State Board of Forestry
9 and Fire Protection, in consultation with the Department of Forestry
10 and Fire Protection, shall update the guidance document to include
11 suggestions for creating an ember-resistant zone within five feet
12 of a structure based on regulations promulgated by the State Board
13 of Forestry and Fire Protection, in consultation with the Department
14 of Forestry and Fire Protection, to consider the elimination of
15 materials in the ember-resistant zone that would likely be ignited
16 by embers. The implementation of this paragraph is contingent
17 upon an appropriation by the Legislature in the annual Budget Act
18 or another statute for this purpose.

19 (d) For purposes of this section, a structure for the purpose of
20 an ember-resistant zone shall include any attached deck. This
21 section does not limit the authority of the State Board of Forestry
22 and Fire Protection or the Department of Forestry and Fire
23 Protection to require the removal of fuel or vegetation on top of
24 or underneath a deck pursuant to this section.

25 SEC. 5. Section 51189 of the Government Code is amended
26 to read:

27 51189. (a) The Legislature finds and declares that site and
28 structure defensibility is essential to reduce the risk of structure
29 ignition as well as for effective fire suppression by firefighters.
30 This need to establish defensibility extends beyond the site fuel
31 management practices required by this chapter, and includes, but
32 is not limited to, measures that increase the likelihood of a structure
33 withstanding ignition, such as building design and construction
34 requirements that use fire resistant building materials, and standards
35 for reducing fire risks on structure projections, including, but not
36 limited to, porches, decks, balconies and eaves, and structure
37 openings, including, but not limited to, attic, foundation, and eave
38 vents, doors, and windows.

39 (b) No later than January 31, 2020, the State Fire Marshal, in
40 consultation with the director and the Director of Housing and

1 Community Development, shall, pursuant to Section 18930 of the
2 Health and Safety Code, recommend updated building standards
3 that provide for comprehensive site and structure fire risk reduction
4 to protect structures from fires spreading from adjacent structures
5 or vegetation and to protect vegetation from fires spreading from
6 adjacent structures, based on information learned from the 2017
7 wildfire season.

8 (c) (1) No later than January 31, 2020, the State Fire Marshal,
9 in consultation with the director and the Director of Housing and
10 Community Development, shall develop a list of low-cost retrofits
11 that provide for comprehensive site and structure fire risk reduction
12 to protect structures from fires spreading from adjacent structures
13 or vegetation and to protect vegetation from fires spreading from
14 adjacent structures. The Department of Forestry and Fire Protection
15 shall incorporate the list in its fire prevention education and
16 outreach efforts.

17 (2) In addition to the requirements of paragraph (1), the list shall
18 include a guidance document, including regionally appropriate
19 vegetation management suggestions that preserve and restore native
20 plant species that are fire resistant or drought tolerant, or both.

21 (d) (1) The Office of the State Fire Marshal shall develop a
22 model defensible space program that shall be made available for
23 use by a city, county, or city and county in the enforcement of the
24 defensible space provisions of Section 51182 of this code and
25 subdivision (a) of Section 4291 of the Public Resources Code. In
26 the development of this program, the State Fire Marshal shall
27 consult with representatives from local, state, and federal fire
28 services, local government, building officials, utility companies,
29 the building industry, insurers and insurance research organizations,
30 and the environmental community. Components of the program
31 shall include, but not be limited to, all of the following:

32 (A) General guidelines for creating and maintaining defensible
33 space around specified structures, including appropriate guidelines
34 and definitions for vegetation management.

35 (B) Provisions for fuel modification beyond the property line,
36 including on unimproved lots, in order to maintain 100 feet of
37 defensible space from a structure.

38 (C) Suggested minimum qualifications needed for enforcement
39 personnel.

1 (D) Enforcement mechanisms for compliance with and
2 maintenance of defensible space requirements, including, but not
3 limited to, the following:

- 4 (i) Site inspections.
- 5 (ii) Procedures for notifying a property owner of a violation.
- 6 (iii) Timelines for corrective action by a property owner and
7 for reinspection.
- 8 (iv) Citations requiring abatement of a violation and subsequent
9 removal of a fire hazard within the defensible space boundaries.
- 10 (v) Suggested administrative procedures that allow for appeal
11 of the citation by the property owner.

12 (2) If a defensible space program is adopted, the local agency
13 for enforcement of this program may recover the actual cost of
14 abatement and may cause a notice of abatement lien to be recorded
15 in the county in which the real property is located. The notice shall,
16 at a minimum, identify the record owner or possessor of the
17 property, set forth the last known address of the record owner or
18 possessor, set forth the date upon which abatement was ordered
19 by the local agency and the date the abatement was completed,
20 and include a description of the real property subject to the lien
21 and the amount of the abatement cost.

22 (3) The model defensible space program required pursuant to
23 this subdivision shall be updated whenever the State Board of
24 Forestry and Fire Protection substantially updates the guidance
25 documents created pursuant to subdivision (c) of Section 51182
26 of this code and subdivision (e) of Section 4291 of the Public
27 Resources Code.

28 (4) In order to develop and implement this subdivision and
29 support any required update of the guidance documents identified
30 in subdivision (c) of Section 51182 of this code and subdivision
31 (e) of Section 4291 of the Public Resources Code, the Office of
32 the State Fire Marshal is authorized to expend funds from the
33 Building Standards Administration Special Revolving Fund, upon
34 an appropriation by the Legislature, pursuant to Section 18931.7
35 of the Health and Safety Code.

36 SEC. 6. Section 13108.5 of the Health and Safety Code is
37 amended to read:

38 13108.5. (a) The State Fire Marshal, in consultation with the
39 Director of Forestry and Fire Protection and the Director of
40 Housing and Community Development, shall, pursuant to Section

1 18930, propose fire protection building standards for roofs, exterior
2 walls, structure projections, including, but not limited to, porches,
3 decks, balconies, and eaves, and structure openings, including, but
4 not limited to, attic and eave vents and windows of buildings in
5 fire hazard severity zones, including very high fire hazard severity
6 zones designated by the Director of Forestry and Fire Protection
7 pursuant to Article 9 (commencing with Section 4201) of Chapter
8 1 of Part 2 of Division 4 of the Public Resources Code.

9 (b) (1) Building standards adopted pursuant to this section shall
10 also apply to buildings located in very high fire hazard severity
11 zones designated pursuant to Chapter 6.8 (commencing with
12 Section 51175) of Part 1 of Division 1 of Title 5 of the Government
13 Code, and other areas designated by a local agency following a
14 finding supported by substantial evidence in the record that the
15 requirements of the building standards adopted pursuant to this
16 section are necessary for effective fire protection within the area.

17 (2) Upon identification by the Director of Forestry and Fire
18 Protection pursuant to Section 51178 of the Government Code of
19 high fire hazard severity zones and by a local agency pursuant to
20 Section 51179 of the Government Code, the Office of the State
21 Fire Marshal and the Department of Housing and Community
22 Development shall propose, and the *California* Building Standards
23 Commission shall adopt, expanded application of the building
24 standards adopted pursuant to this section to high fire hazard
25 severity zones during the next regularly occurring code adoption
26 cycle.

27 (3) The State Fire Marshal and the Department of Housing and
28 Community Development shall, after consulting with interested
29 stakeholders, including local fire officials, consider if it is
30 appropriate to expand application of the building standards adopted
31 pursuant to this section to moderate fire hazard severity zones. If
32 it is found appropriate, the State Fire Marshal and the Department
33 of Housing and Community Development shall, pursuant to Section
34 18930, recommend expanding the application of the building
35 standards adopted pursuant to this section to moderate fire hazard
36 severity zones.

37 (c) Building standards adopted pursuant to this section shall
38 also apply to buildings located in urban wildland interface
39 communities. A local agency may, at its discretion, include in or
40 exclude from the requirements of these building standards any

1 area in its jurisdiction following a finding supported by substantial
2 evidence in the record at a public hearing that the requirements of
3 these building standards are necessary or not necessary,
4 respectively, for effective fire protection within the area. Changes
5 made by a local agency to an urban wildland interface community
6 area following a finding supported by substantial evidence in the
7 record shall be final and shall not be rebuttable.

8 (d) For purposes of subdivision (c), “urban wildland interface
9 community” means a community listed in “Communities at Risk
10 from Wild Fires,” produced by the California Department of
11 Forestry and Fire Protection, Fire and Resource Assessment
12 Program, pursuant to the National Fire Plan, federal Fiscal Year
13 2001 Department of the Interior and Related Agencies
14 Appropriations Act (Public Law 106-291).

15 SEC. 7. Section 4123.8 is added to the Public Resources Code,
16 immediately following Section 4123.7, to read:

17 4123.8. (a) On or before January 1, 2023, the department, in
18 consultation with the State Air Resources Board and the California
19 Forest Management Task Force, shall report to the relevant fiscal
20 and policy committees of the Legislature on funds spent pursuant
21 to Section 45 of Senate Bill 901 (Chapter 626, Statutes of 2018).
22 The report shall include, but not be limited to, all of the following
23 information:

24 (1) The outcomes of the projects implemented, including, but
25 not limited to, a description of the benefits for public safety, fire
26 prevention, habitat, climate resiliency, and protection of important
27 natural resources, including water quality and water supply.

28 (2) A description of the projected greenhouse gas emission and
29 carbon sequestration impacts for the year of implementation of a
30 project and for 5-year intervals thereafter to at least 50 years after
31 implementation.

32 (3) Recommendations for modifying the forest health grant
33 program, established pursuant to Section 4799.05, and the local
34 assistance grant program, established pursuant to Section 4124.5,
35 to improve outcomes, benefits, durability of benefits, and statewide
36 benefits.

37 (4) An assessment of the potential benefits, including unmet
38 need, for continuing the commitment made pursuant to Section 45
39 of Senate Bill 901 (Chapter 626, Statutes of 2018) beyond the
40 2023–24 fiscal year.

1 (b) Pursuant to Section 10231.5 of the Government Code, this
2 section is repealed on January 1, 2027.

3 SEC. 8. Section 4124.5 of the Public Resources Code is
4 amended to read:

5 4124.5. (a) The department shall establish a local assistance
6 grant program for fire prevention and home hardening education
7 activities in California. Groups eligible for grants shall include,
8 but are not limited to, local agencies, resource conservation
9 districts, fire safe councils, the California Conservation Corps,
10 certified community conservation corps as defined in Section
11 14507.5, University of California Cooperative Extension, Native
12 American tribes, and qualified nonprofit organizations. The
13 department may establish a cost-share requirement for one or more
14 categories of projects.

15 (b) (1) The local assistance grant program shall establish a
16 robust year-round fire prevention effort in and near fire threatened
17 communities that focuses on increasing the protection of people,
18 structures, and communities. To the maximum extent practicable,
19 the grants shall be designed to be durable and adaptively managed
20 so that while improving resiliency to wildfire, the projects, when
21 on forest land, retain a mixture of species and sizes of trees to
22 protect habitat values. The department shall prioritize, to the extent
23 feasible, projects that are multiyear efforts.

24 (2) For purposes of this subdivision, “fire threatened
25 communities” means those communities in high and very high fire
26 hazard severity zones, identified by the director pursuant to Section
27 51178 of the Government Code, or Article 9 (commencing with
28 Section 4201) of this code, or on the “Fire Risk Reduction
29 Community” list maintained by the board pursuant to Section
30 4290.1.

31 (c) Eligible activities shall include, but not be limited to, all of
32 the following:

33 (1) Development and implementation of public education and
34 outreach programs. Programs may include technical assistance,
35 workforce recruitment and training, and equipment purchases.

36 (2) Fire prevention activities as defined in Section 4124.

37 (3) Projects to improve compliance with defensible space
38 requirements as required by Section 4291 through increased
39 inspections, assessments, and assistance for low-income residents.

1 (4) Technical assistance to local agencies to improve fire
2 prevention and reduce fire hazards.

3 (5) Creation of additional “Firewise USA” communities in the
4 state or other community planning or certification programs
5 deemed as appropriate by the department.

6 (6) Projects to improve public safety, including, but not limited
7 to, access to emergency equipment and improvements to public
8 evacuation routes.

9 (7) Vegetation management along roadways and driveways to
10 reduce fire risk. Where appropriate, the Department of
11 Transportation shall be consulted if state infrastructure will be
12 affected. Those projects shall remain consistent with paragraph
13 (1) of subdivision (b).

14 (8) Public education outreach regarding making homes and
15 communities more wildfire resilient, including defensible space
16 training.

17 (9) Projects to reduce the flammability of structures and
18 communities to prevent their ignition from wind-driven embers.

19 (10) Development of a risk reduction checklist for communities
20 that includes defensible space criteria, structural vulnerability
21 potential, and personal evacuation plans.

22 (d) The department may consider the fire risk of an area, the
23 geographic balance of projects, and whether the project is
24 complementary to other fire prevention or forest health activities
25 when awarding local assistance grants.

26 (e) (1) Until January 1, 2024, the director may authorize
27 advance payments from a grant awarded pursuant to this section.
28 The advance shall not exceed 50 percent of the total grant award.

29 (2) The grantee shall expend the funds from the advance
30 payment within 12 months of receipt, unless the department waives
31 this requirement.

32 (3) The grantee shall file an accountability report with the
33 department four months from the date of receiving the funds and
34 every four months thereafter.

35 (f) The department may expand or amend an existing grant
36 program to meet the requirements of this section.

37 (g) Funding for the local assistance grant program created
38 pursuant to this section shall be made upon appropriation by the
39 Legislature.

1 SEC. 9. Section 4291 of the Public Resources Code is amended
2 to read:

3 4291. (a) A person who owns, leases, controls, operates, or
4 maintains a building or structure in, upon, or adjoining a
5 mountainous area, forest-covered lands, shrub-covered lands,
6 grass-covered lands, or land that is covered with flammable
7 material, shall at all times do all of the following:

8 (1) (A) Maintain defensible space of 100 feet from each side
9 and from the front and rear of the structure, but not beyond the
10 property line, except as provided in subparagraph (B). The amount
11 of fuel modification necessary shall consider the flammability of
12 the structure as affected by building material, building standards,
13 location, and type of vegetation. Fuels shall be maintained and
14 spaced in a condition so that a wildfire burning under average
15 weather conditions would be unlikely to ignite the structure. This
16 subparagraph does not apply to single specimens of trees or other
17 vegetation that are well-pruned and maintained so as to effectively
18 manage fuels and not form a means of rapidly transmitting fire
19 from other nearby vegetation to a structure or from a structure to
20 other nearby vegetation or to interrupt the advance of embers
21 toward a structure. The intensity of fuels management may vary
22 within the 100-foot perimeter of the structure, with more intense
23 fuel reductions being utilized between 5 and 30 feet around the
24 structure, and an ember-resistant zone being required within 5 feet
25 of the structure, based on regulations promulgated by the board,
26 in consultation with the department, to consider the elimination
27 of materials in the ember-resistant zone that would likely be ignited
28 by embers. The promulgation of these regulations by the board is
29 contingent upon an appropriation by the Legislature in the annual
30 Budget Act or another statute for this purpose. Consistent with
31 fuels management objectives, steps should be taken to minimize
32 erosion, soil disturbance, and the spread of flammable nonnative
33 grasses and weeds. For purposes of this subparagraph, “fuel” means
34 any combustible material, including petroleum-based products,
35 cultivated landscape plants, grasses, and weeds, and wildland
36 vegetation.

37 (B) A greater distance than that required under subparagraph
38 (A) may be required by state law, local ordinance, rule, or
39 regulation. Fuel modification beyond the property line may only
40 be required by state law, local ordinance, rule, or regulation in

1 order to maintain 100 feet of defensible space from a structure.
2 Fuel modification on adjacent property shall only be conducted
3 following written consent by the adjacent ~~landowner or pursuant~~
4 ~~to a local ordinance.~~ *landowner*. Any local ordinance ~~shall require~~
5 ~~notification of the adjacent landowner prior to the fuel modification~~
6 ~~and related to fuel modification shall adhere to be in compliance~~
7 *with* all applicable state laws, regulations, and policies. Any local
8 ordinance may include provisions to allocate costs for any fuel
9 modification beyond the property line.

10 (C) An insurance company that insures an occupied dwelling
11 or occupied structure may require a greater distance than that
12 required under subparagraph (A) if a fire expert, designated by the
13 director, provides findings that the fuel modification is necessary
14 to significantly reduce the risk of transmission of flame or heat
15 sufficient to ignite the structure, and there is no other feasible
16 mitigation measure possible to reduce the risk of ignition or spread
17 of wildfire to the structure. The greater distance may not be beyond
18 the property line unless allowed by state law, local ordinance, rule,
19 or regulation.

20 (2) Remove that portion of a tree that extends within 10 feet of
21 the outlet of a chimney or stovepipe.

22 (3) Maintain a tree, shrub, or other plant adjacent to or
23 overhanging a building free of dead or dying wood.

24 (4) Maintain the roof of a structure free of leaves, needles, or
25 other vegetative materials.

26 (5) Before constructing a new building or structure or rebuilding
27 a building or structure damaged by a fire in an area subject to this
28 section, the construction or rebuilding of which requires a building
29 permit, the owner shall obtain a certification from the local building
30 official that the dwelling or structure, as proposed to be built,
31 complies with all applicable state and local building standards,
32 including those described in subdivision (b) of Section 51189 of
33 the Government Code, and shall provide a copy of the certification,
34 upon request, to the insurer providing course of construction
35 insurance coverage for the building or structure. Upon completion
36 of the construction or rebuilding, the owner shall obtain from the
37 local building official, a copy of the final inspection report that
38 demonstrates that the dwelling or structure was constructed in
39 compliance with all applicable state and local building standards,
40 including those described in subdivision (b) of Section 51189 of

1 the Government Code, and shall provide a copy of the report, upon
2 request, to the property insurance carrier that insures the dwelling
3 or structure.

4 (b) A person is not required under this section to manage fuels
5 on land if that person does not have the legal right to manage fuels,
6 nor is a person required to enter upon or to alter property that is
7 owned by any other person without the consent of the owner of
8 the property.

9 (c) (1) Except as provided in Section 18930 of the Health and
10 Safety Code, the director may adopt regulations exempting a
11 structure with an exterior constructed entirely of nonflammable
12 materials, or, conditioned upon the contents and composition of
13 the structure, the director may vary the requirements respecting
14 the removing or clearing away of flammable vegetation or other
15 combustible growth with respect to the area surrounding those
16 structures.

17 (2) An exemption or variance under paragraph (1) shall not
18 apply unless and until the occupant of the structure, or if there is
19 not an occupant, the owner of the structure, files with the
20 department, in a form as the director shall prescribe, a written
21 consent to the inspection of the interior and contents of the structure
22 to ascertain whether this section and the regulations adopted under
23 this section are complied with at all times.

24 (d) The director may authorize the removal of vegetation that
25 is not consistent with the standards of this section. The director
26 may prescribe a procedure for the removal of that vegetation and
27 make the expense a lien upon the building, structure, or grounds,
28 in the same manner that is applicable to a legislative body under
29 Section 51186 of the Government Code.

30 (e) (1) The board, in consultation with the department, shall
31 develop, periodically update, and post on its internet website a
32 guidance document on fuels management pursuant to this chapter.
33 The guidance document shall include, but not be limited to,
34 regionally appropriate vegetation management suggestions that
35 preserve and restore native species that are fire resistant or drought
36 tolerant, or both, minimize erosion, minimize water consumption,
37 and permit trees near homes for shade, aesthetics, and habitat;
38 suggestions for fuel modification beyond the property line in order
39 to maintain 100 feet of defensible space from a structure; and
40 suggestions to minimize or eliminate the risk of flammability of

1 nonvegetative sources of combustion, such as woodpiles, propane
2 tanks, decks, outdoor furniture, barbecue equipment, and outdoor
3 fire pits.

4 (2) On or before January 1, 2023, the board, in consultation
5 with the department, shall update the guidance document to include
6 suggestions for creating an ember-resistant zone within five feet
7 of a structure, based on regulations promulgated by the board, in
8 consultation with the department, to consider the elimination of
9 materials in the ember-resistant zone that would likely be ignited
10 by embers. The implementation of this paragraph is contingent
11 upon an appropriation by the Legislature in the annual Budget Act
12 or another statute for this purpose.

13 (f) (1) The department shall do both of the following:

14 (A) Recommend to the board the types of vegetation or fuel
15 that are to be excluded from an ember-resistant zone based on the
16 probability that vegetation and fuel will lead to ignition by ember
17 of a structure as a part of the update to the guidance document
18 pursuant to paragraph (2) of subdivision (e).

19 (B) Make reasonable efforts to provide notice to affected
20 residents describing the requirements added by the amendments
21 to paragraph (1) of subdivision (a) made in Assembly Bill 3074
22 of the 2019–20 Regular Session before the imposition of penalties
23 for violating those requirements.

24 (2) The implementation of this subdivision is contingent upon
25 an appropriation by the Legislature in the annual Budget Act or
26 another statute for this purpose.

27 (g) (1) The requirement for an ember-resistant zone pursuant
28 to paragraph (1) of subdivision (a) shall not take effect for new
29 structures until the board updates the regulations, pursuant to
30 paragraph (1) of subdivision (a), and the guidance document,
31 pursuant to paragraph (2) of subdivision (e).

32 (2) The requirement for an ember-resistant zone pursuant to
33 paragraph (1) of subdivision (a) shall take effect for existing
34 structures one year after the effective date for the new structures.

35 (h) The department shall not change defensible space inspection
36 practices and forms or enforcement to implement the requirement
37 for an ember-resistant zone until the director makes a written
38 finding, which the director shall post on the department’s internet
39 website, that the Legislature has appropriated sufficient resources
40 to do so.

1 (i) For purposes of this section, a structure for the purpose of
2 an ember-resistant zone shall include any attached deck. This
3 section does not limit the authority of the board or the department
4 to require the removal of fuel or vegetation on top of or underneath
5 a deck pursuant to this section.

6 (j) As used in this section, “person” means a private individual,
7 organization, partnership, limited liability company, or corporation.

8 SEC. 10. Section 4291.5 is added to the Public Resources Code,
9 to read:

10 4291.5. (a) For purposes of this section, the following
11 definitions apply:

12 (1) “Home hardening” means the replacement or repair of
13 structural features that are affixed to the property with features
14 that are in compliance with Chapter 7A (commencing with Section
15 701A.1) of Title 24 of the California Code of Regulations.

16 (2) “Qualified entities” means the following entities that have
17 completed the program developed and received a certification,
18 pursuant to Section 4291.6:

19 (A) Counties, state conservancies, special districts, and other
20 political subdivisions of the state.

21 (B) Members of the California Conservation Corps, local
22 conservation corps, resource conservation districts, fire safe
23 councils, and Firewise USA organizations.

24 (C) University of California fire advisors.

25 (D) Registered Professional Foresters.

26 (E) Other entities or individuals deemed appropriate by the
27 director.

28 (3) “Wildfire safety improvements” mean wildfire resilience
29 and fire safety improvements, including measures for home
30 hardening, the creation of defensible space, and other appropriate
31 fuel reduction activities, to residential, commercial, industrial,
32 agricultural, or other real property identified by the State Fire
33 Marshal, in consultation with the director.

34 (b) The director shall establish a statewide program to allow
35 qualified entities to support and augment the department in its
36 defensible space and home hardening assessment and education
37 efforts. Qualified entities participating in the program shall be
38 authorized by the director to conduct defensible space assessments
39 to assess compliance with Section 4291 within the state
40 responsibility area, educate property owners about wildfire safety

1 improvements that may be undertaken to harden a structure and
2 make it more resistant to fire, and assess whether wildfire safety
3 improvements have been completed in or on a structure.

4 (c) (1) The director shall establish a common reporting platform
5 that allows defensible space and home hardening assessment data,
6 collected by the qualified entities, to be reported to the department
7 and shall establish any necessary quality control measure to ensure
8 that the assessment data is accurate and reliable.

9 (2) The department shall compile the data submitted pursuant
10 to paragraph (1).

11 (d) The director may use the defensible space and home
12 hardening assessment data to do any of the following:

13 (1) Direct inspection and enforcement resources away from
14 landowners who meet or exceed the department's standards and
15 regulations for maintaining defensible space.

16 (2) Direct inspection and enforcement resources toward
17 landowners who do not meet the department's standards and
18 regulations for maintaining defensible space.

19 (3) Direct educational resources toward landowners who own
20 or maintain structures that can be hardened to make them more
21 resistant to fire.

22 (4) Assist in estimating defensible space compliance in the state
23 responsibility area.

24 (e) The department may expand or amend existing programs
25 for the implementation of this section.

26 (f) This section does not grant any right of entry onto private
27 land or regulatory or enforcement authority to participating
28 qualified entities.

29 (g) This section shall remain in effect only until January 1, 2026,
30 and as of that date is repealed.

31 SEC. 11. Section 4291.6 is added to the Public Resources Code,
32 to read:

33 4291.6. (a) (1) The Legislature finds and declares that the use
34 of trained volunteers to assist homeowners and fire agencies in
35 achieving compliance with defensible space requirements will
36 provide multiple benefits, including all of the following:

37 (A) Creating a significant public benefit by reducing the risk of
38 the spread of wildfire.

39 (B) Creating significant savings for fire agencies by increasing
40 general compliance with defensible space requirements, and

1 thereby reducing the volume of inspections required by public
2 agencies.

3 (C) Allowing fire agencies to focus their defensible space
4 regulatory enforcement on landowners who are not in compliance
5 after suggestions for voluntary compliance from trained volunteers.

6 (2) It is further the intent of the Legislature that the department
7 do both of the following:

8 (A) Establish a pilot program using trained volunteers with any
9 costs for the pilot project coming from the existing available
10 greenhouse gas funds allocated to the ~~department~~ *department*.

11 (B) Consider using the services of the California Fire ~~Sciences~~
12 *Science* Consortium and the Regional ~~Forestry~~ *Forest* and Fire
13 Capacity program at the Natural Resources Agency to implement
14 this section.

15 (b) The department shall develop and implement a training
16 program to train individuals to support and augment the department
17 in its defensible space and home hardening assessment and public
18 education efforts. The training program shall do both of the
19 following:

20 (1) Provide for consistent training for third-party assessors who
21 shall function to provide nonregulatory assistance to homeowners
22 to reduce fire risk and to achieve compliance with defensible space
23 requirements.

24 (2) Ensure that all defensible space and home hardening
25 assessment and education programs undertaken by the department
26 and by third parties are conducted to the same standard and use
27 coordinated messaging, including messages at
28 www.readyforwildfire.org or a successor internet website, as
29 updated by the department.

30 (c) Upon an individual's successful completion of the training
31 program, the department shall issue a certification of completion
32 to the individual.

33 (d) This section shall remain in effect only until January 1, 2026,
34 and as of that date is repealed.

35 SEC. 12. Section 4799.05.5 is added to the Public Resources
36 Code, immediately following Section 4799.05, to read:

37 4799.05.5. Under Good Neighbor Authority agreements entered
38 into between the state and the federal government pursuant to
39 Section 2113a of Title 16 of the United States Code, the department
40 shall establish a program for purposes of conducting landscape

1 scale ecological restoration and fire resiliency projects on national
2 forest lands, including the development of federal National
3 Environmental Policy Act of 1969 (42 U.S.C. Sec. 4321 et seq.)
4 documents, and documents prepared pursuant to the California
5 Environmental Quality Act (Division 13 (commencing with Section
6 21000)), for landscape scale ecological restoration and fire
7 resiliency projects on national forest lands that are at least 25,000
8 acres. The department may contract with Native American tribes,
9 local governments, forest collaboratives, and qualified
10 nongovernmental organizations to conduct restoration activities
11 on federal forest lands and to develop the federal documents.

12 SEC. 13. If the Commission on State Mandates determines
13 that this act contains costs mandated by the state, reimbursement
14 to local agencies and school districts for those costs shall be made
15 pursuant to Part 7 (commencing with Section 17500) of Division
16 4 of Title 2 of the Government Code.

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(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-

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

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

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

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

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

18 “(D) Projects with multiple stakeholders.

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

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

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

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

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

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

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

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

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

13 “(3) section 4009(c).”.

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

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

21 (a) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

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

3 (3) PROJECT STUDY.—

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

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

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

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

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

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

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

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

17 (c) REQUESTS FOR PROPOSALS.—

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

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

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

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

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

16 (d) CONTENTS.—

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

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

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

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

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

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

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

13 (B) DESCRIPTION OF BENEFITS.—

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

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

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

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

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

10 (IV) the national economy; or

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

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

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

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

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

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

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

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

22 (i) the project report;

23 (ii) the proposed project study;

24 (iii) the authorized project study for
25 which the modification is proposed; or

- 1 (iv) construction of—
- 2 (I) the project that is the subject
- 3 of—
- 4 (aa) the project report;
- 5 (bb) the proposed project
- 6 study; or
- 7 (cc) the authorized project
- 8 study for which a modification is
- 9 proposed; or
- 10 (II) the proposed modification to
- 11 a project;
- 12 (B) a letter or statement of support for the
- 13 project report, proposed project study, or pro-
- 14 posed modification to a project or project study
- 15 from each associated non-Federal interest;
- 16 (C) the purpose of the project report, pro-
- 17 posed project study, or proposed modification to
- 18 a project or project study;
- 19 (D) an estimate, to the extent practicable,
- 20 of the Federal, non-Federal, and total costs
- 21 of—
- 22 (i) the proposed modification to an
- 23 authorized project study; and
- 24 (ii) construction of—

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

3 (aa) the project report; or

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

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

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

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

14 (I) the project report; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (a) DEFINITIONS.—In this section:

4 (1) DESIGN; STUDY.—

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

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

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

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

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

3 (C) a water users' association;

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

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

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

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

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

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

20 (I) the reclamation laws; or

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

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

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

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

15 (I) the reclamation laws; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (ii) a facility that is not federally
14 owned conveying water to or from a sur-
15 face or groundwater storage facility; 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 WIN ACT REQUIRE-
16 MENTS.—The following requirements shall apply to
17 grandfathered storage projects: sections 4007(c)(1)
18 through 4007(c)(4), section 4007(f), and section
19 4007(h)(2) of the Water Infrastructure Improve-
20 ments for the Nation Act (Public Law 114–322), ex-
21 cept that any reference contained in those sections
22 to State-led storage projects shall be considered to
23 be a reference to grandfathered storage projects.

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

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

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

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

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

18 “(2) PROJECTS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 “(B) COST-SHARING REQUIREMENT.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 “(I) the eligible desalination
7 project—

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

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

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

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

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

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

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

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

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

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

1 “(F) FUNDING.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (1) emergency water supplies;

23 (2) distributed treatment facilities;

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

26 (4) water distribution facilities;

1 (5) connection fees to existing systems;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (b) DEPOSITS TO FUND.—

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

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

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

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

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

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

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

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

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

22 (c) EXPENDITURES FROM FUND.—

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

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

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

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

8 (2) ADDITIONAL EXPENDITURES.—

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

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

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

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

1 **TITLE II—IMPROVED**
2 **TECHNOLOGY AND DATA**
3 **SEC. 201. REAUTHORIZATION OF WATER AVAILABILITY**
4 **AND USE ASSESSMENT PROGRAM.**

5 Section 9508 of Public Law 111–11 (42 U.S.C.
6 10368) is amended—

7 (1) in subsection (b)—

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

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

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

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

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

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

21 “(A) integrate available data from new
22 technologies where appropriate including data
23 made available from drones and emerging re-
24 mote 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 creation and maintenance, including waterfowl and
2 shorebird habitat creation and maintenance, provided
3 that—

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

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

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

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

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

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

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

11 (1) Ecosystem benefits.

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

15 (3) Protection against invasive species.

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

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

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

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

24 (b) REQUIREMENTS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (a) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 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.

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EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: June 3, 2021

MEMO TO: Board of Directors

THROUGH: Clifford C. Chan, General Manager 

FROM: Marlaigne Dumaine, Manager of Legislative Affairs 

SUBJECT: Resolution Supporting the Intent of the Federal Green New Deal's Goals to Reduce Greenhouse Gas Emissions, Build Resiliency Against Climate Change-Related Disasters, and Increase the Use of Clean, Renewable, and Zero-Emission Energy Sources

SUMMARY

Senator Markey and Representative Ocasio-Cortez introduced identical resolutions in Congress to create a Green New Deal, S. Res. 166 and H. Res. 332, respectively. These resolutions outline the broad goals of the federal government to create a Green New Deal and specifies a ten-year national mobilization plan with certain objectives to achieve those goals. The resolutions are pending in the Senate and House with no date set for formal action. The Board previously supported the intent of the 2019 Federal Green New Deal resolutions, which are substantially similar to S. Res. 166 and H. Res. 332. This item will be discussed at the June 8, 2021 Legislative/Human Resources Committee meeting.

DISCUSSION

The Green New Deal resolutions contain several provisions including (1)(A), (2)(A), (2)(B), (2)(C), (2)(H), and (2)(K), which are consistent with EBMUD's Policy 7.05 (Sustainability and Resilience), Policy 7.15 (Climate Action), Policy 7.07 (Energy), EBMUD's 2021 Federal Initiatives, and EBMUD's mission.

NEXT STEPS

At its June 8, 2021 meeting, the Board will be asked to consider adopting a resolution supporting the intent of the federal Green New Deal's goals to reduce greenhouse gas emissions, build resiliency against climate change-related disasters, and increase the use of clean, renewable, and zero-emission energy sources.

CCC:MD:DM

Attachments

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117TH CONGRESS
1ST SESSION

S. RES. 166

Recognizing the duty of the Federal Government to create a Green New Deal.

IN THE SENATE OF THE UNITED STATES

APRIL 20, 2021

Mr. MARKEY (for himself, Mr. WYDEN, Ms. WARREN, Mr. SANDERS, Mr. PADILLA, Mr. VAN HOLLEN, Mr. BLUMENTHAL, Mrs. GILLIBRAND, Mr. MERKLEY, Mr. MURPHY, Ms. HIRONO, Ms. KLOBUCHAR, and Mr. BOOKER) submitted the following resolution; which was referred to the Committee on Environment and Public Works

RESOLUTION

Recognizing the duty of the Federal Government to create a Green New Deal.

Whereas the October 2018 report entitled “Special Report on Global Warming of 1.5 °C” by the Intergovernmental Panel on Climate Change and the November 2018 Fourth National Climate Assessment report found that—

(1) human activity is the dominant cause of observed climate change over the past century;

(2) a changing climate is causing sea levels to rise and an increase in wildfires, severe storms, droughts, and other extreme weather events that threaten human life, healthy communities, and critical infrastructure;

(3) global warming at or greater than 2 degrees Celsius beyond preindustrialized levels will cause—

(A) mass migration from the regions most affected by climate change;

(B) more than \$500,000,000,000 in lost annual economic output in the United States by the year 2100;

(C) wildfires that, by 2050, will annually burn at least twice as much forest area in the western United States than was typically burned by wildfires in the years preceding 2019;

(D) a loss of more than 99 percent of all coral reefs on Earth;

(E) more than 350,000,000 more people to be exposed globally to deadly heat stress by 2050; and

(F) a risk of damage to \$1,000,000,000,000 of public infrastructure and coastal real estate in the United States; and

(4) global temperatures must be kept less than 1.5 degrees Celsius above preindustrialized levels to avoid the most severe impacts of a changing climate, which will require—

(A) global reductions in greenhouse gas emissions from human sources of 40 to 60 percent from 2010 levels by 2030; and

(B) net-zero global emissions by 2050;

Whereas, because the United States has historically been responsible for a disproportionate amount of greenhouse gas emissions, having emitted 20 percent of global greenhouse gas emissions through 2014, and has a high technological capacity, the United States must take a leading role in reducing emissions through economic transformation;

Whereas the United States is currently experiencing several related crises, with—

(1) life expectancy declining while basic needs, such as clean air, clean water, healthy food, and adequate health care, housing, transportation, and education, are inaccessible to a significant portion of the United States population;

(2) a 4-decade trend of wage stagnation, deindustrialization, and antilabor policies that has led to—

(A) hourly wages overall stagnating since the 1970s despite increased worker productivity;

(B) the third-worst level of socioeconomic mobility in the developed world before the Great Recession;

(C) the erosion of the earning and bargaining power of workers in the United States; and

(D) inadequate resources for public sector workers to confront the challenges of climate change at the Federal, State, and local level; and

(3) the greatest income inequality since the 1920s, with—

(A) the top 1 percent of earners accruing 91 percent of gains in the first few years of economic recovery after the Great Recession;

(B) a large racial wealth divide amounting to a difference of 20 times more wealth between the average White family and the average Black family; and

(C) a gender earnings gap that results in women earning approximately 80 percent as much as men, at the median;

Whereas climate change, pollution, and environmental destruction have exacerbated systemic racial, regional, so-

cial, environmental, and economic injustices (referred to in this preamble as “systemic injustices”) by disproportionately affecting indigenous peoples, communities of color, migrant communities, deindustrialized communities, depopulated rural communities, the poor, low-income workers, women, the elderly, the unhoused, people with disabilities, and youth (referred to in this preamble as “frontline and vulnerable communities”);

Whereas, climate change constitutes a direct threat to the national security of the United States—

(1) by impacting the economic, environmental, and social stability of countries and communities around the world; and

(2) by acting as a threat multiplier;

Whereas the Federal Government-led mobilizations during World War II and the New Deal created the greatest middle class that the United States has ever seen, but many members of frontline and vulnerable communities were excluded from many of the economic and societal benefits of those mobilizations; and

Whereas the Senate recognizes that a new national, social, industrial, and economic mobilization on a scale not seen since World War II and the New Deal era is a historic opportunity—

(1) to create millions of good, high-wage jobs in the United States;

(2) to provide unprecedented levels of prosperity and economic security for all people of the United States; and

(3) to counteract systemic injustices: Now, therefore, be it

1 *Resolved*, That it is the sense of the Senate that—

1 (1) it is the duty of the Federal Government to
2 create a Green New Deal—

3 (A) to achieve the greenhouse gas and
4 toxic emissions reductions needed to stay under
5 1.5 degrees Celsius of warming, through a fair
6 and just transition for all communities and
7 workers;

8 (B) to create millions of good, high-wage
9 union jobs and encourage collective bargaining
10 agreements to ensure prosperity and economic
11 security for all people of the United States;

12 (C) to invest in the infrastructure and in-
13 dustry of the United States to sustainably meet
14 the challenges of the 21st century;

15 (D) to secure for all people of the United
16 States for generations to come—

17 (i) clean air and water;

18 (ii) climate and community resiliency;

19 (iii) healthy food;

20 (iv) access to nature; and

21 (v) a sustainable environment; and

22 (E) to promote justice and equity by stop-
23 ping current, preventing future, and repairing
24 historic oppression of indigenous peoples, com-
25 munities of color, migrant communities,

1 deindustrialized communities, depopulated rural
2 communities, the poor, low-income workers,
3 women, the elderly, the unhoused, people with
4 disabilities, and youth (referred to in this reso-
5 lution as “frontline and vulnerable commu-
6 nities”);

7 (2) the goals described in subparagraphs (A)
8 through (E) of paragraph (1) (referred to in this
9 resolution as the “Green New Deal goals”) should
10 be accomplished through a 10-year national mobili-
11 zation (referred to in this resolution as the “Green
12 New Deal mobilization”) that will require—

13 (A) building resiliency against climate
14 change-related disasters, such as extreme
15 weather, including by leveraging funding and
16 providing investments for community-defined
17 projects and strategies;

18 (B) repairing and upgrading the infra-
19 structure in the United States, including—

20 (i) by eliminating pollution and green-
21 house gas emissions as much as techno-
22 logically feasible;

23 (ii) by guaranteeing universal access
24 to clean water;

1 (iii) by reducing the risks posed by cli-
2 mate impacts; and

3 (iv) by ensuring that any infrastruc-
4 ture bill considered by Congress addresses
5 climate change;

6 (C) meeting 100 percent of the power de-
7 mand in the United States through clean, re-
8 newable, and zero-emission energy sources, in-
9 cluding—

10 (i) by dramatically expanding and up-
11 grading renewable power sources; and

12 (ii) by deploying new capacity;

13 (D) building or upgrading to energy-effi-
14 cient, distributed, and “smart” power grids and
15 ensuring affordable access to electricity;

16 (E) upgrading all existing buildings in the
17 United States and building new buildings to
18 achieve maximum energy efficiency, water effi-
19 ciency, safety, affordability, comfort, and dura-
20 bility, including through electrification;

21 (F) spurring massive growth in clean man-
22 ufacturing in the United States and removing
23 pollution and greenhouse gas emissions from
24 manufacturing and industry as much as is tech-
25 nologically feasible, including by expanding re-

1 newable energy manufacturing and investing in
2 existing manufacturing and industry;

3 (G) working collaboratively with farmers
4 and ranchers in the United States to remove
5 pollution and greenhouse gas emissions from
6 the agricultural sector as much as is techno-
7 logically feasible, including—

8 (i) by supporting family farming;

9 (ii) by investing in sustainable farm-
10 ing and land use practices that increase
11 soil health; and

12 (iii) by building a more sustainable
13 food system that ensures universal access
14 to healthy food;

15 (H) overhauling transportation systems in
16 the United States to remove pollution and
17 greenhouse gas emissions from the transpor-
18 tation sector as much as is technologically fea-
19 sible, including through investment in—

20 (i) zero-emission vehicle and non-mo-
21 torized alternative modes of transportation
22 infrastructure and manufacturing;

23 (ii) clean, affordable, and accessible
24 public transit; and

25 (iii) high-speed rail;

1 (I) mitigating and managing the long-term
2 adverse health, economic, and other effects of
3 pollution and climate change, including by pro-
4 viding funding for community-defined projects
5 and strategies;

6 (J) removing greenhouse gases from the
7 atmosphere and reducing pollution by restoring
8 natural ecosystems through proven low-tech so-
9 lutions that increase soil carbon storage, such
10 as land preservation and afforestation;

11 (K) restoring and protecting threatened,
12 endangered, and fragile ecosystems through lo-
13 cally appropriate and science-based projects
14 that enhance biodiversity and support climate
15 resiliency;

16 (L) cleaning up existing hazardous waste
17 sites and abandoned sites and ensuring eco-
18 nomic development and sustainability on those
19 sites;

20 (M) identifying other emission and pollu-
21 tion sources and creating solutions to remove
22 them; and

23 (N) promoting the international exchange
24 of technology, expertise, products, funding, and
25 services, with the aim of making the United

1 States the international leader on climate action
2 and to help other countries achieve a Green
3 New Deal;

4 (3) a Green New Deal must be developed
5 through transparent and inclusive consultation, col-
6 laboration, and partnership with frontline and vul-
7 nerable communities, labor organizations, worker co-
8 operatives, civil society groups, academia, and busi-
9 nesses; and

10 (4) to achieve the Green New Deal goals and
11 mobilization, a Green New Deal will require—

12 (A) providing and leveraging, in a way that
13 ensures that the public receives appropriate
14 ownership stakes and returns on investment,
15 adequate capital (including through community
16 grants, public banks, and other public financ-
17 ing), technical expertise, supporting policies,
18 and other forms of assistance to communities,
19 organizations, Federal, State, and local govern-
20 ment agencies, and businesses working on the
21 Green New Deal mobilization;

22 (B) ensuring that the Federal Government
23 takes into account the complete environmental
24 and social costs and impacts of emissions
25 through—

1 (i) existing laws;
2 (ii) new policies and programs; and
3 (iii) ensuring that frontline and vul-
4 nerable communities shall not be adversely
5 affected;

6 (C) providing resources, training, and
7 high-quality education, including higher edu-
8 cation, to all people of the United States, with
9 a focus on frontline and vulnerable commu-
10 nities, so that all people of the United States
11 may be full and equal participants in the Green
12 New Deal mobilization;

13 (D) making public investments in the re-
14 search and development of new clean and re-
15 newable energy technologies and industries;

16 (E) directing investments to spur economic
17 development, deepen and diversify industry and
18 business in local and regional economies, and
19 build wealth and community ownership, while
20 prioritizing high-quality job creation and eco-
21 nomic, social, and environmental benefits in
22 frontline and vulnerable communities, and
23 deindustrialized communities, that may other-
24 wise struggle with the transition away from
25 greenhouse gas intensive industries;

1 (F) ensuring the use of democratic and
2 participatory processes that are inclusive of and
3 led by frontline and vulnerable communities and
4 workers to plan, implement, and administer the
5 Green New Deal mobilization at the local level;

6 (G) ensuring that the Green New Deal mo-
7 bilization creates high-quality union jobs that
8 pay prevailing wages, hires local workers, offers
9 training and advancement opportunities, and
10 guarantees direct replacement of lost wages,
11 health care, retirement, and other benefits for
12 workers affected by the transition;

13 (H) guaranteeing a job with a family-sus-
14 taining wage, adequate family and medical
15 leave, paid vacations, and retirement security to
16 all people of the United States;

17 (I) strengthening and protecting the right
18 of all workers to organize, unionize, and collec-
19 tively bargain free of coercion, intimidation, and
20 harassment;

21 (J) strengthening and enforcing labor,
22 workplace health and safety, antidiscrimination,
23 and wage and hour standards across all employ-
24 ers, industries, and sectors;

1 (K) enacting and enforcing trade rules,
2 procurement standards, and border adjustments
3 with strong labor and environmental protec-
4 tions—

5 (i) to stop the transfer of jobs and
6 pollution overseas; and

7 (ii) to grow domestic manufacturing
8 in the United States;

9 (L) ensuring that public lands, waters, and
10 oceans are protected and that eminent domain
11 is not abused;

12 (M) obtaining the free, prior, and informed
13 consent of indigenous peoples for all decisions
14 that affect indigenous peoples and their tradi-
15 tional territories, honoring all treaties and
16 agreements with indigenous peoples, and pro-
17 tecting and enforcing the sovereignty and land
18 rights of indigenous peoples;

19 (N) ensuring a commercial environment
20 where every businessperson is free from unfair
21 competition and domination by domestic or
22 international monopolies; and

23 (O) providing all people of the United
24 States with—

25 (i) high-quality health care;

- 1 (ii) affordable, safe, and adequate
- 2 housing;
- 3 (iii) economic security; and
- 4 (iv) clean water, clean air, healthy and
- 5 affordable food, and access to nature.

○

117TH CONGRESS
1ST SESSION

H. RES. 332

Recognizing the duty of the Federal Government to create a Green New Deal.

IN THE HOUSE OF REPRESENTATIVES

APRIL 20, 2021

Ms. OCASIO-CORTEZ (for herself, Mr. SCHIFF, Mr. SMITH of Washington, Mr. ESPAILLAT, Mr. GREEN of Texas, Mr. LOWENTHAL, Ms. ADAMS, Mr. LEVIN of Michigan, Ms. ESHOO, Ms. PRESSLEY, Ms. LEE of California, Ms. MCCOLLUM, Mr. PASCARELL, Mr. SCOTT of Virginia, Mrs. WATSON COLEMAN, Mr. SHERMAN, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. HIGGINS of New York, Mrs. CAROLYN B. MALONEY of New York, Ms. PINGREE, Mr. DANNY K. DAVIS of Illinois, Mr. CICILLINE, Mr. PRICE of North Carolina, Ms. MATSUI, Mr. RUPPERSBERGER, Mr. BLUMENAUER, Ms. NORTON, Mr. SWALWELL, Ms. WILSON of Florida, Mr. CONNOLLY, Ms. MENG, Mrs. NAPOLITANO, Mr. SABLAN, Mr. MEEKS, Ms. MOORE of Wisconsin, Ms. OMAR, Ms. SPEIER, Mrs. HAYES, Mr. MCGOVERN, Mr. RASKIN, Ms. SCHAKOWSKY, Mr. HUFFMAN, Mr. NADLER, Mr. GARCÍA of Illinois, Mr. COOPER, Mr. GOMEZ, Mr. PANETTA, Mr. CASTRO of Texas, Mr. COURTNEY, Mr. NEGUSE, Mr. GARAMENDI, Mr. LARSON of Connecticut, Mr. SARBANES, Mr. VARGAS, Ms. CHU, Ms. BASS, Ms. CLARK of Massachusetts, Ms. SÁNCHEZ, Mr. DOGGETT, Mrs. TRAHAN, Mr. DESAULNIER, Mr. POCAN, Mr. TAKANO, Ms. WATERS, Mr. LEVIN of California, Mr. QUIGLEY, Mr. THOMPSON of California, Ms. BARRAGÁN, Ms. VELÁZQUEZ, Mr. AGUILAR, Mr. DEFazio, Mr. WELCH, Ms. JAYAPAL, Ms. TLAIB, Mr. GRIJALVA, Mr. KHANNA, Ms. DELAURO, Mr. CARBAJAL, Mr. SEAN PATRICK MALONEY of New York, Mr. MOULTON, Ms. JACKSON LEE, Mr. LYNCH, Mr. COHEN, Ms. BONAMICI, Mr. LIEU, Mr. SUOZZI, Ms. ESCOBAR, Mr. KEATING, Ms. CLARKE of New York, Ms. LOFGREN, Mr. KAHELE, Mr. CÁRDENAS, Ms. BUSH, Ms. JACOBS of California, Mr. AUCHINCLOSS, Ms. WILLIAMS of Georgia, Mr. BOWMAN, Mr. JONES, Mr. TORRES of New York, Ms. NEWMAN, Ms. PORTER, and Ms. LEGER FERNANDEZ) submitted the following resolution; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Science, Space, and Technology, Education and Labor, Transportation and Infrastructure, Agriculture, Natural Resources, Foreign Affairs, Financial Services, the Judiciary, Ways and Means, and Oversight and Reform, for a period to be subsequently

determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

RESOLUTION

Recognizing the duty of the Federal Government to create
a Green New Deal.

Whereas the October 2018 report entitled “Special Report on Global Warming of 1.5 °C” by the Intergovernmental Panel on Climate Change and the November 2018 Fourth National Climate Assessment report found that—

(1) human activity is the dominant cause of observed climate change over the past century;

(2) a changing climate is causing sea levels to rise and an increase in wildfires, severe storms, droughts, and other extreme weather events that threaten human life, healthy communities, and critical infrastructure;

(3) global warming at or above 2 degrees Celsius beyond preindustrialized levels will cause—

(A) mass migration from the regions most affected by climate change;

(B) more than \$500,000,000,000 in lost annual economic output in the United States by the year 2100;

(C) wildfires that, by 2050, will annually burn at least twice as much forest area in the western United States than was typically burned by wildfires in the years preceding 2019;

(D) a loss of more than 99 percent of all coral reefs on Earth;

(E) more than 350,000,000 more people to be exposed globally to deadly heat stress by 2050; and

(F) a risk of damage to \$1,000,000,000,000 of public infrastructure and coastal real estate in the United States; and

(4) global temperatures must be kept below 1.5 degrees Celsius above preindustrialized levels to avoid the most severe impacts of a changing climate, which will require—

(A) global reductions in greenhouse gas emissions from human sources of 40 to 60 percent from 2010 levels by 2030; and

(B) net-zero global emissions by 2050;

Whereas, because the United States has historically been responsible for a disproportionate amount of greenhouse gas emissions, having emitted 20 percent of global greenhouse gas emissions through 2014, and has a high technological capacity, the United States must take a leading role in reducing emissions through economic transformation;

Whereas the United States is currently experiencing several related crises, with—

(1) life expectancy declining while basic needs, such as clean air, clean water, healthy food, and adequate health care, housing, transportation, and education, are inaccessible to a significant portion of the United States population;

(2) a 4-decade trend of wage stagnation, deindustrialization, and antilabor policies that has led to—

(A) hourly wages overall stagnating since the 1970s despite increased worker productivity;

(B) the third-worst level of socioeconomic mobility in the developed world before the Great Recession;

(C) the erosion of the earning and bargaining power of workers in the United States; and

(D) inadequate resources for public sector workers to confront the challenges of climate change at local, State, and Federal levels; and

(3) the greatest income inequality since the 1920s, with—

(A) the top 1 percent of earners accruing 91 percent of gains in the first few years of economic recovery after the Great Recession;

(B) a large racial wealth divide amounting to a difference of 20 times more wealth between the average White family and the average Black family; and

(C) a gender earnings gap that results in women earning approximately 80 percent as much as men, at the median;

Whereas climate change, pollution, and environmental destruction have exacerbated systemic racial, regional, social, environmental, and economic injustices (referred to in this preamble as “systemic injustices”) by disproportionately affecting indigenous peoples, communities of color, migrant communities, deindustrialized communities, depopulated rural communities, the poor, low-income workers, women, the elderly, the unhoused, people with disabilities, and youth (referred to in this preamble as “frontline and vulnerable communities”);

Whereas climate change constitutes a direct threat to the national security of the United States—

(1) by impacting the economic, environmental, and social stability of countries and communities around the world; and

(2) by acting as a threat multiplier;

Whereas the Federal Government-led mobilizations during World War II and the New Deal created the greatest middle class that the United States has ever seen, but many members of frontline and vulnerable communities were excluded from many of the economic and societal benefits of those mobilizations; and

Whereas the House of Representatives recognizes that a new national, social, industrial, and economic mobilization on a scale not seen since World War II and the New Deal era is a historic opportunity—

(1) to create millions of good, high-wage jobs in the United States;

(2) to provide unprecedented levels of prosperity and economic security for all people of the United States; and

(3) to counteract systemic injustices: Now, therefore, be it

1 *Resolved*, That it is the sense of the House of Rep-
2 representatives that—

3 (1) it is the duty of the Federal Government to
4 create a Green New Deal—

5 (A) to achieve the greenhouse gas and
6 toxic emissions reductions needed to stay under
7 1.5 degrees Celsius of warming, through a fair
8 and just transition for all communities and
9 workers;

1 (B) to create millions of good, high-wage
2 unions jobs and encourage collective bargaining
3 agreements to ensure prosperity and economic
4 security for all people of the United States;

5 (C) to invest in the infrastructure and in-
6 dustry of the United States to sustainably meet
7 the challenges of the 21st century;

8 (D) to secure for all people of the United
9 States for generations to come—

10 (i) clean air and water;

11 (ii) climate and community resiliency;

12 (iii) healthy food;

13 (iv) access to nature; and

14 (v) a sustainable environment; and

15 (E) to promote justice and equity by stop-
16 ping current, preventing future, and repairing
17 historic oppression of indigenous peoples, com-
18 munities of color, migrant communities,
19 deindustrialized communities, depopulated rural
20 communities, the poor, low-income workers,
21 women, the elderly, the unhoused, people with
22 disabilities, and youth (referred to in this reso-
23 lution as “frontline and vulnerable commu-
24 nities”);

1 (2) the goals described in subparagraphs (A)
2 through (E) of paragraph (1) (referred to in this
3 resolution as the “Green New Deal goals”) should
4 be accomplished through a 10-year national mobili-
5 zation (referred to in this resolution as the “Green
6 New Deal mobilization”) that will require the fol-
7 lowing goals and projects—

8 (A) building resiliency against climate
9 change-related disasters, such as extreme
10 weather, including by leveraging funding and
11 providing investments for community-defined
12 projects and strategies;

13 (B) repairing and upgrading the infra-
14 structure in the United States, including—

15 (i) by eliminating pollution and green-
16 house gas emissions as much as techno-
17 logically feasible;

18 (ii) by guaranteeing universal access
19 to clean water;

20 (iii) by reducing the risks posed by cli-
21 mate impacts; and

22 (iv) by ensuring that any infrastruc-
23 ture bill considered by Congress addresses
24 climate change;

1 (C) meeting 100 percent of the power de-
2 mand in the United States through clean, re-
3 newable, and zero-emission energy sources, in-
4 cluding—

5 (i) by dramatically expanding and up-
6 grading renewable power sources; and

7 (ii) by deploying new capacity;

8 (D) building or upgrading to energy-effi-
9 cient, distributed, and “smart” power grids,
10 and ensuring affordable access to electricity;

11 (E) upgrading all existing buildings in the
12 United States and building new buildings to
13 achieve maximum energy efficiency, water effi-
14 ciency, safety, affordability, comfort, and dura-
15 bility, including through electrification;

16 (F) spurring massive growth in clean man-
17 ufacturing in the United States and removing
18 pollution and greenhouse gas emissions from
19 manufacturing and industry as much as is tech-
20 nologically feasible, including by expanding re-
21 newable energy manufacturing and investing in
22 existing manufacturing and industry;

23 (G) working collaboratively with farmers
24 and ranchers in the United States to remove
25 pollution and greenhouse gas emissions from

1 the agricultural sector as much as is techno-
2 logically feasible, including—

3 (i) by supporting family farming;

4 (ii) by investing in sustainable farm-
5 ing and land use practices that increase
6 soil health; and

7 (iii) by building a more sustainable
8 food system that ensures universal access
9 to healthy food;

10 (H) overhauling transportation systems in
11 the United States to remove pollution and
12 greenhouse gas emissions from the transpor-
13 tation sector as much as is technologically fea-
14 sible, including through investment in—

15 (i) zero-emission vehicle and non-mo-
16 torized alternative modes of transportation
17 infrastructure and manufacturing;

18 (ii) clean, affordable, and accessible
19 public transit; and

20 (iii) high-speed rail;

21 (I) mitigating and managing the long-term
22 adverse health, economic, and other effects of
23 pollution and climate change, including by pro-
24 viding funding for community-defined projects
25 and strategies;

1 (J) removing greenhouse gases from the
2 atmosphere and reducing pollution by restoring
3 natural ecosystems through proven low-tech so-
4 lutions that increase soil carbon storage, such
5 as land preservation and afforestation;

6 (K) restoring and protecting threatened,
7 endangered, and fragile ecosystems through lo-
8 cally appropriate and science-based projects
9 that enhance biodiversity and support climate
10 resiliency;

11 (L) cleaning up existing hazardous waste
12 and abandoned sites, ensuring economic devel-
13 opment and sustainability on those sites;

14 (M) identifying other emission and pollu-
15 tion sources and creating solutions to remove
16 them; and

17 (N) promoting the international exchange
18 of technology, expertise, products, funding, and
19 services, with the aim of making the United
20 States the international leader on climate ac-
21 tion, and to help other countries achieve a
22 Green New Deal;

23 (3) a Green New Deal must be developed
24 through transparent and inclusive consultation, col-
25 laboration, and partnership with frontline and vul-

1 nerable communities, labor unions, worker coopera-
2 tives, civil society groups, academia, and businesses;
3 and

4 (4) to achieve the Green New Deal goals and
5 mobilization, a Green New Deal will require the fol-
6 lowing goals and projects—

7 (A) providing and leveraging, in a way that
8 ensures that the public receives appropriate
9 ownership stakes and returns on investment,
10 adequate capital (including through community
11 grants, public banks, and other public financ-
12 ing), technical expertise, supporting policies,
13 and other forms of assistance to communities,
14 organizations, Federal, State, and local govern-
15 ment agencies, and businesses working on the
16 Green New Deal mobilization;

17 (B) ensuring that the Federal Government
18 takes into account the complete environmental
19 and social costs and impacts of emissions
20 through—

21 (i) existing laws;

22 (ii) new policies and programs; and

23 (iii) ensuring that frontline and vul-
24 nerable communities shall not be adversely
25 affected;

1 (C) providing resources, training, and
2 high-quality education, including higher edu-
3 cation, to all people of the United States, with
4 a focus on frontline and vulnerable commu-
5 nities, so that all people of the United States
6 may be full and equal participants in the Green
7 New Deal mobilization;

8 (D) making public investments in the re-
9 search and development of new clean and re-
10 newable energy technologies and industries;

11 (E) directing investments to spur economic
12 development, deepen and diversify industry and
13 business in local and regional economies, and
14 build wealth and community ownership, while
15 prioritizing high-quality job creation and eco-
16 nomic, social, and environmental benefits in
17 frontline and vulnerable communities, and
18 deindustrialized communities, that may other-
19 wise struggle with the transition away from
20 greenhouse gas intensive industries;

21 (F) ensuring the use of democratic and
22 participatory processes that are inclusive of and
23 led by frontline and vulnerable communities and
24 workers to plan, implement, and administer the
25 Green New Deal mobilization at the local level;

1 (G) ensuring that the Green New Deal mo-
2 bilization creates high-quality union jobs that
3 pay prevailing wages, hires local workers, offers
4 training and advancement opportunities, and
5 guarantees direct replacement of lost wages,
6 health care, retirement, and other benefits for
7 workers affected by the transition;

8 (H) guaranteeing a job with a family-sus-
9 taining wage, adequate family and medical
10 leave, paid vacations, and retirement security to
11 all people of the United States;

12 (I) strengthening and protecting the right
13 of all workers to organize, unionize, and collec-
14 tively bargain free of coercion, intimidation, and
15 harassment;

16 (J) strengthening and enforcing labor,
17 workplace health and safety, antidiscrimination,
18 and wage and hour standards across all employ-
19 ers, industries, and sectors;

20 (K) enacting and enforcing trade rules,
21 procurement standards, and border adjustments
22 with strong labor and environmental protec-
23 tions—

24 (i) to stop the transfer of jobs and
25 pollution overseas; and

1 (ii) to grow domestic manufacturing
2 in the United States;

3 (L) ensuring that public lands, waters, and
4 oceans are protected and that eminent domain
5 is not abused;

6 (M) obtaining the free, prior, and informed
7 consent of indigenous peoples for all decisions
8 that affect indigenous peoples and their tradi-
9 tional territories, honoring all treaties and
10 agreements with indigenous peoples, and pro-
11 tecting and enforcing the sovereignty and land
12 rights of indigenous peoples;

13 (N) ensuring a commercial environment
14 where every businessperson is free from unfair
15 competition and domination by domestic or
16 international monopolies; and

17 (O) providing all people of the United
18 States with—

19 (i) high-quality health care;

20 (ii) affordable, safe, and adequate
21 housing;

22 (iii) economic security; and

23 (iv) clean water, clean air, healthy and
24 affordable food, and access to nature.

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EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: June 3, 2021

MEMO TO: Board of Directors

THROUGH: Clifford C. Chan, General Manager 

FROM: Laura A. Acosta, Manager of Human Resources 

SUBJECT: Human Resources Information System Replacement Project Update

SUMMARY

This memo provides an update on the Human Resources Information System (HRIS) Replacement Project. This information will be presented at the June 8, 2021 Legislative/Human Resources Committee meeting.

DISCUSSION

The HRIS Replacement Project includes the following: payroll, human capital management, timekeeping, and pension systems. The project is governed by a Steering Committee made up of the Manager of Human Resources, Manager of Information Systems, Director of Finance, and Director of Operations and Maintenance. The District currently uses PeopleSoft 8.8 HRIS which was originally installed in 1999. The system is kept compliant through a third-party vendor and its last major update was in 2007. Additionally, the current East Bay Municipal Utility District Employee Retirement System (Pension System) is managed using multiple systems and requires manual data entry and other non-automated processes. Replacing the HRIS and Pension System will modernize and improve functionality, processes, and technology for all work related to these systems.

Business Process Review

The HRIS Replacement Project Team (HRT) interviewed subject matter experts (SMEs) across the District on the need for and use of Human Resources (HR) information and related business functions. The HRT documented all District processes, reports, information, and other unmet needs. The HRT developed the business and technical requirements that will be part of the request for proposals (RFP) for the HRIS Replacement Project.

Pension System RFP

In November 2020, the HRT issued an RFP covering the needs for a new Pension System and four responses were received. In January and February 2021, the responses were reviewed, and

Human Resources Information System Replacement Project Update

Legislative/Human Resources Committee

June 3, 2021

Page 2

two vendors were selected for demonstrations held in late April and early May 2021. On May 19, 2021, a vendor was recommended to the HRIS Replacement Project Steering Committee and on May 28, 2021 they approved them to move on to the next step in the process.

HRIS RFP

The HRT assembled the HRIS requirements and developed the content for the District's RFP in February and March 2021, which was then reviewed by the SMEs in April 2021. The HRIS RFP includes time and labor, recruiting, HR recordkeeping/compliance, performance, learning, compensation, benefits, payroll, dashboards/reporting, and analytics. The HRT incorporated the revisions from the SMEs and will provide the RFP packet to the HRIS Replacement Project Steering Committee, Risk Management, and the Office of General Counsel for review in late June 2021. The RFP is expected to be issued in late July 2021.

Data Integrity Assessment and Cleanup

The HRT has started the framework for data cleanup in anticipation of conversion to new platforms. The team will locate, assess, and correct any inaccurate or incomplete information prior to converting the information to the new platforms.

NEXT STEPS

- Finalize selection of the Pension System vendor and develop the scope of work to move the project to the contract phase.
- Provide the HRIS RFP packet to the HRIS Replacement Project Steering Committee, Risk Management, and the Office of General Counsel for review in late June 2021.
- Issue the Pension System RFP in late July 2021.

CCC:LAA:rdw

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: June 3, 2021

MEMO TO: Board of Directors

THROUGH: Clifford C. Chan, General Manager *CCC*

FROM: Eileen M. White, Director of Wastewater *EMW*

SUBJECT: Resolution Condemning and Combating Discrimination, Intolerance, and Violence Against the Lesbian, Gay, Bisexual, Transgender, Queer, Questioning, Intersex, Asexual, and Other Gender and Sexual Identities Community

SUMMARY

Attached is a draft resolution condemning and combating discrimination, intolerance, and violence against the lesbian, gay, bisexual, transgender, queer, questioning, intersex, asexual, and other gender and sexual identities (LGBTQIA+) community. The Board will be asked to consider this resolution during Pride Month and in light of the discrimination, denial of entry, harassment, violence, and unfair treatment commonly experienced by the LGBTQIA+ community, and in response to the increase in violence and legislation against them. This resolution formalizes the District's position in condemning any and all manifestations and expressions of gender and sexual orientation discrimination, intolerance, and violence against LGBTQIA+ people. An overview of the draft resolution will be presented at the June 8, 2021 Legislative/Human Resources Committee meeting.

NEXT STEPS

This resolution will be brought to the Board for consideration at its June 22, 2021 meeting.

CCC:EMW

Attachment

I:\SEC\2021 Board Related Items\060821 LEG-HR Committee\WW – LGBTQIA+ Resolution.doc

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RESOLUTION NO. _____

RESOLUTION CONDEMNING AND COMBATING DISCRIMINATION, INTOLERANCE,
AND VIOLENCE AGAINST THE LESBIAN, GAY, BISEXUAL, TRANSGENDER, QUEER,
QUESTIONING, INTERSEX, ASEXUAL, AND OTHER GENDER AND SEXUAL
IDENTITIES COMMUNITY

Introduced by Director

; Seconded by Director

WHEREAS, the Board of Directors of the East Bay Municipal Utility District (District) determines all questions of policy and has adopted policies and resolutions upholding its commitment to diversity, equity, inclusion, and justice; and

WHEREAS, according to the United States House of Representatives Bill 5 of the 2021-2022 legislative session (also known as the “Equality Act”), lesbian, gay, bisexual, transgender, queer, questioning, intersex, asexual, and other gender and sexual identities (LGBTQIA+) people commonly experience discrimination in securing access to public services including restaurants, senior centers, stores, establishments that provide entertainment, health care facilities, shelters, government offices, youth service providers including adoption and foster care providers, and transportation; and

WHEREAS, according to the Equality Act, forms of discrimination have included the exclusion and denial of entry, unequal or unfair treatment, harassment, and violence and that such discrimination has prevented the full participation of LGBTQIA+ people in society; and

WHEREAS, according to the Equality Act, LGBTQIA+ people have been subjected to a history and pattern of persistent, widespread, and pervasive discrimination on the bases of gender expression, gender identity, and/or sexual orientation by both private sector and federal, state, and local government entities, including in employment, housing, and public accommodations, and in programs and activities receiving federal financial assistance which has inflicted a range of tangible and intangible harms including serious physical injury or death; and

WHEREAS, discrimination against the LGBTQIA+ includes the denial of access to a shared facility, including a restroom, a locker room, and a dressing room, that is in accordance with the individual's gender identity; and

WHEREAS, according to the Human Rights Campaign, over 250 pieces of anti-LGBTQIA+ legislation have been introduced across the country since the beginning of 2021 and that in the previous year, 17 of the 79 pieces of anti-LGBTQIA+ legislation have been enacted into law; and

WHEREAS, according to a 2020 Gallup survey, LGBTQIA+ people represent about 5.6 percent of the United States population and the LGBTQIA+ demographic increases in percentage with

each generation, with 2 percent of Baby Boomers (aged 56 to 74 in 2020). 3.8 percent of Generation X (aged 40 to 55 in 2020), 9.1 percent of Millennials (aged 24 to 39 in 2020), and 15.9 percent of Generation Z (aged 18 to 23 in 2020) identifying as LGBTQIA+; and

WHEREAS, according to the Human Rights Campaign, a record number of reported fatal shootings or violent deaths of transgender or gender non-conforming people has occurred in 2021 alone and that fatal shootings or violent deaths of transgender people are too often unreported or misreported with Black or Latinx transgender women suffering the majority of the fatalities resulting from such attacks; and

WHEREAS, the Raining Pride Committee, the District's Affinity Group for the LGBTQIA+ community, seeks to increase awareness and cultural competency within the District on gender expression, gender identity, and sexual orientation; and

WHEREAS, the District is an organization in one of the most diverse areas of the United States, and has a long-standing commitment to being a responsible partner of the community for diversity, equity, and inclusion in the practices of hiring, contracting, and employee support; and

WHEREAS, each of the District's Senior Management Team members, Affinity Groups, and labor unions stand in unity to condemn violence, discrimination, bullying, and hate against marginalized groups, including transgender people and people of color; and

WHEREAS, District Resolution No. 35190-20, which was adopted in response to the tragic murder of George Floyd affirmed the District's commitment against prejudice, abuse of power, racial bias, and racism in both overt and systemic forms; and

WHEREAS, District Resolution No. 35219-21, which as adopted in response to the racism and discrimination against the Asian American Pacific Islander community affirmed the District's commitment against prejudice, abuse of power, racial bias, and racism in both overt and systemic forms;

NOW, THEREFORE, BE IT RESOLVED that the District condemns all manifestations and expressions of gender and sexual orientation discrimination, intolerance, and violence against LGBTQIA+ people and specifically transgender people.

BE IT FURTHER RESOLVED that the District supports its LGBTQIA+ employees and the LGBTQIA+ community at large and commits to:

1. Listen to the concerns of the LGBTQIA+ community and employees to promote a sense of safety and belonging in recognition that the District is a diverse community that stands united as Americans.
2. Support the LGBTQIA+ community by enacting District actions that reaffirm the District's dedication to treating LGBTQIA+ employees with dignity, respect, and equity.
3. Encourage all District employees to develop cultural competence of LGBTQIA+ issues such as an understanding of the broad range of gender expressions, gender identities, and

sexual orientations for the purpose of fostering intercultural unity and emphasizing the intersectionality of all people.

4. Include initiatives in the District's Diversity, Equity, and Inclusion Strategic Plan to support LGBTQIA+ employees.

BE IT FURTHER RESOLVED that the Board of Directors commits to supporting legislation that aligns with these principles and strategies and reaffirms its commitment to combatting discrimination and violence against marginalized people and promoting diversity, equity, inclusion, and justice.

ADOPTED this 22nd day of June, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

President

ATTEST:

Secretary

APPROVED AS TO FORM:

General Counsel