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

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

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

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

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

CALL TO ORDER

PUBLIC COMMENT

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

ADDITIONS TO THE AGENDA

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

*A Municipal Water District
1. **ACTION ITEMS**

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

   B. **ADOPT POSITION ON S. 914 DRINKING WATER AND WASTEWATER INFRASTRUCTURE ACT OF 2021**
      Staff recommends that the Committee/Board adopt a position of “Support” for S. 914 (Duckworth) – Drinking Water and Wastewater Infrastructure Act of 2021.

   C. **ADOPT POSITION ON H.R. 3404 FUTURE WESTERN WATER INFRASTRUCTURE AND DROUGHT RESILIENCY ACT**
      Staff recommends that the Committee/Board adopt a position of “Support” for H.R. 3404 (Huffman) – the FUTURE Western Water Infrastructure and Drought Resiliency Act.

   D. **ADOPT POSITION ON SB 372 PURCHASING ASSISTANCE PROGRAM: ZERO EMISSION VEHICLES**
      Staff recommends that the Committee/Board adopt a position of “Support” for SB 372 (Leyva) – Purchasing Assistance Program: Zero Emission Vehicles.

   E. **CONTRACT AMENDMENTS FOR FEDERAL AND STATE LEGISLATIVE SERVICES AND REGIONAL STRATEGY CONSULTANTS**
      Staff recommends that the Committee/Board:

      1. Amend the contract with Innovative Federal Strategies for federal legislative services for $86,400 for one additional year, extending the contract to June 30, 2022;

      2. Amend the contract with West Coast Advisors for state legislative services for $114,000 for one additional year, extending the contract to June 30, 2022;

      3. Amend the contract with California Strategies for regional strategy services for $90,000 for one additional year, extending the contract to June 30, 2022; and

      4. Authorize the General Manager to execute the contract amendments, subject to non-substantive changes.

2. **INFORMATION ITEMS**

   A. **FEDERAL LEGISLATIVE REPORT AND MATRIX – INNOVATIVE FEDERAL STRATEGIES (WRITTEN)**
B. STATE LEGISLATIVE REPORT AND MATRIX – WEST COAST ADVISORS (WRITTEN)

C. CALIFORNIA STRATEGIES MONTHLY REPORT (WRITTEN)

D. PUBLIC OUTREACH AND COMMUNICATION (WRITTEN)

3. GENERAL MANAGER’S COMMENTS

4. COMMITTEE MEMBER COMMENTS

5. COMMITTEE MEMBER REQUESTED FUTURE AGENDA ITEMS

ADJOURN

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

DECLARATION OF POSTING

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

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

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

COMMITTEE MEMBERS PRESENT via Video/Teleconference
   Jasmin A. Hall, Chair
   Steven J. Elie

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

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

OTHERS PRESENT via Video/Teleconference
   Beth Olhasso, West Coast Advisors
   Sarah Persichetti, Innovative Federal Strategies
   Drew Tatum, Innovative Federal Strategies
   Letitia White, Innovative Federal Strategies

CALL TO ORDER
Committee Chair Jasmin A. Hall called the meeting to order at 9:00 a.m. She gave the public the opportunity to comment and provided instructions for unmuting the conference line. There were no public comments received or additions to the agenda.
1A. ACTION ITEM
The Committee:

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

2A – 2E. INFORMATION ITEMS
The following information items were presented or received and filed by the Committee:

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

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

4. COMMITTEE MEMBER COMMENTS
There were no Committee member comments.

5. COMMITTEE MEMBER REQUESTED FUTURE AGENDA ITEMS
There were no Committee member requests for future agenda items.

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

Respectfully submitted,

Denise Garzaro
Board Secretary/Office Manager

*A Municipal Water District

APPROVED:  JUNE 9, 2021
ACTION ITEM 1B
Date: June 16, 2021
To: The Honorable Board of Directors
From: Shivaji Deshmukh, General Manager
Committee: Community & Legislative Affairs

Executive Contact: Kathy Besser, Executive Manager of Government & Ext. Affairs/AGM
Subject: Adopt Position on S. 914 Drinking Water and Wastewater Infrastructure Act of 2021

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

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

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

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

Budget Impact

<table>
<thead>
<tr>
<th>Budgeted (Y/N)</th>
<th>Amendment (Y/N)</th>
<th>Amount for Requested Approval</th>
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<td>Y</td>
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Account/Project Name:
N/A

Fiscal Impact (explain if not budgeted):
N/A
Prior Board Action:
Adoption of 2021 Legislative Policy Principles

Environmental Determination:
Not Applicable

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

Attachments:
1. S. 914 (Duckworth) - Bill Text
AN ACT

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

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Drinking Water and Wastewater Infrastructure Act of 2021”.

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Administrator.

TITLE I—DRINKING WATER

Sec. 101. Technical assistance and grants for emergencies affecting public water systems.
Sec. 102. Drinking water State revolving loan funds.
Sec. 103. Source water petition program.
Sec. 104. Assistance for small and disadvantaged communities.
Sec. 105. Reducing lead in drinking water.
Sec. 106. Operational sustainability of small public water systems.
Sec. 107. Midsize and large drinking water system infrastructure resilience and sustainability program.
Sec. 108. Needs assessment for nationwide rural and urban low-income community water assistance.
Sec. 109. Rural and low-income water assistance pilot program.
Sec. 110. Lead contamination in school drinking water.
Sec. 111. Indian reservation drinking water program.
Sec. 112. Advanced drinking water technologies.
Sec. 113. Cybersecurity support for public water systems.
Sec. 114. State response to contaminants.
Sec. 115. Annual study on boil water advisories.

TITLE II—CLEAN WATER

Sec. 201. Research, investigations, training, and information.
Sec. 202. Wastewater efficiency grant pilot program.
Sec. 203. Pilot program for alternative water source projects.
Sec. 204. Sewer overflow and stormwater reuse municipal grants.
Sec. 205. Clean water infrastructure resiliency and sustainability program.
Sec. 206. Small and medium publicly owned treatment works circuit rider program.
Sec. 207. Small publicly owned treatment works efficiency grant program.
Sec. 208. Grants for construction and refurbishing of individual household decentralized wastewater systems for individuals with low or moderate income.
Sec. 209. Connection to publicly owned treatment works.
Sec. 211. Water infrastructure and workforce investment.
Sec. 212. Grants to Alaska to improve sanitation in rural and Native villages.
Sec. 213. Water data sharing pilot program.
Sec. 214. Final rating opinion letters.
SEC. 1. DEFINITION OF ADMINISTRATOR.

In this Act, the term “Administrator” means the Administrator of the Environmental Protection Agency.

TITLE I—DRINKING WATER

SEC. 101. TECHNICAL ASSISTANCE AND GRANTS FOR EMERGENCIES AFFECTING PUBLIC WATER SYSTEMS.

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

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

“(11) COMPLIANCE EVALUATION.—

“(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Drinking Water and Wastewater Infrastructure Act of 2021, the Administrator shall—

“(i) evaluate, based on the compliance data found in the Safe Drinking Water Information System of the Administrator, the compliance of community water systems and wastewater systems with environmental, health, and safety re-
quirements under this title, including water quality sampling, testing, and reporting require-
ments; and

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

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

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

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

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

(3) by striking subsection (d) and inserting the following:
“(d) Authorization of Appropriations.—There is authorized to be appropriated to carry out subsection (b) $35,000,000 for each of fiscal years 2022 through 2026.”;

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

“(5) Authorization of Appropriations.—There is authorized to be appropriated to the Administrator to carry out this subsection $15,000,000 for each of fiscal years 2022 through 2026.”;

(5) by redesignating subsection (f) as subsection (g); and

(6) by inserting after subsection (e) the following:

“(f) State-based Nonprofit Organizations.—

“(1) In General.—The Administrator may provide technical assistance consistent with the authority provided under subsection (e) to State-based nonprofit organizations that are governed by community water systems.

“(2) Communication.—Each State-based nonprofit organization that receives funding under paragraph (1) shall, before using that funding to undertake activities to carry out this subsection, consult
with the State in which the assistance is to be expended or otherwise made available.”.

SEC. 102. DRINKING WATER STATE REVOLVING LOAN FUNDS.

(a) Drinking Water State Revolving Funds Capitalization Grant Reauthorization.—Section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12) is amended—

(1) in subsection (a)(4)(A), by striking “During fiscal years 2019 through 2023, funds” and inserting “Funds”;

(2) in subsection (m)(1) —

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

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

(C) by adding at the end the following:

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

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

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

and

“(G) $3,250,000,000 for each of fiscal years 2025 and 2026.”; and
(3) in subsection (q), by striking “2016 through 2021” and inserting “2022 through 2026”.

(b) ASSISTANCE FOR DISADVANTAGED COMMUNITIES.—Section 1452(d) of the Safe Drinking Water Act (42 U.S.C. 300j–12(d)) is amended—

(1) in paragraph (1)—

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

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

(B) in subparagraph (A) (as so designated), by inserting “, grants, negative interest loans, other loan forgiveness, and through buying, refinancing, or restructuring debt” after “forgiveness of principal”; and

(C) by adding at the end the following:

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

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

“(B) to the extent that there are sufficient applications for loans to communities described
in paragraph (1), may not be less than 12 per-
cent.”.

SEC. 103. SOURCE WATER PETITION PROGRAM.

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

(1) in subsection (a)—

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

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

(C) by adding at the end the following:

“(5) SAVINGS PROVISION.—Unless otherwise
provided within the agreement, an agreement be-
 tween an unincorporated area and a county for the
county to submit a petition under paragraph (1)(A)
on behalf of the unincorporated area shall not au-
thorize the county to act on behalf of the unincor-
oporated area in any matter not within a program
under this section.”; and

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

SEC. 104. ASSISTANCE FOR SMALL AND DISADVANTAGED
COMMUNITIES.

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

(1) in subsection (b)(2)—

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

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

and

(C) by adding at the end the following:

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

“(E) investments necessary for providing
accurate and current information about—
“(i) the need for filtration and filter safety, including proper use and maintenance practices; and
“(ii) the options for replacing lead service lines (as defined section 1459B(a)) and removing other sources of lead in water; and
“(F) entering into contracts, including contracts with nonprofit organizations that have water system technical expertise, to assist—
“(i) an eligible entity; or
“(ii) the State of an eligible entity, on behalf of that eligible entity.”;
(2) in subsection (c), in the matter preceding paragraph (1), by striking “An eligible entity” and inserting “Except for purposes of subsections (j) and (m), an eligible entity”;
(3) in subsection (g)(1), by striking “to pay not less than 45 percent” and inserting “except as provided in subsection (l)(5) and subject to subsection (h), to pay not less than 10 percent”;
(4) by striking subsection (k) and inserting the following:
“(k) Authorization of Appropriations.—There are authorized to be appropriated to carry out subsections (a) through (j)—

“(1) $70,000,000 for fiscal year 2022;
“(2) $80,000,000 for fiscal year 2023;
“(3) $100,000,000 for fiscal year 2024;
“(4) $120,000,000 for fiscal year 2025; and
“(5) $140,000,000 for fiscal year 2026.”; and

(5) in subsection (l)—

(A) in paragraph (2)—

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

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

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

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

(D) by inserting after paragraph (4) the following:
“(5) Federal share for small, rural, and disadvantaged communities.—

“(A) In general.—Subject to subparagraph (B), with respect to a program or project that serves an eligible entity and is carried out using a grant under this subsection, the Federal share of the cost of the program or project shall be 90 percent.

“(B) Waiver.—The Administrator may increase the Federal share under subparagraph (A) to 100 percent if the Administrator determines that an eligible entity is unable to pay, or would experience significant financial hardship if required to pay, the non-Federal share.”.

(b) Connection to Public Water Systems.—

Section 1459A of the Safe Drinking Water Act (42 U.S.C. 300j–19a) is amended by adding at the end the following:

“(m) Connection to Public Water Systems.—

“(1) Definitions.—In this subsection:

“(A) Eligible entity.—The term ‘eligible entity’ means—

“(i) an owner or operator of a public water system that assists or is seeking to assist eligible individuals with connecting
the household of the eligible individual to
the public water system; or

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

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

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

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

“(3) APPLICATION.—An eligible entity seeking
a grant under the program shall submit to the Ad-
ministrator an application at such time, in such
manner, and containing such information as the Ad-
ministrator may require.

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

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

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

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

“(5) REPORT.—Not later than 3 years after the
date of enactment of the Drinking Water and
Wastewater Infrastructure Act of 2021, the Admin-
istrator shall submit to Congress a report that de-
scribes the implementation of the program, which
shall include a description of the use and deployment of amounts made available under the program.

“(6) Authorization of Appropriations.—
There is authorized to be appropriated to carry out the program $20,000,000 for each of fiscal years 2022 through 2026.”.

(e) Competitive Grant Pilot Program.—Section 1459A of the Safe Drinking Water Act (42 U.S.C. 300j–19a) (as amended by subsection (b)) is amended by adding at the end the following:

“(n) State Competitive Grants for Under-served Communities.—

“(1) In general.—In addition to amounts authorized to be appropriated under subsection (k), there is authorized to be appropriated to carry out subsections (a) through (j) $50,000,000 for each of fiscal years 2022 through 2026 in accordance with paragraph (2).

“(2) Competitive Grants.—

“(A) In general.—Notwithstanding any other provision of this section, the Administrator shall distribute amounts made available under paragraph (1) to States through a com-

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

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

“(3) REPORT.—Not later than 2 years after the date of enactment of the Drinking Water and Wastewater Infrastructure Act of 2021, the Administrator shall submit to Congress a report that describes the implementation of the competitive grant program under paragraph (2)(A), which shall include a description of the use and deployment of amounts made available under the competitive grant program.

“(4) SAVINGS PROVISION.—Nothing in this paragraph affects the distribution of amounts made available under subsection (k), including any meth-
ods used by the Administrator for distribution of
amounts made available under that subsection as in
effect on the day before the date of enactment of
this subsection.”.

SEC. 105. REDUCING LEAD IN DRINKING WATER.

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

(1) in subsection (a)—

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

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

(B) in paragraph (2)(A)—

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

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

“(iii) providing assistance to eligible
entities to replace lead service lines, with
priority for disadvantaged communities
based on the affordability criteria estab-
lished by the applicable State under section
1452(d)(3), low-income homeowners, and
landlords or property owners providing housing to low-income renters.”; and

(C) in paragraph (3), by striking “an individual provided”;

(2) in subsection (b)—

(A) in paragraph (5)—

(i) in subparagraph (A), by striking “to provide assistance” and all that follows through the period at the end and inserting “to replace lead service lines, with first priority given to assisting disadvantaged communities based on the affordability criteria established by the applicable State under section 1452(d)(3), low-income homeowners, and landlords or property owners providing housing to low-income renters.”; and

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

(B) in paragraph (6)—

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

(ii) in subparagraph (C), in the matter preceding clause (i)—
(I) by striking “may” and inserting “shall”; 

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

(III) by striking “a cost that” and all that follows through the semicolon at the end of clause (ii) and inserting “no cost to the homeowner;”; 

(iii) in subparagraph (D), by striking “and” at the end; 

(iv) in subparagraph (E), by striking “other options” and all that follows through the period at the end and inserting “feasible alternatives for reducing the concentration of lead in drinking water, such as corrosion control; and”; and 

(v) by adding at the end the following: “(F) shall notify the State of any planned replacement of lead service lines under this program and coordinate, where practicable, with other relevant infrastructure projects.”; 

(3) in subsection (d)— 

(A) by inserting “(except for subsection (d))” after “this section”; and
(B) by striking “$60,000,000 for each of fiscal years 2017 through 2021” and inserting “$100,000,000 for each of fiscal years 2022 through 2026”;

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

(5) by inserting after subsection (e) the following:

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

“(1) DEFINITIONS.—In this subsection:

“(A) ELIGIBLE ENTITY.—The term ‘eligible entity’ means a municipality that is served by a community water system or a nontransient noncommunity water system in which not less than 30 percent of the service lines are known, or suspected, to contain lead, based on available data, information, or resources, including existing lead inventorying.

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

“(2) ESTABLISHMENT.—The Administrator shall establish a pilot program under which the Administrator shall provide grants to eligible entities to
carry out lead reduction projects that are demonstrated to exist or are suspected to exist, based on available data, information, or resources, including existing lead inventorying of those eligible entities.

“(3) Selection.—

“(A) Application.—To be eligible to receive a grant under the pilot program, an eligible entity shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.

“(B) Prioritization.—In selecting recipients under the pilot program, the Administrator shall give priority to—

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

“(ii) an eligible entity that is located in an area other than a State that has established affordability criteria under section 1452(d)(3).

“(4) Report.—Not later 2 years after the Administrator first awards a grant under the pilot program, the Administrator shall submit to the Committee on Environment and Public Works of the
Senate and the Committee on Energy and Commerce of the House of Representatives a report describing—

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

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

“(C) how useful and accurate the lead inventorying described in subparagraph (B) was in locating lead service lines of the eligible entity.

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

SEC. 106. OPERATIONAL SUSTAINABILITY OF SMALL PUBLIC WATER SYSTEMS.

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

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

“(a) DEFINITIONS.—In this section:
“(1) Eligible Entity.—The term ‘eligible entity’ means—

“(A) a State;
“(B) a unit of local government;
“(C) a public corporation established by a unit of local government to provide water service;
“(D) a nonprofit corporation, public trust, or cooperative association that owns or operates a public water system;
“(E) an Indian Tribe that owns or operates a public water system;
“(F) a nonprofit organization that provides technical assistance to public water systems; and
“(G) a Tribal consortium.

“(2) Operational Sustainability.—The term ‘operational sustainability’ means the ability to improve the operation of a small system through the identification and prevention of potable water loss due to leaks, breaks, and other metering or infrastructure failures.

“(3) Program.—The term ‘program’ means the grant program established under subsection (b).
“(4) SMALL SYSTEM.—The term ‘small system’, for the purposes of this section, means a public water system that—

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

“(B) is owned or operated by—

“(i) a unit of local government;

“(ii) a public corporation;

“(iii) a nonprofit corporation;

“(iv) a public trust;

“(v) a cooperative association; or

“(vi) an Indian Tribe.

“(b) ESTABLISHMENT.—Subject to the availability of appropriations, the Administrator shall establish a program to award grants to eligible entities for the purpose of improving the operational sustainability of 1 or more small systems.

“(c) APPLICATIONS.—To be eligible to receive a grant under the program, an eligible entity shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require, including—

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

“(2) documentation provided by the eligible entity describing the deficiencies or suspected defi-
ciencies in operational sustainability of 1 or more
small systems that are to be addressed through the
proposed project;

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

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

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

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

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

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

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

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

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

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

“(B) global positioning system software;
“(3) the deployment of leak detection technology;

“(4) the deployment of metering technology;

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

“(A) the eligible entity; or

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

“(6) the deployment of strategies, techniques, and technologies to enhance the operational sustainability and effective use of water resources through water reuse; and

“(7) the development or deployment of other strategies, techniques, or technologies that the Administrator may determine to be appropriate under the program.

“(f) COST SHARE.—

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

“(2) WAIVER.—The Administrator may increase the Federal share under paragraph (1) to 100 percent.
“(g) REPORT.—Not later than 2 years after the date of enactment of the Drinking Water and Wastewater Infrastructure Act of 2021, the Administrator shall submit to Congress a report that describes the implementation of the program, which shall include a description of the use and deployment of amounts made available under the program.

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

SEC. 107. MIDSIZE AND LARGE DRINKING WATER SYSTEM INFRASTRUCTURE RESILIENCE AND SUSTAINABILITY PROGRAM.

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

“SEC. 1459F. MIDSIZE AND LARGE DRINKING WATER SYSTEM INFRASTRUCTURE RESILIENCE AND SUSTAINABILITY PROGRAM.

“(a) DEFINITIONS.—In this section:

“(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means a public water system that serves a community with a population of 10,000 or more.
“(2) Natural hazard; resilience.—The terms ‘resilience’ and ‘natural hazard’ have the meanings given those terms in section 1433(h).

“(3) Resilience and sustainability program.—The term ‘resilience and sustainability program’ means the Midsize and Large Drinking Water System Infrastructure Resilience and Sustainability Program established under subsection (b).

“(b) Establishment.—The Administrator shall establish and carry out a program, to be known as the ‘Midsize and Large Drinking Water System Infrastructure Resilience and Sustainability Program’, under which the Administrator, subject to the availability of appropriations for the resilience and sustainability program, shall award grants to eligible entities for the purpose of—

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

“(2) reducing cybersecurity vulnerabilities.

“(c) Use of funds.—An eligible entity may only use grant funds received under the resilience and sustainability program to assist in the planning, design, construction, implementation, operation, or maintenance of a program or project that increases resilience to natural hazards and extreme weather events, or reduces cybersecurity vulnerabilities, through—
“(1) the conservation of water or the enhancement of water-use efficiency;

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

“(3) the design or construction of new or modified desalination facilities to serve existing communities;

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

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

“(6) the development and implementation of measures—

“(A) to increase the resilience of the eligible entity to natural hazards and extreme weather events; or

“(B) to reduce cybersecurity vulnerabilities;
“(7) the conservation of water or the enhancement of a water supply through the implementation of water reuse measures; or

“(8) the formation of regional water partnerships to collaboratively address documented water shortages.

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

“(1) a proposal of the program or project to be planned, designed, constructed, implemented, operated, or maintained by the eligible entity;

“(2) an identification of the natural hazard risks, extreme weather events, or potential cybersecurity vulnerabilities, as applicable, to be addressed by the proposed program or project;

“(3) documentation prepared by a Federal, State, regional, or local government agency of the natural hazard risk, potential cybersecurity vulnerability, or risk for extreme weather events to the area where the proposed program or project is to be located;
“(4) a description of any recent natural hazards, cybersecurity events, or extreme weather events that have affected the community water system of the eligible entity;

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

“(6) an explanation of how the proposed program or project is expected—

“(A) to enhance the resilience of the community water system of the eligible entity to the anticipated natural hazards or extreme weather events; or

“(B) to reduce cybersecurity vulnerabilities.

“(e) REPORT.—Not later than 2 years after the date of enactment of the Drinking Water and Wastewater Infrastructure Act of 2021, the Administrator shall submit to Congress a report that describes the implementation of the resilience and sustainability program, which shall include a description of the use and deployment of amounts made available to carry out the resilience and sustainability program.
“(f) Authorization of Appropriations.—

“(1) In general.—There is authorized to be appropriated to carry out the resilience and sustainability program $50,000,000 for each of fiscal years 2022 through 2026.

“(2) Use of funds.—Of the amounts made available under paragraph (1) for grants to eligible entities under the resilience and sustainability program—

“(A) 50 percent shall be used to provide grants to eligible entities that serve a population of—

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

“(ii) fewer than 100,000; and

“(B) 50 percent shall be used to provide grants to eligible entities that serve a population equal to or greater than 100,000.

“(3) Administrative costs.—Of the amounts made available under paragraph (1), not more than 2 percent may be used by the Administrator for the administrative costs of carrying out the resilience and sustainability program.”.
SEC. 108. NEEDS ASSESSMENT FOR NATIONWIDE RURAL AND URBAN LOW-INCOME COMMUNITY WATER ASSISTANCE.

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

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

(2) LARGE WATER SERVICE PROVIDER.—The term “large water service provider” means a community water system, treatment works, or municipal separate storm sewer system that serves more than 100,000 people.

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

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

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

(A) includes an individual who is—
(i) the holder of an account for drinking water or wastewater service that is provided to that household by a large water service provider, a medium water service provider, or a rural water service provider; or

(ii) separately billed by a landlord that holds an account with a large water service provider, a medium water service provider, or a rural water service provider for the cost of drinking water or wastewater service provided to that household by the respective large water service provider, medium water service provider, or rural water service provider; and

(B) is determined—

(i) by a large water service provider, a medium water service provider, or a rural water service provider to be eligible for assistance through a low-income ratepayer assistance program;

(ii) by the Governor of the State in which the household is located to be low-income, based on the affordability criteria established by the State under section
1452(d)(3) of the Safe Drinking Water Act (42 U.S.C. 300j–12(d)(3));

(iii) by the Administrator to experience drinking water and wastewater service costs that exceed the metrics of affordability established in the most recent guidance of the Administrator entitled “Financial Capability Assessment Guidance”; or

(iv) in the case of a household serviced by a rural water service provider, by the State in which the household is located to have an annual income that does not exceed the greater of—

(I) an amount equal to 150 percent of the poverty level of that State; and

(II) an amount equal to 60 percent of the State median income for that State.

(6) Rural water service provider.—The term “rural water service provider” means a community water system, treatment works, or municipal separate storm sewer system that serves not more than 10,000 people.
(7) Treatment works.—The term “treatment works” has the meaning given the term in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292).

(b) Study; Report.—

(1) In general.—The Administrator shall conduct, and submit to Congress a report describing the results of, a study that examines the prevalence throughout the United States of municipalities, public entities, or Tribal governments that—

(A) are serviced by rural water service providers, medium water service providers, or large water service providers that service a disproportionate percentage, as determined by the Administrator, of qualifying households with need; or

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

(2) Affordability inclusions.—The report under paragraph (1) shall include—
(A) a definition of the term “affordable access to water services”;

(B) a description of the criteria used in defining “affordable access to water services” under subparagraph (A);

(C) a definition of the term “lack of affordable access to water services”;

(D) a description of the methodology and criteria used in defining “lack of affordable access to water services” under subparagraph (C);

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

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

(G) any additional information with respect to the affordable access to water services, as defined under subparagraph (A), provided by rural water service providers, medium water service providers, and large water service providers;
(H) with respect to the development of the report, a consultation with all relevant stakeholders, including rural advocacy associations;

(I) recommendations of the Administrator regarding the best methods to reduce the prevalence of a lack of affordable access to water services, as defined under subparagraph (C); and

(J) a description of the cost of each method described in subparagraph (I).

(3) AGREEMENTS.—The Administrator may enter into an agreement with another Federal agency to carry out the study under paragraph (1).

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

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term “eligible entity” means—

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

(i) owns or operates a community water system, treatment works, or municipal separate storm sewer system; or

(ii) as determined by the Administrator, has taken on an unsustainable level
of debt due to customer nonpayment for
the services provided by a community
water system, treatment works, or munic-
ipal separate storm sewer system; and

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

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

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

(b) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 2 years after
the date of enactment of this Act, the Administrator
shall establish a pilot program to award grants to el-
igible entities to develop and implement programs to
assist qualifying households with need in maintain-
ing access to drinking water and wastewater treat-
ment.
(2) REQUIREMENT.—In establishing the pilot program, the Administrator shall ensure that data from the water services needs assessment directly contributes to the structure of the pilot program by informing the types of assistance and criteria used for priority consideration with the demonstrated need from the study conducted under section 108(b)(1) and the water services needs assessment.

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

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

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

(4) TERM.—The term of a grant awarded under the pilot program shall be subject to the availability of appropriations.

(5) TYPES OF ASSISTANCE.—In establishing the pilot program, the Administrator may include provisions for—

(A) direct financial assistance;

(B) a lifeline rate;

(C) bill discounting;

(D) special hardship provisions;
(E) a percentage-of-income payment plan;

or

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

(6) REQUIREMENT.—The Administrator shall award not more than 40 grants under the pilot program, of which—

(A) not more than 8 shall be to eligible entities that own, operate, or exercise primary enforcement responsibility over a rural water service provider under the Safe Drinking Water Act (42 U.S.C. 300f et seq.) or the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as applicable;

(B) not more than 8 shall be to eligible entities that own or operate a medium water service provider;

(C) not more than 8 shall be to eligible entities that own or operate a large water service
provider that serves not more than 500,000 people;

(D) not more than 8 shall be to eligible entities that own or operate a large water service provider that serves more than 500,000 people; and

(E) not more than 8 shall be to eligible entities that own or operate a community water system, treatment works, or municipal separate storm sewer system that services a disadvantaged community (consistent with the affordability criteria established by the applicable State under section 1452(d)(3) of the Safe Drinking Water Act (42 U.S.C. 300j–12(d)(3)) or section 603(i)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1383(i)(2)), as applicable).

(7) CRITERIA.—In addition to any priority criteria established by the Administrator in response to the findings in the water services needs assessment, in awarding grants under the pilot program, the Administrator shall give priority consideration to eligible entities that—

(A) serve a disproportionate percentage, as determined by the Administrator, of qualifying
households with need, as identified in the water services needs assessment;

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

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

(8) REPORTING REQUIREMENTS.—

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

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

(ii) sources of funding used to supplement Federal funds; and
(iii) eligibility criteria.

(B) Publication.—The Administrator shall publish each report submitted under sub-paragraph (A).

(c) Technical Assistance.—The Administrator shall provide technical assistance to each eligible entity, and each State, on behalf of an eligible entity, that receives a grant under the pilot program to support implementation of the program.

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

SEC. 110. LEAD CONTAMINATION IN SCHOOL DRINKING WATER.

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

(1) in subsection (b)—

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

and

(B) in the third sentence, by inserting “public water systems,” after “schools,”; and
(2) in subsection (d)—

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

(B) in paragraph (2)—

(i) in subparagraph (A), by striking “the Administrator” and all that follows through the period at the end and inserting the following: “the Administrator shall establish a voluntary school and child care program lead testing, compliance monitoring, and lead reduction grant program to make grants available to—

“(i) States to assist local educational agencies, public water systems that serve schools and child care programs under the jurisdiction of those local educational agencies, and qualified nonprofit organizations in voluntary testing or compliance monitoring for and remediation of lead contamination in drinking water at schools and child care programs under the jurisdiction of those local educational agencies; and

“(ii) tribal consortia to assist tribal education agencies (as defined in section 3 of the National Environmental Education
Act (20 U.S.C. 5502)), public water systems that serve schools and child care programs under the jurisdiction of those tribal education agencies, and qualified nonprofit organizations in voluntary testing or compliance monitoring for and remediation of lead contamination in drinking water at schools and child care programs under the jurisdiction of those tribal education agencies.”; and

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i), by inserting “or compliance monitoring for or remediation of lead contamination” after “voluntary testing”; 

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

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

(IV) by adding at the end the following:

“(iii) any public water system that is located in a State that does not participate...
in the voluntary grant program established
under subparagraph (A) that—

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

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

“(III) assists schools with carry-
ing out projects to remediate lead
contamination in drinking water; or

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

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

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

(D) in paragraph (4)—

(i) by striking “States and local edu-
cational agencies” and inserting “States,
local educational agencies, public water
systems, tribal consortia, and qualified nonprofit organizations”; and

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

(E) in paragraph (6)—

(i) in the matter preceding subparagraph (A)—

(II) by inserting “a public water system, tribal consortium, or qualified nonprofit organization” after “each local educational agency”; and

(ii) in subparagraph (A)(ii)—

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

(II) by striking “reducing lead” and inserting “voluntary testing or compliance monitoring for and remediation of lead contamination”; and
(iii) in subparagraph (B)(i), by inserting “applicable” before “local educational agency”; 

(F) in paragraph (7), by striking “testing for” and inserting “testing or compliance monitoring for or remediation of”; and 

(G) by striking paragraph (8) and inserting the following:

“(8) Authorization of Appropriations.—

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

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

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

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

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

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

SEC. 111. INDIAN RESERVATION DRINKING WATER PROGRAM.

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

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “Subject to the availability of appro-
priations, the Administrator of the Environmental Protection Agency’’ and inserting ‘‘The Administrator of the Environmental Protection Agency (referred to in this section as the ‘Administrator’’); and

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

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

‘‘(2) that will—

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

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

(3) by redesignating subsection (d) as subsection (g);
(4) by striking subsection (c) and inserting the following:

“(c) REQUIRED PROJECTS.—

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

“(A) 10 eligible projects described in subsection (b) that are within the Upper Missouri River Basin;

“(B) 10 eligible projects described in subsection (b) that are within the Upper Rio Grande Basin;

“(C) 10 eligible projects described in subsection (b) that are within the Columbia River Basin;

“(D) 10 eligible projects described in subsection (b) that are within the Lower Colorado River Basin; and

“(E) 10 eligible projects described in subsection (b) that are within the Arkansas-White-Red River Basin.

“(2) REQUIREMENT.—In carrying out paragraph (1)(A), the Administrator shall select not fewer than 2 eligible projects for a reservation that
serves more than 1 federally recognized Indian 
Tribe.

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

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

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

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

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

“(B) an enforcement action commenced 
pursuant to the Federal 
Water Pollution Con-
control Act (33 U.S.C. 1251 et seq.) against the applicable treatment works (as defined in section 212 of that Act (33 U.S.C. 1292)) as of the date of enactment of the Drinking Water and Wastewater Infrastructure Act of 2021.

“(e) Federal Share.—The Federal share of the cost of a project carried out under this section shall be 100 percent.

“(f) Report.—Not later than 2 years after the date of enactment of the Drinking Water and Wastewater Infrastructure Act of 2021, the Administrator shall submit to Congress a report that describes the implementation of the program established under subsection (a), which shall include a description of the use and deployment of amounts made available under that program.”; and

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

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

(B) by striking “subsection (a) $20,000,000” and inserting the following: “subsection (a)—

“(1) $20,000,000”;

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

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

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

SEC. 112. ADVANCED DRINKING WATER TECHNOLOGIES.

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

“SEC. 1459G. ADVANCED DRINKING WATER TECHNOLOGIES.

“(a) STUDY.—

“(1) IN GENERAL.—Subject to the availability of appropriations, not later than 1 year after the date of enactment of the Drinking Water and Wastewater Infrastructure Act of 2021, the Administrator shall carry out a study that examines the state of existing and potential future technology, including technology that could address cybersecurity vulnerabilities, that enhances or could enhance the treatment, monitoring, affordability, efficiency, and safety of drinking water provided by a public water system.

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

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that describes the results of the study under paragraph (1).

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

“(1) DEFINITIONS.—In this subsection:

“(A) ELIGIBLE ENTITY.—The term ‘eligible entity’ means the owner or operator of a public water system that—

“(i) serves—

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

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

“(ii) has plans to identify or has identified opportunities in the operations of the public water system to employ new, existing, or emerging, yet proven, technologies, including technology that could address cybersecurity vulnerabilities, as determined by the Administrator, that enhance treatment, monitoring, affordability, efficiency, or safety of the drinking water provided by the public water system, including technologies not identified in the study conducted under subsection (a)(1); and
“(iii) has expressed an interest in the opportunities in the operation of the public water system to employ new, existing, or emerging, yet proven, technologies, including technology that could address cybersecurity vulnerabilities, as determined by the Administrator, that enhance treatment, monitoring, affordability, efficiency, or safety of the drinking water provided by the public water system, including technologies not identified in the study conducted under subsection (a)(1).

“(B) PROGRAM.—The term ‘program’ means the competitive grant program established under paragraph (2).

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

“(2) ESTABLISHMENT.—The Administrator shall establish a competitive grant program under which the Administrator shall award grants to eligible entities for the purpose of identifying, deploying,
or identifying and deploying technologies described
in paragraph (1)(A)(ii).

“(3) REQUIREMENTS.—

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

“(B) FEDERAL SHARE.—

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

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

“(4) REPORT.—Not later than 2 years after the
date on which the Administrator first awards a
grant under the program, and annually thereafter,
the Administrator shall submit to Congress a report describing—

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

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

“(5) Funding.—

“(A) Authorization of Appropriations.—There is authorized to be appropriated to carry out the program $10,000,000 for each of fiscal years 2022 through 2026, to remain available until expended.

“(B) Administrative Costs.—Not more than 2 percent of the amount made available for a fiscal year under subparagraph (A) to carry out the program may be used by the Administrator for the administrative costs of carrying out the program.”.

SEC. 113. CYBERSECURITY SUPPORT FOR PUBLIC WATER SYSTEMS.

Part B of the Safe Drinking Water Act (42 U.S.C. 300g et seq.) is amended by adding at the end the following:
“SEC. 1420A. CYBERSECURITY SUPPORT FOR PUBLIC WATER SYSTEMS.

“(a) DEFINITIONS.—In this section:

“(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate Congressional committees’ means—

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

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

“(C) the Committee on Energy and Commerce of the House of Representatives; and

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

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

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

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

“(5) SUPPORT PLAN.—The term ‘Support Plan’ means the Technical Cybersecurity Support Plan de-
developed by the Administrator under subsection (b)(2)(A).

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

“(1) PRIORITIZATION FRAMEWORK.—

“(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Drinking Water and Wastewater Infrastructure Act of 2021, the Administrator, in coordination with the Director, shall develop a prioritization framework to identify public water systems (including sources of water for those public water systems) that, if degraded or rendered inoperable due to an incident, would lead to significant impacts on the health and safety of the public.

“(B) CONSIDERATIONS.—In developing the Prioritization Framework, to the extent practicable, the Administrator shall incorporate consideration of—

“(i) whether cybersecurity vulnerabilities for a public water system have been identified under section 1433;
“(ii) the capacity of a public water system to remediate a cybersecurity vulnerability without additional Federal support;

“(iii) whether a public water system serves a defense installation or critical national security asset; and

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

“(2) TECHNICAL CYBERSECURITY SUPPORT PLAN.—

“(A) IN GENERAL.—Not later than 270 days after the date of enactment of the Drinking Water and Wastewater Infrastructure Act of 2021, the Administrator, in coordination with the Director and using existing authorities of the Administrator and the Director for providing voluntary support to public water systems and the Prioritization Framework, shall develop a Technical Cybersecurity Support Plan for public water systems.

“(B) REQUIREMENTS.—The Support Plan—
“(i) shall establish a methodology for identifying specific public water systems for which cybersecurity support should be prioritized;

“(ii) shall establish timelines for making voluntary technical support for cybersecurity available to specific public water systems;

“(iii) may include public water systems identified by the Administrator, in coordination with the Director, as needing technical support for cybersecurity;

“(iv) shall include specific capabilities of the Administrator and the Director that may be utilized to provide support to public water systems under the Support Plan, including—

“(I) site vulnerability and risk assessments;

“(II) penetration tests; and

“(III) any additional support determined to be appropriate by the Administrator; and
“(v) shall only include plans for providing voluntary support to public water systems.

“(3) Consultation Required.—In developing the Prioritization Framework pursuant to paragraph (1) and the Support Plan pursuant to paragraph (2), the Administrator shall consult with such Federal or non-Federal entities as determined to be appropriate by the Administrator.

“(4) Reports Required.—

“(A) Prioritization Framework.—Not later than 190 days after the date of enactment of the Drinking Water and Wastewater Infrastructure Act of 2021, the Administrator shall submit to the appropriate Congressional committees a report describing the Prioritization Framework.

“(B) Technical Cybersecurity Support Plan.—Not later than 280 days after the date of enactment of the Drinking Water and Wastewater Infrastructure Act of 2021, the Administrator shall submit to the appropriate Congressional committees—

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

“(c) Rules of Construction.—Nothing in this section—

“(1) alters the existing authorities of the Administrator; or

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

SEC. 114. STATE RESPONSE TO CONTAMINANTS.

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

(1) in the matter preceding subparagraph (A), by striking “an underserved community” and inserting “a community described in subsection (c)(2)”; and

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

SEC. 115. ANNUAL STUDY ON BOIL WATER ADVISORIES.

(a) In General.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Administrator shall conduct a study on the prevalence of boil water advisories issued in the United States.
(b) Report.—

(1) In general.—The Administrator shall submit to Congress a report describing the results of the most recent study conducted under subsection (a) as part of the annual budget request transmitted to Congress under section 1105(a) of title 31, United States Code.

(2) Requirement.—In the annual report required under paragraph (1), the Administrator shall include a description of the reasons for which boil water advisories were issued during the year covered by the report.

TITLE II—CLEAN WATER

SEC. 201. RESEARCH, INVESTIGATIONS, TRAINING, AND INFORMATION.

(a) Reauthorization.—Section 104(u) of the Federal Water Pollution Control Act (33 U.S.C. 1254(u)) is amended—

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

and

(2) in paragraph (7)—

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

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

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

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

c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Administrator shall submit to Congress a report that describes the implementation of the grants authorized under subsections (b)(3), (b)(8), and (g) of section 104 of the Federal Water Pollution Control Act (33 U.S.C. 1254), which shall include a description of the grant recipients and grant amounts made available to carry out those subsections.

SEC. 202. WASTEWATER EFFICIENCY GRANT PILOT PROGRAM.

Title II of the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.) is amended by adding at the end the following:
"SEC. 222. WASTEWATER EFFICIENCY GRANT PILOT PROGRAM.

“(a) Establishment.—Subject to the availability of appropriations, the Administrator shall establish a wastewater efficiency grant pilot program (referred to in this section as the ‘pilot program’) to award grants to owners or operators of publicly owned treatment works to carry out projects that create or improve waste-to-energy systems.

“(b) Selection.—

“(1) Applications.—To be eligible to receive a grant under the pilot program, an owner or operator of a treatment works shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.

“(2) Number of Recipients.—The Administrator shall select not more than 15 recipients of grants under the pilot program from applications submitted under paragraph (1).

“(c) Use of Funds.—

“(1) In general.—Subject to paragraph (2), a recipient of a grant under the pilot program may use grant funds for—

“(A) sludge collection;

“(B) installation of anaerobic digesters;
“(C) methane capture;
“(D) methane transfer;
“(E) facility upgrades and retrofits necessary to create or improve waste-to-energy systems; and
“(F) other new and emerging, but proven, technologies that transform waste to energy.

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

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

“(2) REPORT TO CONGRESS.—Not later than 1 year after first awarding grants under the pilot program and each year thereafter for which amounts are made available for the pilot program under subsection (e), the Administrator shall submit to Congress a report describing—
“(A) the applications received by the Administrator for grants under the pilot program; and
“(B) the projects for which grants were awarded under the pilot program.

“(e) AUTHORIZATION OF APPROPRIATIONS.—

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

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

SEC. 203. PILOT PROGRAM FOR ALTERNATIVE WATER SOURCE PROJECTS.

Section 220 of the Federal Water Pollution Control Act (33 U.S.C. 1300) is amended—
(1) in subsection (b), in the heading, by striking “IN GENERAL” and inserting “ESTABLISHMENT”;
(2) in subsection (d)—
(A) in paragraph (1), by inserting “construction” before “funds”; 
(B) by striking paragraph (2); and
(C) by redesignating paragraph (3) as paragraph (2);

(3) by striking subsection (e);

(4) in subsection (i)—

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

and

(B) in paragraph (1), in the first sentence, by striking “water or wastewater or by treating wastewater” and inserting “water, wastewater, or stormwater or by treating wastewater or stormwater for groundwater recharge, potable reuse, or other purposes’’;

(5) in subsection (j)—

(A) in the first sentence, by striking “There is” and inserting the following:

“(1) IN GENERAL.—There is’’;

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

(C) by adding at the end the following:

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

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

SEC. 204. SEWER OVERFLOW AND STORMWATER REUSE MUNICIPAL GRANTS.

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

(1) in subsection (a)(1) —

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

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

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

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

(2) in subsection (d)—

(A) in the second sentence, by striking “The non-Federal share of the cost” and inserting the following:
“(3) Types of non-federal share.—The applicable non-Federal share of the cost under this subsection; (B) in the first sentence, by striking “The Federal” and inserting the following: “(1) In general.—The Federal”; and (C) by inserting after paragraph (1) (as so designated) the following: “(2) Rural and financially distressed communities.—To the maximum extent practicable, the Administrator shall work with States to prevent the non-Federal share requirements under this subsection from being passed on to rural communities and financially distressed communities (as those terms are defined in subsection (f)(2)(B)(i)).”; (3) in subsection (f)— (A) by striking paragraph (1) and inserting the following: “(1) In general.—There is authorized to be appropriated to carry out this section $280,000,000 for each of fiscal years 2022 through 2026.”; and (B) in paragraph (2)— (i) by striking “To the extent” and inserting the following:
“(A) Green projects.—To the extent”;

and

(ii) by adding at the end the following:

“(B) Rural or financially distressed community allocation.—

“(i) Definitions.—In this subpara-

graph:

“(I) Financially distressed community.—The term ‘financially distressed community’ has the mean-

ing given the term in subsection (c)(1).

“(II) Rural community.—The term ‘rural community’ means a city, town, or unincorporated area that has a population of not more than 10,000 inhabitants.

“(ii) Allocation.—

“(I) In general.—To the extent there are sufficient eligible project ap-

lications, the Administrator shall en-

sure that a State uses not less than 25 percent of the amount of the grants made to the State under sub-
section (a) in a fiscal year to carry out projects in rural communities or financially distressed communities for the purpose of planning, design, and construction of—

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

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

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

(4) in subsection (i)—
(A) in the second sentence, by striking “The recommended funding levels” and inserting the following:

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

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

“(1) PERIODIC REPORTS.—

“(A) IN GENERAL.—Not later”;

(C) in paragraph (1)(A) (as so designated)—

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

(ii) by striking “containing recommended” and inserting the following:

“containing—

“(i) recommended”; and

(iii) by adding at the end the following:

“(ii) a description of the extent to which States pass costs associated with the non-Federal share requirements under subsection (d) to local communities, with a focus on rural communities and financially
distressed communities (as those terms are
defined in subsection (f)(2)(B)(i)).’’; and

(D) by adding at the end the following:

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

SEC. 205. CLEAN WATER INFRASTRUCTURE RESILIENCY
AND SUSTAINABILITY PROGRAM.

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

“SEC. 223. CLEAN WATER INFRASTRUCTURE RESILIENCY
AND SUSTAINABILITY PROGRAM.

“(a) DEFINITIONS.—In this section:

“(1) ELIGIBLE ENTITY.—The term ‘eligible en-
tity’ means—
“(A) a municipality; or

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

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

“(3) PROGRAM.—The term ‘program’ means the clean water infrastructure resilience and sustainability program established under subsection (b).

“(b) ESTABLISHMENT.—Subject to the availability of appropriations, the Administrator shall establish a clean water infrastructure resilience and sustainability program under which the Administrator shall award grants to eligible entities for the purpose of increasing the resilience of publicly owned treatment works to a natural hazard or cybersecurity vulnerabilities.

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

“(1) the conservation of water;

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

“(A) natural and engineered green infrastructure; and

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

“(4) the modification or relocation of an existing publicly owned treatment works, conveyance, or discharge system component that is at risk of being significantly impaired or damaged by a natural hazard;

“(5) the development and implementation of projects to increase the resilience of publicly owned treatment works to a natural hazard or cybersecurity vulnerabilities, as applicable; or

“(6) the enhancement of energy efficiency or the use and generation of recovered or renewable energy in the management, treatment, or conveyance of wastewater or stormwater.

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

“(1) a proposal of the project to be planned, designed, or constructed using funds under the program;

“(2) an identification of the natural hazard risk of the area where the proposed project is to be located or potential cybersecurity vulnerability, as applicable, to be addressed by the proposed project;

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

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

“(5) a description of how the proposed project would improve the performance of the publicly owned treatment works under an anticipated natural hazard or natural hazard risk of the area where the proposed project is to be located or a potential cybersecurity vulnerability, as applicable; and
“(6) an explanation of how the proposed project is expected to enhance the resilience of the publicly owned treatment works to a natural hazard risk of the area where the proposed project is to be located or a potential cybersecurity vulnerability, as applicable.

“(e) GRANT AMOUNT AND OTHER FEDERAL REQUIREMENTS.—

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

“(2) EXCEPTION.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), a grant under the program shall not exceed 90 percent of the total cost of the proposed project if the project serves a community that—

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

“(ii) meets the affordability criteria established by the State in which the community is located under section 603(i)(2).

“(B) WAIVER.—At the discretion of the Administrator, a grant for a project described
in subparagraph (A) may cover 100 percent of
the total cost of the proposed project.

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

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

“(g) AUTHORIZATION OF APPROPRIATIONS.—

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

“(2) LIMITATION ON USE OF FUNDS.—Of the
amounts made available for grants under paragraph
(1), not more than 2 percent may be used to pay the
administrative costs of the Administrator.”.
SEC. 206. SMALL AND MEDIUM PUBLICLY OWNED TREATMENT WORKS CIRCUIT RIDER PROGRAM.

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

“SEC. 224. SMALL AND MEDIUM PUBLICLY OWNED TREATMENT WORKS CIRCUIT RIDER PROGRAM.

“(a) Establishment.—Subject to the availability of appropriations, not later than 180 days after the date of enactment of this section, the Administrator shall establish a circuit rider program (referred to in this section as the ‘circuit rider program’) under which the Administrator shall award grants to qualified nonprofit entities, as determined by the Administrator, to provide assistance to owners and operators of small and medium publicly owned treatment works to carry out the activities described in section 602(b)(13).

“(b) Limitation.—A grant provided under the circuit rider program shall be in an amount that is not more than $75,000.

“(c) Prioritization.—In selecting recipients of grants under the circuit rider program, the Administrator shall give priority to qualified nonprofit entities, as determined by the Administrator, that would serve a community that—
“(1) has a history, for not less than the 10 years prior to the award of the grant, of unresolved wastewater issues, stormwater issues, or a combination of wastewater and stormwater issues;

“(2) is considered financially distressed;

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

“(4) has previously failed to access Federal technical assistance due to cost-sharing requirements.

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

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

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

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

“(f) AUTHORIZATION OF APPROPRIATIONS.—
“(1) In General.—There is authorized to be appropriated to carry out this section $10,000,000 for the period of fiscal years 2022 through 2026.

“(2) Limitation on Use of Funds.—Of the amounts made available for grants under paragraph (1), not more than 2 percent may be used to pay the administrative costs of the Administrator.”.

SEC. 207. SMALL PUBLICLY OWNED TREATMENT WORKS EFFICIENCY GRANT PROGRAM.

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

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

“(a) Establishment.—Subject to the availability of appropriations, not later than 180 days after the date of enactment of this section, the Administrator shall establish an efficiency grant program (referred to in this section as the ‘efficiency grant program’) under which the Administrator shall award grants to eligible entities for the replacement or repair of equipment that improves water or energy efficiency of small publicly owned treatment works, as identified in an efficiency audit.

“(b) Eligible Entities.—The Administrator may award a grant under the efficiency grant program to—
“(1) an owner or operator of a small publicly owned treatment works that serves—

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

“(B) a disadvantaged community; or

“(2) a nonprofit organization that seeks to assist a small publicly owned treatment works described in paragraph (1) to carry out the activities described in subsection (a).

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

“(1) each recipient of a grant under the efficiency grant program; and

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

“(d) USE OF FUNDS.—

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

“(2) LIMITATION ON USE OF FUNDS.—Of the amounts made available for grants under this sec-
tion, not more than 2 percent may be used to pay the administrative costs of the Administrator.”

SEC. 208. GRANTS FOR CONSTRUCTION AND REFURBISHING OF INDIVIDUAL HOUSEHOLD DECENTRALIZED WASTEWATER SYSTEMS FOR INDIVIDUALS WITH LOW OR MODERATE INCOME.

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

“SEC. 226. GRANTS FOR CONSTRUCTION AND REFURBISHING OF INDIVIDUAL HOUSEHOLD DECENTRALIZED WASTEWATER SYSTEMS FOR INDIVIDUALS WITH LOW OR MODERATE INCOME.

“(a) Definition of Eligible Individual.—In this section, the term ‘eligible individual’ means a member of a low-income or moderate-income household, the members of which have a combined income (for the most recent 12-month period for which information is available) equal to not more than 50 percent of the median nonmetropolitan household income for the State or territory in which the household is located, according to the most recent decennial census.

“(b) Grant Program.—
“(1) IN GENERAL.—Subject to the availability of appropriations, the Administrator shall establish a program under which the Administrator shall provide grants to private nonprofit organizations for the purpose of improving general welfare by providing assistance to eligible individuals—

“(A) for the construction, repair, or replacement of an individual household decentralized wastewater treatment system; or

“(B) for the installation of a larger decentralized wastewater system designed to provide treatment for 2 or more households in which eligible individuals reside, if—

“(i) site conditions at the households are unsuitable for the installation of an individually owned decentralized wastewater system;

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

“(iii) a larger decentralized wastewater system could be cost-effectively installed.

“(2) APPLICATION.—To be eligible to receive a grant under this subsection, a private nonprofit or-
ganization shall submit to the Administrator an applic-
application at such time, in such manner, and contain-
ing such information as the Administrator deter-
mines to be appropriate.

“(3) PRIORITY.—In awarding grants under this subsection, the Administrator shall give priority to applicants that have substantial expertise and experience in promoting the safe and effective use of individual household decentralized wastewater systems.

“(4) ADMINISTRATIVE EXPENSES.—A private nonprofit organization may use amounts provided under this subsection to pay the administrative expenses associated with the provision of the services described in paragraph (1), as the Administrator determines to be appropriate.

“(e) GRANTS.—

“(1) IN GENERAL.—Subject to paragraph (2), a private nonprofit organization shall use a grant provided under subsection (b) for the services described in paragraph (1) of that subsection.

“(2) APPLICATION.—To be eligible to receive the services described in subsection (b)(1), an eligible individual shall submit to the private nonprofit organization serving the area in which the individual household decentralized wastewater system of the el-
eligible individuals is, or is proposed to be, located an
application at such time, in such manner, and con-
taining such information as the private nonprofit or-
ganization determines to be appropriate.

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

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

“(e) AUTHORIZATION OF APPROPRIATIONS.—

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

“(2) LIMITATION ON USE OF FUNDS.—Of the
amounts made available for grants under paragraph
(1), not more than 2 percent may be used to pay the
administrative costs of the Administrator.”.
SEC. 209. CONNECTION TO PUBLICLY OWNED TREATMENT WORKS.

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

“SEC. 227. CONNECTION TO PUBLICLY OWNED TREATMENT WORKS.

“(a) DEFINITIONS.—In this section:

“(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

“(A) an owner or operator of a publicly owned treatment works that assists or is seeking to assist low-income or moderate-income individuals with connecting the household of the individual to the publicly owned treatment works; or

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

“(2) PROGRAM.—The term ‘program’ means the competitive grant program established under subsection (b).
“(3) QUALIFIED INDIVIDUAL.—The term ‘qualified individual’ has the meaning given the term ‘eligible individual’ in section 603(j).

“(b) ESTABLISHMENT.—Subject to the availability of appropriations, the Administrator shall establish a competitive grant program with the purpose of improving general welfare, under which the Administrator awards grants to eligible entities to provide funds to assist qualified individuals in covering the costs incurred by the qualified individual in connecting the household of the qualified individual to a publicly owned treatment works.

“(c) APPLICATION.—

“(1) IN GENERAL.—An eligible entity seeking a grant under the program shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may by regulation require.

“(2) REQUIREMENT.—Not later than 90 days after the date on which the Administrator receives an application from an eligible entity under paragraph (1), the Administrator shall notify the eligible entity of whether the Administrator will award a grant to the eligible entity under the program.
“(d) Selection Criteria.—In selecting recipients of grants under the program, the Administrator shall use the following criteria:

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

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

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

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

“(e) Requirements.—

“(1) Voluntary Connection.—Before providing funds to a qualified individual for the costs described in subsection (b), an eligible entity shall ensure that—

“(A) the qualified individual has connected to the publicly owned treatment works voluntarily; and

“(B) if the eligible entity is not the owner or operator of the publicly owned treatment works to which the qualified individual has con-
nected, the publicly owned treatment works to which the qualified individual has connected has agreed to the connection.

“(2) Reimbursements from publicly owned treatment works.—An eligible entity that is an owner or operator of a publicly owned treatment works may reimburse a qualified individual that has already incurred the costs described in subsection (b) by—

“(A) reducing the amount otherwise owed by the qualified individual to the owner or operator for wastewater or other services provided by the owner or operator; or

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

“(f) Authorization of Appropriations.—

“(1) In general.—There is authorized to be appropriated to carry out the program $40,000,000 for each of fiscal years 2022 through 2026.

“(2) Limitations on use of funds.—

“(A) Small systems.—Of the amounts made available for grants under paragraph (1), to the extent that there are sufficient applications, not less than 15 percent shall be used to make grants to—
“(i) eligible entities described in subsection (a)(1)(A) that are owners and operators of publicly owned treatment works that serve fewer than 3,300 people; and

“(ii) eligible entities described in subsection (a)(1)(B) that provide the assistance described in that subsection in areas that are served by publicly owned treatment works that serve fewer than 3,300 people.

“(B) Administrative costs.—Of the amounts made available for grants under paragraph (1), not more than 2 percent may be used to pay the administrative costs of the Administrator.”.

SEC. 210. CLEAN WATER STATE REVOLVING FUNDS.

(a) Use of Funds.—

(1) In general.—Section 603 of the Federal Water Pollution Control Act (33 U.S.C. 1383) is amended—

(A) in subsection (d), in the matter preceding paragraph (1), by inserting “and provided in subsection (k)” after “State law”;

(B) in subsection (i)—
(i) in paragraph (1), in the matter preceding subparagraph (A), by striking “, including forgiveness of principal and negative interest loans” and inserting “(including forgiveness of principal, grants, negative interest loans, other loan forgiveness, and through buying, refinancing, or restructuring debt)”; and

(ii) in paragraph (3), by striking subparagraph (B) and inserting the following:

“(B) TOTAL AMOUNT OF SUBSIDIZATION.—

“(i) IN GENERAL.—For each fiscal year, of the amount of the capitalization grant received by the State under this title, the total amount of additional subsidization made available by a State under paragraph (1)—

“(I) may not exceed 30 percent; and

“(II) to the extent that there are sufficient applications for assistance to communities described in that paragraph, may not be less than 10 percent.
“(ii) EXCLUSION.—A loan from the water pollution control revolving fund of a State with an interest rate equal to or greater than 0 percent shall not be considered additional subsidization for purposes of this subparagraph.”; and

(C) by adding at the end the following:

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

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

(b) CAPITALIZATION GRANT REAUTHORIZATION.—

Section 607 of the Federal Water Pollution Control Act (33 U.S.C. 1387) is amended to read as follows:

“SEC. 607. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out the purposes of this title—
“(1) $2,400,000,000 for fiscal year 2022;
“(2) $2,750,000,000 for fiscal year 2023;
“(3) $3,000,000,000 for fiscal year 2024; and
“(4) $3,250,000,000 for each of fiscal years 2025 and 2026.”.

SEC. 211. WATER INFRASTRUCTURE AND WORKFORCE INVESTMENT.

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

(1) in subsection (a)(3)—

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

(B) in subparagraph (B), by striking “community-based organizations” and all that follows through the period at the end and inserting the following: “community-based organizations and public works departments or agencies to align water and wastewater utility workforce recruitment efforts, training programs, retention efforts, and community resources with water and wastewater utilities—

“(i) to accelerate career pipelines;
“(ii) to ensure the sustainability of the water and wastewater utility workforce; and
“(iii) to provide access to workforce opportunities.”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking subparagraph (B);

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

(iii) in the matter preceding subparagraph (A), by striking “program—” and all that follows through “to assist” in subparagraph (A) and inserting “program to assist”; and

(iv) by adding at the end the following:

“(A) expanding the use and availability of activities and resources that relate to the recruitment, including the promotion of diversity within that recruitment, of individuals to careers in the water and wastewater utility sector;

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

“(i) individuals entering into the water and wastewater utility sector; and
“(ii) individuals seeking to advance careers within the water and wastewater utility sector; and

“(C) expanding the use and availability of activities and strategies, including the development of innovative activities and strategies, that relate to the maintenance and retention of a sustainable workforce in the water and wastewater utility sector.”;

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking “institutions—” and inserting “institutions, or public works departments and agencies—”; and

(ii) in subparagraph (A)—

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

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

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

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

“(i) in the development of educational or recruitment materials and activities, in-
including those materials and activities that specifically promote diversity within recruitment, for the water and wastewater utility workforce;”; and

(V) by adding at the end the following:

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

(C) in paragraph (3)—

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

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

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

“(4) WORKING GROUP; REPORT.—

“(A) IN GENERAL.—The Administrator shall establish and coordinate a Federal inter-agency working group to address recruitment,
training, and retention challenges in the water
and wastewater utility workforce, which shall
include representatives from—

“(i) the Department of Education;
“(ii) the Department of Labor;
“(iii) the Department of Agriculture;
“(iv) the Department of Veterans Af-
fairs; and
“(v) other Federal agencies, as deter-
mined to be appropriate by the Adminis-
trator.

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

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

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

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

(4) by inserting before subsection (b) (as so redesignated) the following:

“(a) Definition of Public Works Department or Agency.—In this section, the term ‘public works department or agency’ means a political subdivision of a local, county, or regional government that designs, builds, operates, and maintains water infrastructure, sewage and refuse disposal systems, and other public water systems and facilities.”.

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

Section 303 of the Safe Drinking Water Act Amendments of 1996 (33 U.S.C. 1263a) is amended—

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

(2) in subsection (e), by striking “this section” and all that follows through the period at the end and inserting the following: “this section—
“(1) $40,000,000 for each of fiscal years 2022 through 2024;
“(2) $50,000,000 for fiscal year 2025; and
“(3) $60,000,000 for fiscal year 2026.”.

SEC. 213. WATER DATA SHARING PILOT PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Administrator shall establish a competitive grant pilot program (referred to in this section as the “pilot program”) under which the Administrator may award grants to eligible entities under subsection (b) to establish systems that improve the sharing of information concerning water quality, water infrastructure needs, and water technology, including cybersecurity technology, between States or among counties and other units of local government within a State, which may include—

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

(B) intercounty communications initiatives related to water data.

(2) REQUIREMENTS.—
(A) DATA SHARING.—The Internet of Water principles developed by the Nicholas Institute for Environmental Policy Solutions shall, to the extent practicable, guide any water data sharing efforts under the pilot program.

(B) USE OF EXISTING DATA.—The recipient of a grant under the pilot program to establish a website or data hub described in paragraph (1)(A) shall, to the extent practicable, leverage existing data sharing infrastructure.

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

(1) a State, county, or other unit of local government that—

(A) has a coastal watershed with significant pollution levels;

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

(C) has significant individual water infrastructure deficits; or

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

(e) APPLICATIONS.—To be eligible to receive a grant under the pilot program, an eligible entity under subsection (b) shall submit to the Administrator an applica-
tion at such time, in such manner, and containing such
information as the Administrator may require.

(d) **Regional Consortia.**—

(1) **Establishment.**—States may establish re-
geonial consortia in accordance with this subsection.

(2) **Requirements.**—A regional consortium
established under paragraph (1) shall—

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

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

(ii) to share information, protocols,
and procedures with respect to projects
that evaluate, demonstrate, or install new
and emerging, but proven, water tech-
ology;

(B) carry out projects—

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

(ii) that evaluate, demonstrate, or in-
install new and emerging, but proven, water
technology; and

(C) develop a regional intended use plan,
in accordance with paragraph (3), to identify
projects to carry out, including projects using
grants received under this section.

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

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

(B) may include—

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

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

(e) REPORT.—Not later than 2 years after the date
of enactment of this Act, the Administrator shall submit
to Congress a report that describes the implementation of
the pilot program, which shall include—
(1) a description of the use and deployment of amounts made available under the pilot program; and

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

(f) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the pilot program $15,000,000 for each of fiscal years 2022 through 2026, to remain available until expended.

(2) REQUIREMENT.—Of the funds made available under paragraph (1), not more than 35 percent may be used to provide grants to regional consortia established under subsection (d).

SEC. 214. FINAL RATING OPINION LETTERS.

Section 5028(a)(1)(D)(ii) of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3907(a)(1)(D)(ii)) is amended by striking “final rating opinion letters from at least 2 rating agencies” and inserting “a final rating opinion letter from at least 1 rating agency”.
SEC. 215. WATER INFRASTRUCTURE FINANCING AUTHORIZATION.

(a) IN GENERAL.—Section 5033 of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3912) is amended—

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

“(3) Fiscal Years 2022 through 2026.—There is authorized to be appropriated to the Administrator to carry out this subtitle $50,000,000 for each of fiscal years 2022 through 2026, to remain available until expended.”;

(2) in subsection (b)(2)—

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

(B) by striking “2020 and 2021” and inserting “2022 through 2026”; and

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

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

“SEC. 5036. OUTREACH PLAN.

“(a) Definition of Rural Community.—In this section, the term ‘rural community’ means a city, town,
or unincorporated area that has a population of not more than 10,000 inhabitants.

“(b) Outreach Required.—Not later than 180 days after the date of enactment of this section, the Administrator, in consultation with relevant Federal agencies, shall develop and begin implementation of an outreach plan to promote financial assistance available under this subtitle to small communities and rural communities.”.

SEC. 216. SMALL AND DISADVANTAGED COMMUNITY ANALYSIS.

(a) Analysis.—Not later than 2 years after the date of enactment of this Act, using environmental justice data of the Environmental Protection Agency, including data from the environmental justice mapping and screening tool of the Environmental Protection Agency, the Administrator shall carry out an analysis under which the Administrator shall assess the programs under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) and section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12) to identify historical distributions of funds to small and disadvantaged communities and new opportunities and methods to improve on the distribution of funds under those programs to low-income communities, rural communities, minority communities, and com-
munities of indigenous peoples, in accordance with Execu-
6381; relating to Federal actions to address environmental
justice in minority populations and low-income popu-
lations).
(b) REQUIREMENT.—The analysis under subsection
(a) shall include an analysis, to the extent practicable, of
communities in the United States that do not have access
to drinking water or wastewater services.
(c) REPORT.—On completion of the analysis under
subsection (a), the Administrator shall submit to the Com-
mittee on Environment and Public Works of the Senate
and the Committees on Energy and Commerce and Trans-
portation and Infrastructure of the House of Representa-
tives a report describing—
(1) the results of the analysis; and
(2) the criteria the Administrator used in car-
rying out the analysis.

SEC. 217. STORMWATER INFRASTRUCTURE TECHNOLOGY.
(a) DEFINITIONS.—In this section:
(1) CENTER.—The term “center” means a cen-
ter of excellence for stormwater control infrastruc-
ture established under subsection (b)(1).
(2) ELIGIBLE ENTITY.—The term “eligible enti-
ty” means—
(A) a State, Tribal, or local government; or

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

that manages stormwater or wastewater re-

sources or other related water infrastructure.

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

ble institution” means an institution of higher edu-

cation, a research institution, or a nonprofit organi-

zation—

(A) that has demonstrated excellence in re-

searching and developing new and emerging

stormwater control infrastructure technologies;

and

(B) with respect to a nonprofit organiza-

tion, the core mission of which includes water

management, as determined by the Adminis-

trator.

(b) CENTERS OF EXCELLENCE FOR STORMWATER

CONTROL INFRASTRUCTURE TECHNOLOGIES.—

(1) ESTABLISHMENT OF CENTERS.—

(A) IN GENERAL.—Subject to the avail-

ability of appropriations, the Administrator

shall provide grants, on a competitive basis, to

eligible institutions to establish and maintain

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

of excellence for new and emerging stormwater
control infrastructure technologies, to be located in various regions throughout the United States.

(B) General Operation.—Each center shall—

(i) conduct research on new and emerging stormwater control infrastructure technologies that are relevant to the geographical region in which the center is located, including stormwater and sewer overflow reduction, other approaches to water resource enhancement, alternative funding approaches, and other environmental, economic, and social benefits, with the goal of improving the effectiveness, cost efficiency, and protection of public safety and water quality;

(ii) maintain a listing of—

(I) stormwater control infrastructure needs; and

(II) an analysis of new and emerging stormwater control infrastructure technologies that are available;
(iii) analyze whether additional financial programs for the implementation of new and emerging, but proven, stormwater control infrastructure technologies would be useful;

(iv) provide information regarding research conducted under clause (i) to the national electronic clearinghouse center for publication on the Internet website established under paragraph (3)(B)(i) to provide to the Federal Government and State, Tribal, and local governments and the private sector information regarding new and emerging, but proven, stormwater control infrastructure technologies;

(v) provide technical assistance to State, Tribal, and local governments to assist with the design, construction, operation, and maintenance of stormwater control infrastructure projects that use innovative technologies;

(vi) collaborate with institutions of higher education and private and public organizations, including community-based public-private partnerships and other
stakeholders, in the geographical region in which the center is located; and

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

(2) APPLICATION.—To be eligible to receive a grant under this subsection, an eligible institution shall prepare and submit to the Administrator an application at such time, in such form, and containing such information as the Administrator may require.

(3) NATIONAL ELECTRONIC CLEARINGHOUSE CENTER.—Of the centers established under paragraph (1)(A), 1 shall—

(A) be designated as the “national electronic clearinghouse center”; and

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

(i) develop, operate, and maintain an Internet website and a public database that contains information relating to new and emerging, but proven, stormwater control infrastructure technologies; and

(ii) post to the website information from all centers.

(4) AUTHORIZATION OF APPROPRIATIONS.—
In general.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2022 through 2026.

Limitation on use of funds.—Of the amounts made available for grants under subparagraph (A), not more than 2 percent may be used to pay the administrative costs of the Administrator.

(c) Stormwater Control Infrastructure Project Grants.—

(1) Grant authority.—Subject to the availability of appropriations, the Administrator shall provide grants, on a competitive basis, to eligible entities to carry out stormwater control infrastructure projects that incorporate new and emerging, but proven, stormwater control technologies in accordance with this subsection.

(2) Stormwater control infrastructure projects.—

(A) Planning and development grants.—The Administrator may make planning and development grants under this subsection for the following projects:
(i) Planning and designing stormwater control infrastructure projects that incorporate new and emerging, but proven, stormwater control technologies, including engineering surveys, landscape plans, maps, long-term operations and maintenance plans, and implementation plans.

(ii) Identifying and developing standards necessary to accommodate stormwater control infrastructure projects, including those projects that incorporate new and emerging, but proven, stormwater control technologies.

(iii) Identifying and developing fee structures to provide financial support for design, installation, and operations and maintenance of stormwater control infrastructure, including new and emerging, but proven, stormwater control infrastructure technologies.

(iv) Developing approaches for community-based public-private partnerships for the financing and construction of stormwater control infrastructure tech-
nologies, including feasibility studies, stakeholder outreach, and needs assessments.

(v) Developing and delivering training and educational materials regarding new and emerging, but proven, stormwater control infrastructure technologies for distribution to—

(I) individuals and entities with applicable technical knowledge; and

(II) the public.

(B) IMPLEMENTATION GRANTS.—The Administrator may make implementation grants under this subsection for the following projects:

(i) Installing new and emerging, but proven, stormwater control infrastructure technologies.

(ii) Protecting or restoring interconnected networks of natural areas that protect water quality.

(iii) Monitoring and evaluating the environmental, economic, or social benefits of stormwater control infrastructure technologies that incorporate new and emerg-
ing, but proven, stormwater control technology.

(iv) Implementing a best practices standard for stormwater control infrastructure programs.

(3) APPLICATION.—Except as otherwise provided in this section, to be eligible to receive a grant under this subsection, an eligible entity shall prepare and submit to the Administrator an application at such time, in such form, and containing such information as the Administrator may require, including, as applicable—

(A) a description of the stormwater control infrastructure project that incorporates new and emerging, but proven, technologies;

(B) a plan for monitoring the impacts and pollutant load reductions associated with the stormwater control infrastructure project on the water quality and quantity;

(C) an evaluation of other environmental, economic, and social benefits of the stormwater control infrastructure project; and

(D) a plan for the long-term operation and maintenance of the stormwater control infra-
structure project and a tracking system, such as asset management practices.

(4) PRIORITY.—In making grants under this subsection, the Administrator shall give priority to applications submitted on behalf of—

(A) a community that—

(i) has municipal combined storm and sanitary sewers in the collection system of the community; or

(ii) is a small, rural, or disadvantaged community, as determined by the Administrator; or

(B) an eligible entity that will use not less than 15 percent of the grant to provide service to a small, rural, or disadvantaged community, as determined by the Administrator.

(5) MAXIMUM AMOUNTS.—

(A) PLANNING AND DEVELOPMENT GRANTS.—

(i) SINGLE GRANT.—The amount of a single planning and development grant provided under this subsection shall be not more than $200,000.

(ii) AGGREGATE AMOUNT.—The total amount of all planning and development
grants provided under this subsection for a fiscal year shall be not more than \( \frac{1}{3} \) of the total amount made available to carry out this subsection.

(B) IMPLEMENTATION GRANTS.—

(i) SINGLE GRANT.—The amount of a single implementation grant provided under this subsection shall be not more than $2,000,000.

(ii) AGGREGATE AMOUNT.—The total amount of all implementation grants provided under this subsection for a fiscal year shall be not more than \( \frac{2}{3} \) of the total amount made available to carry out this subsection.

(6) FEDERAL SHARE.—

(A) IN GENERAL.—Except as provided in subparagraph (C), the Federal share of a grant provided under this subsection shall not exceed 80 percent of the total project cost.

(B) CREDIT FOR IMPLEMENTATION GRANTS.—The Administrator shall credit toward the non-Federal share of the cost of an implementation project carried out under this subsection the cost of planning, design, and
construction work completed for the project using funds other than funds provided under this section.

(C) EXCEPTION.—The Administrator may waive the Federal share limitation under subparagraph (A) for an eligible entity that has adequately demonstrated financial need.

(d) REPORT TO CONGRESS.—Not later than 2 years after the date on which the Administrator first awards a grant under this section, the Administrator shall submit to Congress a report that includes, with respect to the period covered by the report—

(1) a description of all grants provided under this section;

(2) a detailed description of—

(A) the projects supported by those grants; and

(B) the outcomes of those projects;

(3) a description of the improvements in technology, environmental benefits, resources conserved, efficiencies, and other benefits of the projects funded under this section;

(4) recommendations for improvements to promote and support new and emerging, but proven, stormwater control infrastructure, including research
into new and emerging technologies, for the centers, grants, and activities under this section; and

(5) a description of existing challenges concerning the use of new and emerging, but proven, stormwater control infrastructure.

(e) Authorization of Appropriations.—

(1) In general.—There is authorized to be appropriated to carry out this section (except for subsection (b)) $10,000,000 for each of fiscal years 2022 through 2026.

(2) Limitation on use of funds.—Of the amounts made available for grants under paragraph (1), not more than 2 percent may be used to pay the administrative costs of the Administrator.

SEC. 218. WATER REUSE INTERAGENCY WORKING GROUP.

(a) In general.—Not later than 180 days after the date of enactment of this Act, the Administrator shall establish a Water Reuse Interagency Working Group (referred to in this section as the “Working Group”).

(b) Purpose.—The purpose of the Working Group is to develop and coordinate actions, tools, and resources to advance water reuse across the United States, including through the implementation of the February 2020 National Water Reuse Action Plan, which creates opportunities for water reuse in the mission areas of each of the
Federal agencies included in the Working Group under subsection (c) (referred to in this section as the “Action Plan”).

(c) CHAIRPERSON; MEMBERSHIP.—The Working Group shall be—

(1) chaired by the Administrator; and

(2) comprised of senior representatives from such Federal agencies as the Administrator determines to be appropriate.

(d) DUTIES OF THE WORKING GROUP.—In carrying out this section, the Working Group shall—

(1) with respect to water reuse, leverage the expertise of industry, the research community, non-governmental organizations, and government;

(2) seek to foster water reuse as an important component of integrated water resources management;

(3) conduct an assessment of new opportunities to advance water reuse and annually update the Action Plan with new actions, as necessary, to pursue those opportunities;

(4) seek to coordinate Federal programs and policies to support the adoption of water reuse;

(5) consider how each Federal agency can explore and identify opportunities to support water
reuse through the programs and activities of that Federal agency; and

(6) consult, on a regular basis, with representatives of relevant industries, the research community, and nongovernmental organizations.

(e) REPORT.—Not less frequently than once every 2 years, the Administrator shall submit to Congress a report on the activities and findings of the Working Group.

(f) SUNSET.—

(1) IN GENERAL.—Subject to paragraph (2), the Working Group shall terminate on the date that is 6 years after the date of enactment of this Act.

(2) EXTENSION.—The Administrator may extend the date of termination of the Working Group under paragraph (1).

SEC. 219. ADVANCED CLEAN WATER TECHNOLOGIES STUDY.

(a) IN GENERAL.—Subject to the availability of appropriations, not later than 2 years after the date of enactment of this Act, the Administrator shall carry out a study that examines the state of existing and potential future technology, including technology that could address cybersecurity vulnerabilities, that enhances or could enhance the treatment, monitoring, affordability, efficiency, and safety of wastewater services provided by a treatment
works (as defined in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292)).

(b) REPORT.—The Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes the results of the study under subsection (a).

SEC. 220. CLEAN WATERSHEDS NEEDS SURVEY.

Title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) is amended by adding at the end the following:

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"SEC. 609. CLEAN WATERSHEDS NEEDS SURVEY.

"(a) REQUIREMENT.—Not later than 2 years after the date of enactment of the Drinking Water and Wastewater Infrastructure Act of 2021, and not less frequently than once every 4 years thereafter, the Administrator shall—

"(1) conduct and complete an assessment of capital improvement needs for all projects that are eligible under section 603(c) for assistance from State water pollution control revolving funds; and

"(2) submit to Congress a report describing the results of the assessment completed under paragraph (1).
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“(b) Authorization of Appropriations.—There is authorized to be appropriated to carry out the initial needs survey under subsection (a) $5,000,000, to remain available until expended.”.

SEC. 221. WATER RESOURCES RESEARCH ACT AMENDMENTS.

(a) Clarification of Research Activities.—Section 104(b)(1) of the Water Resources Research Act of 1984 (42 U.S.C. 10303(b)(1)) is amended—

(1) in subparagraph (B)(ii), by striking “water-related phenomena” and inserting “water resources”; and

(2) in subparagraph (D), by striking the period at the end and inserting “; and”.

(b) Compliance Report.—Section 104 of the Water Resources Research Act of 1984 (42 U.S.C. 10303) is amended by striking subsection (c) and inserting the following:

“(c) Grants.—

“(1) In general.—From the sums appropriated pursuant to subsection (f), the Secretary shall make grants to each institute to be matched on a basis of no less than 1 non-Federal dollar for every 1 Federal dollar.
“(2) REPORT.—Not later than December 31 of each fiscal year, the Secretary shall submit to the Committee on Environment and Public Works of the Senate, the Committee on the Budget of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on the Budget of the House of Representatives a report regarding the compliance of each funding recipient with this subsection for the immediately preceding fiscal year.”.

(e) EVALUATION OF WATER RESOURCES RESEARCH PROGRAM.—Section 104 of the Water Resources Research Act of 1984 (42 U.S.C. 10303) is amended by striking subsection (e) and inserting the following:

“(e) EVALUATION OF WATER RESOURCES RESEARCH PROGRAM.—

“(1) IN GENERAL.—The Secretary shall conduct a careful and detailed evaluation of each institute at least once every 5 years to determine—

“(A) the quality and relevance of the water resources research of the institute;

“(B) the effectiveness of the institute at producing measured results and applied water supply research; and
“(C) whether the effectiveness of the institute as an institution for planning, conducting, and arranging for research warrants continued support under this section.

“(2) Prohibition on Further Support.—If, as a result of an evaluation under paragraph (1), the Secretary determines that an institute does not qualify for further support under this section, no further grants to the institute may be provided until the qualifications of the institute are reestablished to the satisfaction of the Secretary.”.


(e) Additional Appropriations Where Research Focused on Water Problems of Interstate Nature.—Section 104(g)(1) of the Water Resources Research Act of 1984 (42 U.S.C. 10303(g)(1)) is amended in the first sentence by striking “$6,000,000 for each of fiscal years 2007 through 2011” and inserting “$3,000,000 for each of fiscal years 2022 through 2025”.
Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended by adding at the end the following:

"SEC. 124. ENHANCED AQUIFER USE AND RECHARGE.

"(a) IN GENERAL.—Subject to the availability of appropriations, the Administrator shall provide funding to carry out groundwater research on enhanced aquifer use and recharge in support of sole-source aquifers, of which—

"(1) not less than 50 percent shall be used to provide 1 grant to a State, unit of local government, or Indian Tribe to carry out activities that would directly support that research; and

"(2) the remainder shall be provided to 1 appropriate research center.

"(b) COORDINATION.—As a condition of accepting funds under subsection (a), the State, unit of local government, or Indian Tribe and the appropriate research center that receive funds under that subsection shall establish a formal research relationship for the purpose of coordinating efforts under this section.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to
carry out this section $5,000,000 for each of fiscal years 2022 through 2026.”.

Passed the Senate April 29, 2021.

Attest:

Secretary.
AN ACT

To amend the Safe Drinking Water Act and the Federal Water Pollution Control Act to reauthorize programs under those Acts, and for other purposes.
On May 21, 2021, Congressman Jared Huffman (San Rafael) introduced H.R. 3404, the FUTURE Western Water Infrastructure and Drought Resiliency Act. This bill would authorize over $1 billion in water infrastructure funding, including an increase in USBR Title XVI authorizations from $50 million to $500 million through Federal Fiscal Year 2025, and combines several previously introduced proposals from House Democrats, including provisions of H.R. 1015, Rep. Grace Napolitano’s Water Recycling Investment and Improvement Act that would make permanent a grant program for the funding of water recycling and reuse projects and give funding priority to projects that are regional in nature.

The bill was specifically endorsed by the Newsom Administration and numerous stakeholders, including the California Association of Sanitation Agencies (CASA), the Metropolitan Water District of Southern California (MWD), WateReuse, and the Water Now Alliance. Staff recommends the Board adopt a position of support for this bill.

Staff's Recommendation:
Adopt a position of "Support" for H.R. 3404 (Huffman) - the FUTURE Western Water Infrastructure and Drought Resiliency Act.

Budget Impact

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

Account/Project Name:
N/A

Fiscal Impact (explain if not budgeted):
N/A
**Prior Board Action:**

Adoption of 2021 Legislative Policy Principles

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**Environmental Determination:**

Not Applicable

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**Business Goal:**

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

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**Attachments:**

1. Background
2. H.R. 3404 Bill Text
Background

Subject: Adopt Position on FUTURE Western Water Infrastructure and Drought Resiliency Act


The bill’s major policy components focus on infrastructure development, improved technology and data, ecosystem protection and restoration, and water job training and education. The bill would increase authorizations for water recycling and reuse project funding through the Title XVI program from $50 million to $500 million through Fiscal Year 2025. IEUA has benefitted from the Title XVI Program in the past, receiving approximately $46 million in funding through the program to implement water infrastructure projects.

The bill would authorize an additional $1 billion for water infrastructure projects, including $750 million for sustainable, multi-benefit water storage projects, $500 million for water recycling and reuse projects, and $260 million for innovative water desalination projects. It would also provide support for water education activities, collaborative water management efforts and training, and professional development support for the water sector workforce.

The FUTURE Western Water Act was specifically endorsed by the Newsom Administration and numerous stakeholders, including water agencies and utilities, environmental and conservation organizations, and fishing and outdoor recreation organizations, including the California Association of Sanitation Agencies (CASA), the Metropolitan Water District of Southern California (MWD), WaterReuse, and the Water Now Alliance. Staff recommends the Board adopt a position of support for this bill.
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 Represen-
2 tatives 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 “Furthering Underutilized Technologies and Unleashing Responsible Expenditures for Western Water Infrastructure and Drought Resiliency Act” or the “FUTURE Western Water Infrastructure and Drought Resiliency Act”.

(b) **TABLE OF CONTENTS.**—The table of contents for 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. 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.**

Congress finds the following:
(1) As expressed in the Water Supply Act of 1958, Congress has recognized the primary responsibilities of the States and local interests in developing water supplies for domestic, municipal, industrial, and other purposes, and that the Federal Government should participate and cooperate in these projects.

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

(3) The entire American West and Southwest are facing forecasts of prolonged droughts that will leave States facing major water shortages and catastrophic wildfires.

(4) Recent periods of drought in the American West have also occurred with higher temperatures and reduced snowpack and led to what climate scientists recently concluded was possibly the most severe drought in California in over 1,200 years.

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

(6) Addressing water shortages today and in the future will require action from the Federal Government that respects State, local, and Tribal law, and that the policies that respond to droughts should not pit State against State, region against region, or stakeholders against one another.

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

(8) It is the policy of the United States to respect California’s coequal goals, established by the Delta Reform Act of 2009, of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem, and
these coequal goals shall be achieved in a manner
that protects and enhances the unique cultural, recre-
tional, natural resource, and agricultural values
of the Delta as an evolving place.

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

(10) Federal agencies should operate the Bu-
reau of Reclamation’s Central Valley Project in Cali-
ifornia in compliance with all Federal and State laws,
including biological opinions, while working with the
State to maximize operational flexibility in order to deliver as much water as reasonably possible to drought-impacted areas and minimize the harm suffered by fish and wildlife as a result of drought.

(11) The Reclamation Fund was established in 1902 with the express purpose of providing for the construction and maintenance of water infrastructure for the economic development of the Western States and territories, with revenues deposited into the fund out of public land sales within these Western States and territories.

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

(13) The Reclamation Fund represents a transfer of a portion of receipts from Federal lands and Federal natural resources in the West back to the West for water development, and the Reclamation Fund’s surplus should be used to assist the West in meeting its water needs for public health and safety, for expanding water recycling, reuse, and reclaim-
tion, and for meeting the emergency needs of communities impacted by drought.

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

(15) The Federal funding authorized in title I of this Act can help provide additional water supplies to the Western States in the near-term, including 650,000 acre-feet per year in additional average yield through water reuse projects, 350,000 acre-feet per year in additional average yield through water storage projects, and 100,000 acre-feet per year in additional average yield through water desalination projects.

(16) Robust Federal investment and support is needed to assist the Western States in developing future drought resiliency in the face of climate change, which will continue to exacerbate existing water supply challenges in an already arid region of the country.

SEC. 3. DEFINITIONS.

In this Act:
The term “relevant committees of Congress” means—

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

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

(2) Reclamation State.—The term “Reclamation State” means a State or territory described in the first section of the Act of June 17, 1902 (32 Stat. 388, chapter 1093; 43 U.S.C. 391).

(3) Secretary.—The term “Secretary” means the Secretary of the Interior, unless otherwise defined in a particular provision.

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

TITLE I—INFRASTRUCTURE DEVELOPMENT

SEC. 101. COMPETITIVE GRANT PROGRAM FOR THE FUNDING OF WATER RECYCLING AND REUSE PROJECTS.

(a) Competitive Grant Program for the Funding of Water Recycling and Reuse Projects.—Sec-
tion 1602(f) of the Reclamation Wastewater and Groundwater Study and Facilities Act (title XVI of Public Law 102–575; 43 U.S.C. 390h et seq.) is amended by striking paragraphs (2) and (3) and inserting the following:

“(2) PRIORITY.—When funding projects under paragraph (1), the Secretary shall give funding priority to projects that meet one or more of the following criteria:

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

“(B) Projects that are likely to increase the water management flexibility and reduce impacts on environmental resources from projects operated by Federal and State agencies.

“(C) Projects that are regional in nature.

“(D) Projects with multiple stakeholders.

“(E) Projects that provide multiple benefits, including water supply reliability, eco-system benefits, groundwater management and enhancements, and water quality improvements.”.

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

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

(2) by striking “if enacted appropriations legislation designates funding to them by name,.”.

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

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

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

(3) by adding at the end the following:

“(3) section 4009(c).”.

(d) Limitation on Funding.—Section 1631(d) of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h–13(d)) is amended by striking “$20,000,000 (October 1996 prices)” and inserting “$30,000,000 (January 2019 prices)”.

SEC. 102. STORAGE PROJECT DEVELOPMENT REPORTS TO CONGRESS.

(a) Definitions.—In this section:

(1) Non-Federal Interest.—The term “Non-Federal interest” means an eligible entity or a qualified partner (as defined in section 103(a)).
(2) PROJECT REPORT.—The term “project report” means the following documents prepared for a Federal storage project or major federally assisted storage project (as defined in section 103(a)):

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

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

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

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

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

(3) PROJECT STUDY.—

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

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

(b) ANNUAL REPORTS.—Not later than February 1
of each year, the Secretary shall develop and submit to
the relevant committees of Congress an annual report, to
be entitled “Report to Congress on Future Storage Project
Development”, that identifies the following:
(1) **PROJECT REPORTS.**—Each project report that meets the criteria established in subsection (d)(1)(A).

(2) **PROPOSED PROJECT STUDIES.**—Any proposed project study submitted to the Secretary by a non-Federal interest pursuant to subsection (c) that meets the criteria established in subsection (d)(1)(A).

(3) **PROPOSED MODIFICATIONS.**—Any proposed modification to an authorized project or project study that meets the criteria established in subsection (d)(1)(A) that—

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

(B) is identified by the Secretary for authorization.

(c) **REQUESTS FOR PROPOSALS.**—

(1) **PUBLICATION.**—Not later than May 1 of each year, the Secretary shall publish in the Federal Register a notice requesting proposals from non-Federal interests for project reports, proposed project studies, and proposed modifications to authorized projects and project studies to be included in the annual report.
(2) DEADLINE FOR REQUESTS.—The Secretary shall include in each notice required by this subsection a requirement that non-Federal interests submit to the Secretary any proposals described in paragraph (1) by not later than 120 days after the date of publication of the notice in the Federal Register in order for the proposals to be considered for inclusion in the annual report.

(3) NOTIFICATION.—On the date of publication of each notice required by this subsection, the Secretary shall—

(A) make the notice publicly available, including on the internet; and

(B) provide written notification of the publication to the relevant committees of Congress.

(d) CONTENTS.—

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

(A) CRITERIA FOR INCLUSION IN REPORT.—The Secretary shall include in the annual report only those project reports, proposed project studies, and proposed modifications to authorized projects and project studies that—

(i) are related to the missions and authorities of the Department of the Interior;
(ii) require specific congressional authorization, including by an Act of Congress;

(iii) have not been congressionally authorized;

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

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

(B) DESCRIPTION OF BENEFITS.—

(i) DESCRIPTION.—The Secretary shall describe in the annual report, to the extent applicable and practicable, for each proposed project study and proposed modification to an authorized project or project study included in the annual report, the benefits, as described in clause (ii), of each such study or proposed modification.

(ii) BENEFITS.—The benefits (or expected benefits, in the case of a proposed project study) described in this clause are benefits to—
(I) water supply and water management;

(II) the environment, including fish and wildlife benefits estimated under section 103(g) for a project report or proposed modification to an authorized project;

(III) the protection of human life and property;

(IV) the national economy; or

(V) the national security interests of the United States.

(C) Identification of Other Factors.—The Secretary shall identify in the annual report, to the extent practicable—

(i) for each proposed project study included in the annual report, the non-Federal interest that submitted the proposed project study pursuant to subsection (c); and

(ii) for each proposed project study and proposed modification to a project or project study included in the annual report, whether the non-Federal interest has demonstrated—
that local support exists for
the proposed project study or pro-
posed modification to an authorized
project or project study (including the
project that is the subject of the pro-
posed project study or the proposed
modification to an authorized project
study); and

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

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

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

(i) the project report;

(ii) the proposed project study;

(iii) the authorized project study for
which the modification is proposed; or
(iv) construction of—

(I) the project that is the subject of—

(aa) the project report;

(bb) the proposed project study; or

(ec) the authorized project study for which a modification is proposed; or

(II) the proposed modification to a project;

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

(C) the purpose of the project report, proposed project study, or proposed modification to a project or project study;

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

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

(ii) construction of—
(I) the project that is the subject of—

(aa) the project report; or

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

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

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

(i) the project that is the subject of—

(I) the project report; or

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

(ii) the proposed modification to an authorized project.

(3) CERTIFICATION.—The Secretary shall include in the annual report a certification stating that each project report, proposed project study, and proposed modification to a project or project study
included in the annual report meets the criteria established in paragraph (1)(A).

(4) APPENDIX.—The Secretary shall include in the annual report an appendix listing the proposals submitted under subsection (c) that were not included in the annual report under paragraph (1)(A) and a description of why the Secretary determined that those proposals did not meet the criteria for inclusion under such paragraph.

(e) SPECIAL RULE FOR INITIAL ANNUAL REPORT.—Notwithstanding any other deadlines required by this section, the Secretary shall—

(1) not later than 60 days after the date of the enactment of this Act, publish in the Federal Register a notice required by subsection (c)(1); and

(2) include in such notice a requirement that non-Federal interests submit to the Secretary any proposals described in subsection (c)(1) by not later than 120 days after the date of publication of such notice in the Federal Register in order for such proposals to be considered for inclusion in the first annual report developed by the Secretary under this section.

(f) PUBLICATION.—Upon submission of an annual report to Congress, the Secretary shall make the annual
(g) **CONSULTATION.**—The Secretary, acting through the Commissioner of Reclamation, shall confer with the relevant committees of Congress before submitting each annual report prepared under subsection (b).

(h) **SUBMISSION OF INDIVIDUAL PROJECT REPORTS.**—Upon completion, project reports, including all required documents and reports under subsection (b), shall—

1. be submitted to the relevant committees of Congress; and
2. include discussion of the following findings by the Secretary—
   (A) whether the project is deemed to be feasible in accordance with the applicable feasibility standards under section 103 and the reclamation laws;
   (B) the degree to which the project will provide benefits (or expected benefits, in the case of a proposed project study) as described in subsection (d)(1)(B)(ii) and other benefits under the reclamation laws; and
   (C) whether the project complies with Federal, State, and local laws.
SEC. 103. FUNDING FOR STORAGE AND SUPPORTING PROJECTS.

(a) Definitions.—In this section:

(1) Design; study.—

(A) In general.—The terms “design” and “study” include any design, permitting, study (including a feasibility study), materials engineering or testing, surveying, or preconstruction activity relating to a Federal storage project, a major federally assisted storage project, a natural water storage project, or a standard federally assisted storage project as defined in this subsection.

(B) Exclusions.—The terms “design” and “study” do not include an appraisal study or other preliminary review intended to determine whether further study is appropriate for a Federal storage project, a major federally assisted storage project, a natural water storage project, or a standard federally assisted storage project as defined in this subsection.

(2) Eligible entity.—The term “eligible entity” means—

(A) any State, political subdivision of a State, department of a State, or public agency organized pursuant to State law;
(B) an Indian Tribe or an entity controlled
by an Indian Tribe;

(C) a water users’ association;

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

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

(3) Federal storage project. — The term
“Federal storage project” means —

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

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

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

(I) the reclamation laws; or

(II) the Act of August 11, 1939
(commonly known as the Water Con-
servation and Utilization Act (16
U.S.C. 590y et seq.)); or
(B) an ecosystem restoration project for watershed function, including a forest or watershed restoration project, that, consistent with maintaining and enhancing long-term ecological and hydrological function and resilience, benefits the quality, timing, and other qualities of water available for release on a long-term basis from a water storage facility in a Reclamation State—

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

(ii) that was authorized to be constructed, operated, and maintained pursuant to—

(I) the reclamation laws; or

(II) the Act of August 11, 1939 (commonly known as the Water Conservation and Utilization Act (16 U.S.C. 590y et seq.)).

(4) Fish and wildlife benefits.—The term “fish and wildlife benefits” means overall benefits or improvements to aquatic ecosystems and native fish and wildlife within a Reclamation State, including benefits for a wildlife refuge, that are in excess of—
(A) existing fish and wildlife mitigation or compliance obligations under—

(i) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(ii) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(iii) the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4082);

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

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

(vi) any other Federal law, State law or other existing requirement in regulations, permits, contracts, licenses, grants, or orders and decisions from courts or State or Federal agencies; or

(B) existing environmental mitigation or compliance obligations as defined in section 6001(a)(32) of title 23 of the California Code of Regulations, with respect to benefits and improvements to aquatic ecosystems and native fish and wildlife within the State of California, in recognition of the State of California’s exist-
ing prohibitions against the use of public funds for environmental mitigation required under Federal and State law.

(5) MAJOR FEDERALLY ASSISTED STORAGE PROJECT.—The term “major federally assisted storage project” means any project in a Reclamation State that—

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

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

(ii) a facility that is not federally owned conveying water to or from a surface or groundwater storage facility; or

(B) is an ecosystem restoration project for watershed function, including a forest or watershed restoration project, that, on a long-term basis, benefits the quality, timing, and other qualities of water available for release from a project described in subparagraph (A) consistent with maintaining and enhancing long-term ecological and hydrological function and resilience in a Reclamation State; and
(C) provides benefits described in section 102(d)(1)(B)(ii); and

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

(6) NATURAL WATER STORAGE PROJECT.—The term “natural water storage project” means a single project, a number of distributed projects across a watershed, or the redesign and replacement, or removal, of built infrastructure to incorporate elements, where the project or elements have the following characteristics:

(A) Uses primarily natural materials appropriate to the specific site and landscape setting.

(B) Largely relies on natural riverine, wetland, hydrologic, or ecological processes.

(C) Results in aquifer recharge, transient floodplain water retention, reconnection of historic floodplains to their stream channels with water retention benefits within a Reclamation State, or results in improved ecological forest watershed condition if it is a project located within the State of California.

(D) Is designed to produce two or more of the following environmental benefits:
(i) Stream flow changes beneficial to watershed health.

(ii) Fish and wildlife habitat or migration corridor restoration.

(iii) Floodplain reconnection and inundation.

(iv) Riparian or wetland restoration and improvement.

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

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

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

(ii) a facility that is not federally owned conveying water to or from a surface or groundwater storage facility; or

(B) is an ecosystem restoration project for watershed function, including a forest or watershed restoration project, that, on a long-term basis, benefits the quality, timing, and other qualities of water available for release from a
project described in subparagraph (A) consistent with maintaining and enhancing long-term ecological and hydrological function and resilience in a Reclamation State;

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

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

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

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

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

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

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

(3) natural water storage projects within a Reclamation State in accordance with subsection (e);
(4) standard federally assisted storage projects within a Reclamation State in accordance with subsection (f); or

(5) grandfathered storage projects in accordance with section 104.

(c) FEDERAL STORAGE PROJECTS.—

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

(2) FEDERAL SHARE.—Subject to the requirements of this subsection, the Secretary may fund up to 50 percent of the design and study costs of a Federal storage project and up to 50 percent of the construction costs of a Federal storage project.

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

(A) the Secretary secures a cost share agreement for design and study costs providing sufficient upfront funding to pay the non-Fed-
eral share of the design and study costs of the Federal storage project; and

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

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

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

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

(C) construction funding for the project is congressionally approved by reference to the annual Report to Congress on Future Storage Project Development prepared under section 102;
(D) the Secretary secures an agreement providing sufficient upfront funding to pay the non-Federal share of the construction costs of the Federal storage project; and

(E) The Secretary determines—

(i) the project is technically and financially feasible;

(ii) the project provides water supply reliability benefits for a State or local government and fish and wildlife benefits; and

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

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

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

(5) NOTIFICATION.—The Secretary shall submit to the relevant committees of Congress and make publicly available on the internet a written notification of the Secretary’s determinations regarding the satisfaction of the requirements under para-
graphs (3) and (4) by not later than 30 days after
the date of the determinations.

(6) ENVIRONMENTAL LAWS.—In participating
in a Federal storage project under this subsection,
the Secretary shall comply with all applicable Fed-
eral environmental laws, including the National En-
seq.), and all State environmental laws of the Recl-
amation State in which the project is located involv-
ing the construction, expansion or operation of a
water storage project or fish and wildlife protection,
provided that no law or regulation of a State or po-
litical subdivision of a State relieve the Secretary of
any Federal requirement otherwise applicable under
this section.

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

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

(i) have the potential to reduce the
risk of water storage losses for a Federal
storage project described in subsection
(a)(3)(A) by reducing the risk of erosion or 
sediment loading; and

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

(B) Draft feasibility study.—Not 
later than 180 days after the date of the enact-
ment of this Act, the Secretary shall issue draft 
requirements for feasibility studies for Federal 
storage projects described in section 
103(a)(3)(B).

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

(D) Final feasibility study require-
ments.—The Secretary shall finalize the feasi-
ability study requirements under subparagraph
(C) by not later than 1 year after the date of the enactment of this Act.

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

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

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

(d) MAJOR FEDERALLY ASSISTED STORAGE PROJECTS.—

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

(A) allow any project sponsor of a major federally assisted storage project to apply for funding for the design, study, construction, expansion, upgrade, or capital repair of a major federally assisted storage project;
(B) include the issuance of annual solicita-
tions for major federally assisted storage
project sponsors to apply for funding for the
design, study, construction, expansion, upgrade,
or capital repair of a major federally assisted
storage project; and

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

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

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

(B) fish and wildlife benefits.

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

(A) the Governor of the State in which the
major federally assisted storage project is lo-
cated provides written concurrence for the design and study activities;

(B) the Secretary secures an agreement for design and study costs providing sufficient up-front funding to pay the non-Federal share of the design and study costs of the major federally assisted storage project; and

(C) the feasibility study for the major federally assisted storage project is congressionally authorized by reference to the annual Report to Congress on Future Storage Project Development prepared under section 102.

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

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

(B) the project is a multi-benefit project that would, at a minimum, provide water supply reliability benefits (including additional storage, conveyance, or new firm yield) and fish and wildlife benefits as determined by the estimate prepared pursuant to subsection (g);
(C) the Governor of the State in which the major federally assisted storage project is located has requested Federal participation at the time construction is initiated;

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

(E) the Secretary determines—

(i) the project is technically and financially feasible;

(ii) the project provides water supply reliability benefits for a State or local government and fish and wildlife benefits; and

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

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

(II) other non-reimbursable expenses authorized under the reclamation laws other than fish and wildlife expenses.
(5) **NOTIFICATION.**—The Secretary shall submit to the relevant committees of Congress and make publicly available on the internet a written notification of the Secretary’s determinations regarding the satisfaction of the requirements under paragraphs (3) and (4) by not later than 30 days after the date of the determinations.

(6) **ENVIRONMENTAL LAWS.**—In participating in a major federally assisted storage project under this subsection, the Secretary shall comply with all applicable Federal environmental laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and all State environmental laws of the Reclamation State in which the project is located involving the construction, expansion or operation of a water storage project or fish and wildlife protection, provided that no law or regulation of a State or political subdivision of a State relieve the Secretary of any Federal requirement otherwise applicable under this section.

(7) **INFORMATION.**—

(A) **IN GENERAL.**—In participating in a major federally assisted storage project under this subsection, the Secretary—
(i) may consider the use of feasibility or equivalent studies prepared by the sponsor of the major federally assisted storage project; but

(ii) shall retain responsibility for determining whether the feasibility or equivalent studies satisfy the requirements of reports prepared by the Secretary.

(B) GUIDELINES.—

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

(I) any additional requirements necessary to provide sufficient information for making any determinations or assessments under paragraphs (2), (3), and (4); and
(II) the condition that the Bureau of Reclamation shall not bear responsibility for the technical adequacy of any design, cost estimate, or construction relating to a major federally assisted storage project.

(ii) **FINAL.**—The Secretary shall finalize the guidelines under clause (i) by not later than 1 year after the date of the enactment of this Act.

(C) **TECHNICAL ASSISTANCE FOR FEASIBILITY STUDIES.**—

(i) **TECHNICAL ASSISTANCE.**—At the request of an eligible entity or qualified partner, the Secretary shall provide to the eligible entity or qualified partner technical assistance relating to any aspect of a feasibility study carried out by the eligible entity or qualified partner under this subsection if the eligible entity or qualified partner contracts with the Secretary to pay all costs of providing the technical assistance.

(ii) **IMPARTIAL DECISIONMAKING.**—In providing technical assistance under clause
(i), the Secretary shall ensure that the use of funds accepted from an eligible entity or qualified partner will not affect the impartial decisionmaking responsibilities of the Secretary, either substantively or procedurally.

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

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

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

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

(e) Natural Water Storage Projects.—

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

(A) allow any project sponsor of a natural water storage project to apply for funding for the design, study, construction, expansion, upgrade, or capital repair of a natural water storage project; and

(B) include the issuance of annual solicitations for natural water storage project sponsors to apply for funding for the design, study, construction, expansion, upgrade, or capital repair of a natural water storage project.

(2) **Funding Priority for Multi-Benefit Projects.**—In making grants under this subsection, the Secretary shall give funding priority to multi-benefit projects that provide greater—

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

(B) fish and wildlife benefits.

(3) **Federal Share.**—Subject to the requirements of this subsection, the Secretary may provide funding to an eligible entity or qualified partner for the design, study, construction, expansion, upgrade, or capital repair of a natural water storage project
in an amount equal to not more than 80 percent of
the total cost of the natural water storage project.

(4) CONDITIONS FOR FEDERAL DESIGN AND
STUDY FUNDING.—The Secretary may fund a design
or study activity for a natural water storage project
under this subsection if the Governor of the State in
which the natural water storage project is located
provides written concurrence for design and study
activities.

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

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

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

(i) the project is technically and finan-
cially feasible;
(ii) the project provides water supply reliability benefits for a State or local government and fish and wildlife benefits; and

(iii) in return for the Federal cost-share investment in the project, at least a proportionate share of the project benefits are for non-reimbursable expenses authorized under the reclamation laws or for fish and wildlife benefits as defined in this section, which shall be considered a fully non-reimbursable Federal expenditure; and

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

(6) ENVIRONMENTAL LAWS.—In participating in a natural water storage project under this subsection, the Secretary shall comply with all applicable Federal environmental laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and all State environmental laws of the Reclamation State in which the project is located involving the construction, expansion or operation of a water storage project or fish and wildlife protection, provided that no law or regulation of a State or political subdivision of a State relieve the Sec-
(7) INFORMATION.—In participating in a natural water storage project under this subsection, the Secretary—

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

(B) shall retain responsibility for determining whether the feasibility or equivalent studies satisfy the requirements of studies prepared by the Secretary.

(8) NOTIFICATION.—The Secretary shall submit to the relevant committees of Congress and make publicly available on the internet a written notification of the Secretary’s determinations regarding the satisfaction of the requirements under paragraphs (4) and (5) by not later than 30 days after the date of the determinations.

(9) GUIDELINES.—

(A) DRAFT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall issue draft guidelines for feasibility or equivalent studies for natural water storage.
storage projects prepared by a project sponsor that shall be consistent with this subsection, provided that the Department of the Interior shall not bear responsibility for the technical adequacy of any design, cost estimate, or construction relating to a natural water storage project.

(B) **Final.**—The Secretary shall finalize the guidelines under subparagraph (A) by not later than 1 year after the date of the enactment of this Act.

(C) **Technical assistance for feasibility studies.**—

(i) **Technical assistance.**—At the request of an eligible entity or qualified partner, the Secretary shall provide to the eligible entity or qualified partner technical assistance relating to any aspect of a feasibility study carried out by an eligible entity or qualified partner under this subsection if the eligible entity or qualified partner contracts with the Secretary to pay all costs of providing the technical assistance.

(ii) **Impartial decisionmaking.**—In providing technical assistance under clause
(i), the Secretary shall ensure that the use of funds accepted from an eligible entity or qualified partner will not affect the impartial decisionmaking responsibilities of the Secretary, either substantively or procedurally.

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

(f) STANDARD FEDERALLY ASSISTED STORAGE PROJECTS.—

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

(A) allow any project sponsor of a standard federally assisted storage project to apply for funding for the design, study, construction,
expansion, upgrade, or capital repair of a federally assisted storage project;

(B) include the issuance of annual solicitations for standard federally assisted storage project sponsors to apply for funding for the design, study, construction, expansion, upgrade or capital repair of a standard federally assisted storage project; and

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

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

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

(B) provide greater fish and wildlife benefits; and
(C) cost not more than $30,000,000 to allow greater participation and wider distribution of funds and program benefits.

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

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

(A) the Governor of the State in which the federally assisted storage project is located has requested Federal participation at the time construction was initiated; and

(B) the Secretary determines or the applicable non-Federal sponsor determines through the preparation of a feasibility or equivalent study prepared in accordance with paragraph (7), and the Secretary concurs, that—
(i) the standard federally assisted storage project is technically and financially feasible;

(ii) the standard federally assisted storage project provides water supply reliability benefits for a State or local government and fish and wildlife benefits; and

(iii) in return for the Federal cost-share investment in the project, at least a proportionate share of the project benefits are for non-reimbursable expenses authorized under the reclamation laws or for fish and wildlife benefits as defined in this section, which shall be considered a fully non-reimbursable Federal expenditure; and

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

(5) NOTIFICATION.—The Secretary shall submit to the relevant committees of Congress and make publicly available on the internet a written notification of the Secretary’s determinations regarding the satisfaction of the requirements under paragraphs (3) and (4) by not later than 30 days after the date of the determinations.
(6) Environmental laws.—In participating in a standard federally assisted storage project under this subsection, the Secretary shall comply with all applicable Federal environmental laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and all State environmental laws of the Reclamation State in which the project is located involving the construction, expansion or operation of a water storage project or fish and wildlife protection, provided that no law or regulation of a State or political subdivision of a State relieve the Secretary of any Federal requirement otherwise applicable under this section.

(7) Information.—

(A) In general.—In participating in a standard federally assisted storage project under this subsection, the Secretary—

(i) may consider the use of feasibility or equivalent studies prepared by the sponsor of the standard federally assisted storage project; but 

(ii) shall retain responsibility for determining whether the feasibility or equivalent studies satisfy the requirements of reports prepared by the Secretary.
(B) GUIDELINES.—

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

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

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

(ii) FINAL.—The Secretary shall finalize the guidelines under clause (i) by not
later than 1 year after the date of the enactment of this Act.

(C) TECHNICAL ASSISTANCE FOR FEASIBILITY STUDIES.—

(i) TECHNICAL ASSISTANCE.—At the request of an eligible entity or qualified partner, the Secretary shall provide to the eligible entity or qualified partner technical assistance relating to any aspect of a feasibility study carried out by an eligible entity or qualified partner under this subsection if the eligible entity or qualified partner contracts with the Secretary to pay all costs of providing the technical assistance.

(ii) IMPARTIAL DECISIONMAKING.—In providing technical assistance under clause (i), the Secretary shall ensure that the use of funds accepted from an eligible entity or qualified partner will not affect the impartial decisionmaking responsibilities of the Secretary, either substantively or procedurally.

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

(8) COMMITTEE RESOLUTION PROCEDURE.—

(A) IN GENERAL.—No appropriation shall be made for a standard federally assisted storage project under this subsection, the total estimated cost of which exceeds $100,000,000, if such project has not been approved by a resolution adopted by the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(B) REQUIREMENTS FOR SECURING CONSIDERATION.—For the purposes of securing consideration of approval under subparagraph (A), the Secretary shall provide to a committee referred to in subparagraph (A) such information as the committee requests and the non-Federal sponsor shall provide to the committee information on the costs and relative needs for the federally assisted storage project.

(9) ELIGIBLE PARTNER.—The Secretary is authorized to participate in a restoration project described in subsection (a)(7)(B) with a partner that is—
(A) an eligible entity as defined in subsection (a)(2); or

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

(g) FISH AND WILDLIFE LOSSES AND BENEFITS.—

(1) DEFINITIONS.—In this subsection—

(A) The term “Best available scientific information and data” means the use of the high-value information and data, specific to the decision being made and the time frame available for making that decision, to inform and assist management and policy decisions;

(B) The term “Director” means—

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

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

(C) The term “major water storage project” means a major federally assisted stor-
(2) PURPOSES.—The purposes of this subsection are the following:

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

(B) To help fund and assist in the preparation of reports required under the Fish and Wildlife Coordination Act for proposed water development projects.

(C) To instruct the Director to prepare a report described in section 2(b) of the Fish and Wildlife Coordination Act (16 U.S.C. 662(b)) for each major water storage project that includes an estimate of fish and wildlife losses and fish and wildlife benefits derived from each such project, based on the best available scientific information and data.

(D) To direct Federal funds to major water storage projects that provide demonstrable, measurable fish and wildlife benefits and associated ecosystem services benefits for taxpayers based on objective data and the expertise of the primary Federal agency with ju-
risdiction over the management of fish and
wildlife resources.

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

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

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

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

(4) DRAFT ESTIMATE.—
(A) Use of best available scientific information and data available.—The Director shall include in the Fish and Wildlife Coordination Act report prepared under paragraph (3) a draft estimate of fish and wildlife losses and fish and wildlife benefits derived from a major water storage project.

(B) Coordination.—A draft estimate required under subparagraph (A) shall be prepared in coordination with the head of the State agency with jurisdiction over the fish and wildlife resources of the State in which the major water storage project is proposed to be carried out.

(C) Applicable law; requirements.—The draft estimate prepared under this paragraph shall—

(i) meet all the evaluation requirements of section 2(b) of the Fish and Wildlife Coordination Act (16 U.S.C. 662(b)) unless otherwise specified in this subsection;

(ii) quantify and estimate the fish and wildlife benefits and any losses to native
fish and wildlife from the proposed major
water storage project; and

(iii) estimate whether the fish and
wildlife benefits derived from the proposed
major water storage project are likely to exceed the adverse fish and wildlife im-

(D) Review; availability.—The Direc-
tor shall ensure that any draft estimate pre-
pared under this paragraph is—

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

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

(5) Final estimate.—Using the best available scientific information and data, the Director shall prepare a final estimate of fish and wildlife benefits for each proposed major water storage project based on the applicable draft estimate prepared under paragraph (4), after considering the results of the independent scientific peer review and public com-
ment processes under paragraph (4)(D).
(6) TRANSMISSION; AVAILABILITY.—A final estimate prepared under paragraph (5) shall be—

(A) transmitted to—

(i) the project applicant; and

(ii) the relevant State agency; and

(B) made available to the public.

(7) RECOMMENDATIONS.—If a final estimate under paragraph (5) determines that the proposed major water storage project fails to provide fish and wildlife benefits, the final estimate may identify potential recommendations to enable the project to provide fish and wildlife benefits or to reduce the project’s adverse fish and wildlife impacts.

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

(A) any reference contained in those sections to the Secretary shall be considered to be a reference to the Director as defined in this subsection;

(B) any reference contained in those sections to determination or determinations shall
be considered to be a reference to estimates described in this subsection;

(C) any reference contained in those sections to subsection (b), (f)(1), or (g) shall be considered to be a reference to paragraph (5) of this subsection; and

(D) any reference contained in those sections to “this subsection” shall be considered to be a reference to section 103(g) of the Future Western Water Infrastructure and Drought Resiliency Act.

(9) FUNDING FOR ESTIMATES.—There is authorized to be appropriated $10,000,000 through fiscal year 2026 for the United States Fish and Wildlife Service to prepare draft estimates under paragraph (4) and final estimates under paragraph (5).

(10) ADDITIONAL FUNDING FOR ESTIMATES.—The authority under section 662(e) of the Fish and Wildlife Coordination Act (16 U.S.C. 662(b)) to transfer funds from the Bureau of Reclamation to the United States Fish and Wildlife Service for Fish and Wildlife Coordination Act reports for proposed water development projects shall be deemed to extend to the preparation of a draft or final estimate prepared under paragraph (4) or (5), provided that
any transfer of funds generally adheres to the 1981 Transfer Funding Agreement between the United States Fish and Wildlife Service and the Bureau of Reclamation or any successor agreement, to the extent that any such agreement is consistent with the requirements of this subsection.

(11) AGENCY RESPONSIBILITIES.—The responsibility for preparing a draft and final estimate under this subsection shall reside with the United States Fish and Wildlife Service and may not be delegated to another entity, including another Federal agency or bureau, except for the United States Secretary of Commerce, acting through the Assistant Administrator of the National Marine Fisheries Service, for the preparation of a draft or final estimate for anadromous species or catadromous species.

(12) USE OF FISH AND WILDLIFE ESTIMATES TO INFORM FEDERAL SPENDING FOR FISH AND WILDLIFE PURPOSES.—With respect to a major water storage project considered for Federal funding under this section, the Director shall determine costs allocated to the specific purpose of providing fish and wildlife benefits, based on the fish and wildlife benefits estimate for the applicable project or the
best available scientific information and data available at the time a cost allocation determination is made. In determining a cost allocation under this paragraph, the Director shall consult with the Commissioner of the Bureau of Reclamation and may make a cost allocation determination for fish and wildlife benefits in accordance with existing cost allocation procedures, to the extent that such procedures are consistent with the requirements of this subsection. Cost allocation determinations for all other non-reimbursable or reimbursable project purposes for a major water storage project advanced under this section shall be determined in accordance with existing cost allocation procedures under the reclamation laws.

(h) Preliminary Studies.—Of the amounts made available under subsection (b), not more than 25 percent shall be provided for appraisal studies, feasibility studies, or other preliminary studies.

(i) Providing Greater Federal Funding and Support for Multi-Benefit Storage Projects.—Notwithstanding any non-Federal cost share requirement under the reclamation laws for water development projects, any cost allocated to a water storage project under this section for the sole purpose of providing fish
and wildlife benefits, determined in accordance with all applicable requirements under this section, shall be considered a 100 percent non-reimbursable Federal cost.

(j) CALFED Reauthorization.—


(2) Calfed Description of Activities.—Subparagraph 103(f)(1)(A) of Public Law 108–361 (118 Stat. 1694) is amended by striking “, except that” and all that follows through the end of the subparagraph.

(k) Effect.—Nothing in this section is intended to authorize Federal funds made available under subsection (b) for a project led by a non-profit organization, as described in subsection (a)(7), except for a project that is a natural water storage project or forest restoration, watershed restoration or other restoration project that reduces the risk of water storage loss described in subsection (a).
SEC. 104. EXTENSION OF EXISTING REQUIREMENTS FOR GRANDFATHERED STORAGE PROJECTS.

(a) PURPOSE; DEFINITION.—

(1) PURPOSE.—The purpose of this section is to establish an expedited project advancement process for certain water storage projects that have already received some degree of evaluation under the Water Infrastructure Improvements for the Nation Act (Public Law 114–322) or under certain State water storage project evaluations.

(2) DEFINITION OF GRANDFATHERED STORAGE PROJECT.—In this section, the term “grandfathered storage project” means a storage project that has already been recommended for funding made available under section 4007 of the Water Infrastructure Improvements for the Nation Act (Public Law 114–322) by the Secretary or a State governor prior to June 1, 2020, except for any project within the State of California that—

(A) has been evaluated for State storage funding awards by the California Water Commission pursuant to the California Water Quality, Supply, and Infrastructure Improvement Act, approved by California voters on November 4, 2014, and failed to receive a maximum con-
ditional eligibility determination of at least $200 million; or

(B) is an on-stream storage project that has not been evaluated for State storage funding awards by the California Water Commission pursuant to the California Water Quality, Supply, and Infrastructure Improvement Act, approved by California voters on November 4, 2014.

(b) In General.—Notwithstanding any other requirements of this Act, grandfathered storage projects shall be eligible to receive funding authorized under section 103(b) of this Act in accordance with this section.

(c) Requirements.—

(1) Importation of WIIN Act Requirements.—The following requirements shall apply to grandfathered storage projects: sections 4007(c)(1) through 4007(c)(4), section 4007(f), and section 4007(h)(2) of the Water Infrastructure Improvements for the Nation Act (Public Law 114–322), except that any reference contained in those sections to State-led storage projects shall be considered to be a reference to grandfathered storage projects.

(2) Prioritization.—The Secretary shall give funding priority among grandfathered storage
projects to those that provide greater and more reliable water supply benefits to wildlife refuges, species listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), or to commercially harvested salmon species.

(d) **Applicability of WIIN Act Deadlines.**—Storage project deadlines described in section 4007(i) and section 4013(2) of the Water Infrastructure Improvements for the Nation Act (Public Law 114–322) shall not apply to any grandfathered storage project under this section.

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

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

“(2) **Projects.**—

“(A) **Definitions.**—In this paragraph:

“(i) **Eligible desalination project.**—The term ‘eligible desalination project’ means any project located in a Reclamation State that—

“(I) involves an ocean or brackish water desalination facility—
“(aa) constructed, operated, and maintained by a State, Indian Tribe, municipality, irrigation district, water district, or other organization with water or power delivery authority; or

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

“(AA) direct sponsorship or funding; or

“(BB) indirect sponsorship or funding, such as by paying for the water provided by the facility; and

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

“(ii) RURAL DESALINATION PROJECT.—The term ‘rural desalination project’ means an eligible desalination project that is designed to serve a commu-
nity or group of communities, each of which has a population of not more than 40,000 inhabitants.

“(iii) **Designated Desalination Project.**—The term ‘designated desalination project’ means an eligible desalination project that—

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

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

“(III) is designed to serve a community or group of communities that collectively import more than 75 percent of their water supplies.

“(B) **Cost-Sharing Requirement.**—

“(i) **In General.**—Subject to the requirements of this subsection and notwithstanding section 7, the Federal share of an eligible desalination project carried out under this subsection shall be—

“(I) not more than 25 percent of the total cost of the eligible desalination project; or
“(II) in the case of a rural desalination project or a designated desalination project, the applicable percentage determined in accordance with clause (ii).

“(ii) RURAL DESALINATION PROJECTS AND DESIGNATED DESALINATION PROJECTS.—

“(I) COST-SHARING REQUIREMENT FOR APPRAISAL STUDIES.—In the case of a rural desalination project carried out under this subsection, the Federal share of the cost of appraisal studies for the rural desalination project shall be—

“(aa) 100 percent of the total costs of the appraisal studies, up to $200,000; and

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

“(II) COST-SHARING REQUIREMENT FOR FEASIBILITY STUDIES.—In the case of a rural desalination project
carried out under this subsection, the Federal share of the cost of feasibility studies for the rural desalination project shall be not more than 50 percent.

“(III) COST-SHARING REQUIREMENT FOR CONSTRUCTION COSTS.—In the case of a rural desalination project or a designated desalination project carried out under this subsection, the Federal share of the cost of construction of the rural desalination project shall not exceed the greater of—

“(aa) 35 percent of the total cost of construction, up to a Federal cost of $20,000,000; or

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

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

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

“(II) the participation has been requested by the Governor of the
State in which the eligible desalination project is located; and

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

“(I) the eligible desalination project—

“(aa) is technically and financially feasible;

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

“(cc) is consistent with applicable State laws, State regulations, State coastal zone management plans and other State plans such as California’s Water Quality Control Plan for the Ocean Waters in California;

“(II) sufficient non-Federal funding is available to complete the eligible desalination project; and

“(III) the eligible desalination project sponsors are financially solvent; and
“(iii) the Secretary submits to Congress a written notification of the determinations under clause (ii) by not later than 30 days after the date of the determinations.

“(D) ENVIRONMENTAL LAWS.—In participating in an eligible desalination project under this paragraph, the Secretary shall comply with all applicable environmental laws, including, but not limited to, the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and State laws implementing the Coastal Zone Management Act.

“(E) INFORMATION.—In participating in an eligible desalination project under this subsection, the Secretary—

“(i) may consider the use of reports prepared by the sponsor of the eligible desalination project, including feasibility or equivalent studies, environmental analyses, and other pertinent reports and analyses; but

“(ii) shall retain responsibility for making the independent determinations described in subparagraph (C).
“(F) Funding.—

“(i) Authorization of Appropriations.—There is authorized to be appropriated to carry out this paragraph $260,000,000 for the period of fiscal years 2022 through 2026, to remain available until expended, of which not less than $15,000,000 shall be made available during that period for rural desalination projects.

“(ii) Congressional Approval Initially Required.—

“(I) In General.—Each initial award under this paragraph for design and study or for construction of an eligible desalination project shall be approved by an Act of Congress.

“(II) Reclamation Recommendations.—The Commissioner of Reclamation shall submit recommendations regarding the initial award of preconstruction and construction funding for consideration under subclause (I) to—
“(aa) the Committee on Appropriations of the Senate;

“(bb) the Committee on Energy and Natural Resources of the Senate;

“(cc) the Committee on Appropriations of the House of Representatives; and

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

“(iii) SUBSEQUENT FUNDING AWARDS.—After approval by Congress of an initial award of preconstruction or construction funding for an eligible desalination project under clause (ii), the Commissioner of Reclamation may award additional preconstruction or construction funding, respectively, for the eligible desalination project without further congressional approval.

“(G) TOTAL DOLLAR CAP.—The Secretary shall not impose a total dollar cap on Federal contributions for individual desalination
projects receiving funding under this paragraph.”.

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

“(c) PRIORITIZATION.—In carrying out demonstration and development activities under this section, the Secretary and the Commissioner of Reclamation shall each prioritize projects—

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

“(2) for the benefit of States that have authorized funding for research and development of desalination technologies and projects;

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

“(4) that, in a measurable and verifiable manner, reduce a reliance on imported water supplies from imperiled ecosystems such as the Sacramento-San Joaquin River Delta;
“(5) that demonstrably leverage the experience
of international partners with considerable expertise
in desalination, such as the State of Israel;

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

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

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

and

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

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

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

“(i) are not discharged in a manner
that increases salinity levels in impaired
bodies of water, or State or Federal Marine Protected Areas; and

“(ii) achieve ambient salinity levels within a reasonable distance from the discharge point;

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

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

“(E) include a construction and operation plan designed to minimize loss of coastal habitat as well as aesthetic, noise, and air quality impacts.”.

(c) Recommendations to Congress.—In determining project recommendations to Congress under section 4(a)(2)(F)(ii)(II) of the Water Desalination Act of 1996, the Commissioner of Reclamation shall establish a priority scoring system that assigns priority scores to each project evaluated based on the prioritization criteria of section 4(c) of the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104–298).
SEC. 106. ASSISTANCE FOR DISADVANTAGED COMMUNITIES WITHOUT ADEQUATE DRINKING WATER.

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

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

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

(2) has a median household income of less than 100 percent of the nonmetropolitan median household income of the State.

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

(1) emergency water supplies;

(2) distributed treatment facilities;

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

(4) water distribution facilities;
(5) connection fees to existing systems;

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

(7) local resource sharing, including voluntary agreements between water systems to jointly contract for services or equipment, or to study or implement the physical consolidation of two or more water systems;

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

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

(d) PRIORITIZATION.—In determining priorities for funding projects, the Secretary shall take into consideration—

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

(2) the degree to which the project provides a long-term solution to the water needs of the community; and

(3) whether the applicant has the ability to qualify for alternative funding sources.
(e) MAXIMUM AMOUNT.—The amount of a grant provided under this section may be up to 100 percent of costs, including—

(1) initial operation costs incurred for startup and testing of project facilities;
(2) costs of components to ensure such facilities and components are properly operational; and
(3) costs of operation or maintenance incurred subsequent to placing the facilities or components into service.

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

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

SEC. 107. WATER INFRASTRUCTURE FUND.

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

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

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

(b) DEPOSITS TO FUND.—

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

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

(B) $100,000,000 shall be expended by the Secretary for grants authorized under sections 6002 and 9504 of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 1015a and 42 U.S.C. 10364); and
(C) $100,000,000 shall be expended by the Secretary to perform modifications to preserve the structural safety of Bureau of Reclamation dams and related facilities to ensure that Reclamation facilities do not present unreasonable risks to public safety, property, or the environment, provided that Federal expenditures made under this section—

(i) account for no more than 85 percent of the total costs for any dam safety project; and

(ii) are made in accordance with section 3 of the Reclamation Safety of Dams Act of 1978.

(2) AVAILABILITY OF AMOUNTS.—Amounts deposited in the Fund under this section shall—

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

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

(c) EXPENDITURES FROM FUND.—

(1) IN GENERAL.—Subject to subsection (b), for each of fiscal years 2032 through 2062, the Secretary may expend from the Fund, in accordance
with this section, not more than an amount equal to the sum of—

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

(B) the amount of interest accrued in the Fund for the fiscal year in which the expenditures are made.

(2) ADDITIONAL EXPENDITURES.—

(A) IN GENERAL.—The Secretary may expend more in any fiscal year than the amounts described in subsection (a) if the additional amounts are available in the Fund as a result of a failure of the Secretary to expend all of the amounts available under subsection (a) in 1 or more prior fiscal years.

(B) RETENTION IN ACCOUNTS.—Any additional amounts referred to in paragraph (1) shall—

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

(ii) only be expended for the purposes for which expenditures from the Fund are authorized.
TITLE II—IMPROVED TECHNOLOGY AND DATA

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

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

(1) in subsection (b)—

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

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

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

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

(D) by adding at the end the following:

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

“(A) integrate available data from new technologies where appropriate including data made available from drones and emerging remote sensing technologies; and
“(B) coordinate with relevant Federal agencies and bureaus to develop common data requirements for—

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

“(ii) geospatial data programs that can inform assessments of water availability and use under the assessment program.”;

(2) in subsection (c)—

(A) in paragraph (1), by striking “State water resource” each place it appears and inserting “State or Tribal water resource”;

(B) in the heading of paragraph (2), by striking “CRITERIA” and inserting “STATE CRITERIA”;

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

“(3) TRIBAL CRITERIA.—To be eligible to receive a grant under paragraph (1), a Tribal water resource agency shall demonstrate to the Secretary that the water use and availability dataset proposed to be established or integrated by the Tribal water resource agency—
“(A) is in compliance with each quality and conformity standard established by the Secretary to ensure that the data will be capable of integration with any national dataset; and

“(B) will enhance the ability of the officials of the Tribe or the Tribal water resource agency to carry out water management responsibilities.

“(4) Tribal water resource agency definition.—For the purposes of this subsection, the term ‘Tribal water resource agency’ means any agency of an Indian Tribe responsible for water resource planning and management.”; and

(D) in paragraph (5) (as so redesignated)—

(i) by inserting “or Tribal water resource agency” after “State water resource agency”; and

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

(3) in subsection (e)(2), by striking “2009 through 2013” and inserting “2022 through 2026”.

SEC. 202. MODIFICATIONS TO INCOME EXCLUSION FOR CONSERVATION SUBSIDIES.

(a) In General.—Section 136(a) of the Internal Revenue Code of 1986 is amended—

(1) by striking “any subsidy provided” and inserting any subsidy—

“(1) provided”;

(2) by striking the period at the end and inserting a comma; and

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

“(2) provided (directly or indirectly) by a public utility to a customer, or by a State or local government to a resident of such State or locality, for the purchase or installation of any water conservation or efficiency measure;

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

“(4) provided (directly or indirectly) by a State or local government to a resident of such State or locality for the purchase or installation of any wastewater management measure, but only if such meas-
ure is with respect to the taxpayer’s principal resi-
dence.”.

(b) Conforming Amendments.—

(1) Definition of water conservation or
efficiency measure and storm water manage-
ment measure.—Section 136(c) of the Internal
Revenue Code of 1986 is amended—

(A) by striking “Energy Conservation
Measure” in the heading thereof and inserting
“Definitions”;

(B) by striking “In general” in the
heading of paragraph (1) and inserting “En-
ergy Conservation Measure”; and

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

“(2) Water conservation or efficiency
measure.—For purposes of this section, the term
‘water conservation or efficiency measure’ means any
evaluation of water use, or any installation or modi-
fication of property, the primary purpose of which is
to reduce consumption of water or to improve the
management of water demand with respect to one or
more dwelling units.
“(3) Storm water management measure.—
For purposes of this section, the term ‘storm water
management measure’ means any installation or
modification of property primarily designed to re-
duce or manage amounts of storm water with re-
spect to one or more dwelling units.

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

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

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

“(C) Storm water management pro-
vider.—The term ‘storm water management
provider’ means a person engaged in the provi-
sion of storm water management measures to the public.

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

(3) CLERICAL AMENDMENTS.—

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

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

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

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

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

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

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts received after December 31, 2018.
(d) **NO INFERENCE.**—Nothing in this Act or the amendments made by this Act shall be construed to create any inference with respect to the proper tax treatment of any subsidy received directly or indirectly from a public utility, a storm water management provider, or a State or local government for any water conservation measure or storm water management measure before January 1, 2022.

**SEC. 203. X-PRIZE FOR WATER TECHNOLOGY BREAKTHROUGHS.**

(a) **WATER TECHNOLOGY AWARD PROGRAM ESTABLISHED.**—The Secretary, working through the Bureau of Reclamation, shall establish a program to award prizes to eligible persons described in subsection (b) for achievement in one or more of the following applications of water technology:

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

(2) Demonstration of portable or modular desalination units that can process 1 to 5,000,000 gallons per day that could be deployed for temporary
emergency uses in coastal communities or communities with brackish groundwater supplies.

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

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

(5) Reducing open water evaporation.

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

(1) an individual who is—

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

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

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

(3) a public water agency.

(c) ESTABLISHMENT OF BOARD.—

(1) IN GENERAL.—The Secretary shall establish a board to administer the program established under subsection (a).
(2) MEMBERSHIP.—The board shall be composed of not less than 15 and not more than 21 members appointed by the Secretary, of whom not less than 2 shall—

(A) be a representative of the interests of public water districts or other public organizations with water delivery authority;

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

(C) be representative of a non-profit conservation organization;

(D) have expertise in administering award competitions; and

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

(d) AWARDS.—Subject to the availability of appropriations, the board established under subsection (c) may make awards under the program established under subsection (a) as follows:

(1) FINANCIAL PRIZE.—The board may hold a financial award competition and award a financial
award in an amount determined before the commencement of the competition to the first competitor to meet such criteria as the board shall establish.

(2) RECOGNITION PRIZE.—

(A) IN GENERAL.—The board may recognize an eligible person for superlative achievement in 1 or more applications described in subsection (a).

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

(e) ADMINISTRATION.—

(1) CONTRACTING.—The board established under subsection (c) may contract with a private organization to administer a financial award competition described in subsection (d)(1).

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

(3) LIMITATION ON PARTICIPATION OF DONORS.—The board may allow a donor who is a private person described in paragraph (2) to participate
in the determination of criteria for an award under subsection (d), but such donor may not solely determine the criteria for such award.

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

(f) INTELLECTUAL PROPERTY.—The Federal Government may not acquire an intellectual property right in any product or idea by virtue of the submission of such product or idea in any competition under subsection (d)(1).

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

(h) ANNUAL REPORT.—Each year, the board established under subsection (c) shall submit to the relevant committees of Congress a report on the program established under subsection (a).

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

(A) For administration of prize competitions under subsection (d), $750,000 for each fiscal year through fiscal year 2026.

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

(2) AVAILABILITY.—Amounts appropriated under paragraph (1) shall remain available until expended.

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

(1) investments to enable expanded and accelerated deployment of desalination technology; and
(2) investments to enable expanded and accelerated use of recycled water.

(k) Authorization of Appropriations.—There are authorized to be appropriated $5,000,000 for each fiscal year through fiscal year 2026 for the Secretary to carry out the purposes and provisions of subsection (j).

SEC. 204. STUDY EXAMINING SEDIMENT TRANSPORT.

(a) In General.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall make appropriate arrangements with the National Academies of Sciences, Engineering, and Medicine (referred to in this section as the “National Academies”) under which the National Academies shall conduct a study that—

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

(2) includes case studies where diverse interests, including hydroelectric, agricultural, conservation, and industry stakeholders work jointly with Tribal, State, and Federal government agencies to implement collaborative projects requiring sediment transport; and

(3) identifies future research opportunities, requirements, and recommendations related to the science and management guidance examined under
paragraph (1), including research opportunities, re-
quirements, and recommendations related to mod-
eling and quantifying sediment flows.

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

(1) includes the results of the study and rel-
levant interpretations of the results;

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

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

SEC. 205. FEDERAL PRIORITY STREAMGAGES.

(a) FEDERAL PRIORITY STREAMGAGES.—The Sec-
retary shall make every reasonable effort to make oper-
tional all streamgages identified as Federal Priority
Streamgages by the United States Geological Survey not
later than 10 years after the date of the enactment of this
Act.
(b) **COLLABORATION WITH STATES.**—The Secretary shall, to the maximum extent practicable, seek to leverage Federal investments in Federal Priority Streamgages through collaborative partnerships with States and local agencies that invest non-Federal funds to maintain and enhance gage networks to improve both environmental quality and water supply reliability.

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

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

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

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

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

(A) the frequency of heavy precipitation events; and

(B) other factors that influence the magnitude and severity of flooding events including snow cover and snowmelt, vegetation, and soil moisture.

(b) REPORT.—In entering into an arrangement under subsection (a), the Secretary shall request that the National Academies—

(1) transmit to the Secretary and to the relevant committees of Congress a report not later than 24 months after the date of the enactment of this Act that includes the results of the study; and

(2) consider any previous studies or evaluations conducted or completed by the Bureau of Reclamation or local water agencies on climate change impacts to dams, facilities, and watersheds as a reference and source of information during the development of the independent study.

SEC. 207. INNOVATIVE TECHNOLOGY ADOPTION.

The Secretary is directed to include as a priority for grants authorized under section 9504 of the Omnibus Public Land Management Act of 2009 (42 U.S.C. 10364),
the Water Conservation Field Services Program, and
other water conservation grant programs, as appropriate,
that help foster the adoption of technologies that can—
(1) identify losses from water conveyance facilities in a non-destructive manner that—
   (A) does not disrupt the conveyance of water supplies; and
   (B) provides comprehensive data on pipeline integrity, including leak and gas pocket detection, for all pipeline materials;
(2) provide real-time monitoring of weather patterns and reservoir operations to improve flexibility, protect natural resources, increase resiliency, maintain temperature control, and ensure water supply reliability;
(3) provide real-time data acquisition and analysis to improve predictive aquifer management, including the improvement of recharge, storage, and stormwater management capabilities;
(4) implement the use of real time sensors and forecast data to improve the management of other water infrastructure assets, including the identification and prevention of impairments from inadequately treated agricultural or municipal wastewaters or stormwater; or
(5) improve water use efficiency and conservation, including through behavioral water efficiency, supervisory control and data acquisition systems, or other system modernizations.

SEC. 208. FORECAST-INFORMED WATER CONTROL MANUAL UPDATES.

Not less than $10,000,000 annually shall be used by the Army Corps of Engineers out of appropriated Operations and Maintenance funds to prepare for and process Water Control Manual Updates for forecast-informed water operations projects prioritizing regions impacted by Atmospheric Rivers and where improved forecast skill can improve water operations. Funds shall also be used to operationalize a forecast-informed water operations compatible component of the Corps Water Management System to process ensemble and synthetic forecasts to ensure continuous implementation of improvements in forecast skill for water operations.

TITLE III—ECOSYSTEM PROTECTION AND RESTORATION

SEC. 301. WATERBIRD HABITAT CREATION PROGRAM.

(a) AUTHORIZATION OF HABITAT CREATION PROGRAM.—The Secretary shall establish a program to incentivize farmers to keep fields flooded during appropriate time periods for the purposes of waterbird habitat
creation and maintenance, including waterfowl and shorebird habitat creation and maintenance, provided that—

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

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

(3) the Secretary determines that habitat creation activities receiving financial support under this section will create new habitat that is not likely to be created without the financial incentives provided under this section.

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

(e) REPORT.—Not later than October 1, 2022, and every 2 years thereafter, the Secretary shall submit to Congress a report summarizing the environmental performance of activities that are receiving, or have received, assistance under the program authorized by this section.
SEC. 302. COMPETITIVE GRANT PROGRAM FOR THE FUNDING OF WATERSHED HEALTH PROJECTS.

(a) In General.—Not later than 1 year after the date of the enactment of this Act and in accordance with this section, the Secretary, in consultation with the heads of relevant agencies, shall establish a competitive grant program to award grants to an eligible entity for habitat restoration projects that improve watershed health in a Reclamation State and accomplish one or more of the following benefits:

(1) Ecosystem benefits.

(2) Restoration of native species beyond existing or planned measures necessary to meet State or Federal laws for species recovery.

(3) Protection against invasive species.

(4) Restoration of aspects of the natural ecosystem.

(5) Enhancement of commercial and recreational fishing.

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

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

(b) Requirements.—

(1) In General.—In awarding a grant under subsection (a), the Secretary—
(A) shall give priority to a project that achieves more than one of the benefits listed in subsection (a); and

(B) may not provide a grant for a project that is for the purpose of meeting existing environmental mitigation or compliance obligations under State or Federal law.

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

(c) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term "eligible entity" means a State, Indian Tribe, nonprofit conservation organization operating in a Reclamation State, irrigation district, water district, or other organization with water or power delivery authority.

(d) PUBLIC PARTICIPATION.—Before the establishment of the program under subsection (a), the Secretary shall—

(1) provide notice of and, for a period of not less than 90 days, an opportunity for public comment on, any draft or proposed version of the program requirements in accordance with this section;

and

(2) consider public comments received in developing the final program requirements.
(c) REPORT.—Not later than October 1, 2023, and every 2 years thereafter, the Secretary shall submit to Congress a report summarizing the environmental performance of activities that are receiving, or have received, assistance under the program authorized by this section.

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

SEC. 303. SUPPORT FOR REFUGE WATER DELIVERIES.

(a) REPORT ON HISTORIC REFUGE WATER DELIVERIES.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the relevant committees of Congress and make publicly available a report that describes the following:

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

(2) The difference between the mandated quantity of water to be delivered to each wetland habitat area described in section 3406(d)(2) and the actual
quantity of water delivered since October 30, 1992, including a listing of every year in which the full delivery of water to wetland habitat areas was achieved in accordance with Level 4 of the “Dependable Water Supply Needs” table, described in section 3406(d)(2) of the Central Valley Project Improvement Act (title XXXIV of Public Law 102–575).

(3) Which of the authorities granted to the Secretary under Public Law 102–575 to achieve the full Level 4 deliveries of water to wetland habitat areas was employed in achieving the increment of water delivery above the Level 2 amount for each wetland habitat area, including whether water conservation, conjunctive use, water purchases, water leases, donations, water banking, or other authorized activities have been used and the extent to which such authorities have been used.

(4) An assessment of the degree to which the elimination of water transaction fees for the donation of water rights to wildlife refuges would help advance the goals of the Central Valley Project Improvement Act (title XXXIV of Public Law 102–575).

(b) PRIORITY CONSTRUCTION LIST.—The Secretary shall establish, through a public process and in consulta-
tion with the Interagency Refuge Water Management Team, a priority list for the completion of the conveyance construction projects at the wildlife habitat areas described in section 3406(d)(2) of the Central Valley Project Improvement Act (title XXXIV of Public Law 102–575), including the Mendota Wildlife Area, Pixley National Wildlife Refuge and Sutter National Wildlife Refuge.

(c) Ecological Monitoring and Evaluation Program.—Not later than 1 year after the date of the enactment of this Act, the Secretary, acting through the Director of the United States Fish and Wildlife Service, shall design and implement an ecological monitoring and evaluation program, for all Central Valley wildlife refuges, that produces an annual report based on existing and newly collected information, including—

(1) the United States Fish and Wildlife Service Animal Health Lab disease reports;
(2) mid-winter waterfowl inventories;
(3) nesting and brood surveys;
(4) additional data collected regularly by the refuges, such as herptile distribution and abundance;
(5) a new coordinated systemwide monitoring effort for at least one key migrant species and two resident species listed as threatened and endangered pursuant to the Endangered Species Act of 1973
(16 U.S.C. 1531 et seq.) (including one warm-blooded and one cold-blooded), that identifies population numbers and survival rates for the 3 previous years; and

(6) an estimate of the bioenergetic food production benefits to migrant waterfowl, consistent with the methodology used by the Central Valley Joint Venture, to compliment and inform the Central Valley Joint Venture implementation plan.

(d) Adequate Staffing for Refuge Water Delivery Objectives.—The Secretary shall ensure that adequate staffing is provided to advance the refuge water supply delivery objectives under the Central Valley Project Improvement Act (title XXXIV of Public Law 102–575).

(e) Funding.—There is authorized to be appropriated $25,000,000 to carry out subsections (a) through (d), which shall remain available until expended.

(f) Effect on Other Funds.—Amounts authorized under this section shall be in addition to amounts collected or appropriated under the Central Valley Project Improvement Act (title XXXIV of Public Law 102–575).

Sec. 304. Drought Planning and Preparedness for Critically Important Fisheries.

(a) Definitions.—In this section:
1. **CRITICALLY IMPORTANT FISHERIES.**—The term “critically important fisheries” means—

   (A) commercially and recreationally important fisheries located within the Reclamation States;

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

   (C) fisheries used by Indian Tribes within the Reclamation States for ceremonial, subsistence, or commercial purposes.

2. **QUALIFIED TRIBAL GOVERNMENT.**—The term “qualified Tribal Government” means any government of an Indian Tribe that the Secretary determines—

   (A) is involved in fishery management and recovery activities including under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); or

   (B) has the management and organizational capability to maximize the benefits of assistance provided under this section.
(b) Drought Plan for Critically Important Fisheries.—Not later than January 1, 2022, and every three years thereafter, the Secretary, acting through the Director of the United States Fish and Wildlife Service shall, in consultation with the National Marine Fisheries Service, the Bureau of Reclamation, the Army Corps of Engineers, State fish and wildlife agencies, and affected Indian Tribes, prepare a plan to sustain the survival of critically important fisheries within the Reclamation States during future periods of extended drought. The plan shall focus on actions that can aid the survival of critically important fisheries during the driest years. In preparing such plan, the Director shall consider—

(1) habitat restoration efforts designed to provide drought refugia and increased fisheries resilience during droughts;

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

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

(4) coordination with water users, the Bureau of Reclamation, State fish and wildlife agencies, and interested public water agencies regarding voluntary water transfers, including through groundwater sub-
stitution activities, to determine if water releases can
be collaboratively managed in a way that provides
additional benefits for critically important fisheries
without negatively impacting wildlife habitat;

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

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

(7) increasing rescue operations of upstream
migrating fish;

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

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

(10) programs to reduce predation losses at ar-
tificially created predation hot spots; and
(11) retrofitting existing water facilities to provide improved temperature conditions for fish.

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

(d) AUTHORIZATION OF APPROPRIATIONS FOR FISH RECOVERY EFFORTS.—There is authorized to be appropriated $25,000,000 for the United States Fish and Wildlife Service for fiscal year 2022 for fish, stream, and hatchery activities related to fish recovery efforts, including work with the National Marine Fisheries Service, the Bureau of Reclamation, the Army Corps of Engineers, State fish and wildlife agencies, or a qualified Tribal Government.

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


Section 10(a) of the Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106–502) is amended by striking "$15 million
SEC. 306. COMBATING WATER THEFT FOR ILLEGAL MARIJUANA CULTIVATION.

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

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

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

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

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

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

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

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

“(III) costs incurred by or on be-
half of any State, local, or Tribal gov-
ernment in connection with the reme-
diation of any area formerly used for
the production or cultivation of mari-
juana, including the removal of any
hazardous substance or pollutant or
contaminant, in which such State,
local, or Tribal government has as-
sisted in a Federal prosecution related
to marijuana;”.

(2) FROM RESTITUTION IN CRIMINAL CASES.—

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

(A) in the matter preceding paragraph

(1)—

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

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

(B) in paragraph (2), by inserting after
“or methamphetamine” the following: “, or cul-
tivation of marihuana,”.

(e) VOLUNTARY GUIDELINES.—

(1) ESTABLISHMENT OF VOLUNTARY GUIDE-
lines.—Not later than 6 months after the date of
the enactment of this Act, the Secretary of Agriculture, in consultation with other appropriate Federal agencies, including the Environmental Protection Agency, and experts in the field, shall establish voluntary guidelines, based on the best available scientific knowledge—

(A) for the remediation of former indoor and outdoor marijuana cultivation and processing sites, including guidelines regarding preliminary site assessment and the remediation of residual contaminants and ecosystems; and

(B) for State, local, and Tribal governments to use in developing and implementing laws, regulations, guidelines, and other policies that apply the best available research and technology to the remediation of former indoor and outdoor marijuana cultivation and processing sites.

(2) CONSIDERATIONS.—In establishing the voluntary guidelines under paragraph (1), the Secretary of Agriculture shall consider, at a minimum—

(A) relevant standards, guidelines, and requirements found in Federal, State, Tribal, and local laws and regulations;
(B) the various types and locations of former marijuana cultivation or processing sites, including both indoor and outdoor sites; and

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

(3) CONSULTATION.—The Secretary of Agriculture shall work with State, local, and Tribal governments and other non-Federal agencies and organizations the Secretary determines relevant to promote and encourage the adoption of the voluntary guidelines established under paragraph (1).

(4) REVISIONS TO THE GUIDELINES.—

(A) IN GENERAL.—The Secretary of Agriculture shall periodically review and revise the voluntary guidelines to incorporate findings of the research conducted pursuant to subsection (f) and other new knowledge.

(B) CONSULTATION.—In carrying out subparagraph (A), the Secretary of Agriculture may consult with State, local, Tribal governments, and non-profits engaged in scientific research and reclamation, and other interested parties.
(f) RESEARCH PROGRAM.—The Secretary of Agriculture, in consultation with other appropriate Federal agencies, including the Environmental Protection Agency, shall establish a program of research to support the development and revision of the voluntary guidelines established under subsection (e). Such program shall—

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

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

(3) assess the impacts of marijuana cultivation and processing on waterways and bodies of water, and identify actions and additional research necessary to remediate such impacts;

(4) evaluate the performance of current remediation techniques for marijuana cultivation and processing sites;

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

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

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

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

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

SEC. 307. SUSTAINING BIODIVERSITY DURING DROUGHTS.

Section 9503(b) of the Omnibus Public Land Management Act of 2009 (42 U.S.C. 10363(b)) is amended—

(1) in paragraph (3)(D), by inserting “and native biodiversity” after “wildlife habitat”; and

(2) in paragraph (4)(B), by inserting “and drought biodiversity plans to address sustaining native biodiversity during periods of drought” after “restoration plans”.

TITLE IV—WATER JOB TRAINING
AND EDUCATION

SEC. 401. WATER RESOURCE EDUCATION.

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

(b) ELIGIBLE ACTIVITIES.—The Secretary may enter into a cooperative agreement or contract or provide financial assistance for activities that improve water resources education, including through tours, publications or other activities that—

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

(2) publish relevant information on water resource issues, including environmental and ecological conditions;

(3) advance projects that improve public understanding of water resource issues or management challenges, including education on drought, drought awareness, and drought resiliency;

(4) provide training or related education for teachers, faculty, or related personnel, including in a specific geographic area or region; or
(5) enable tours, conferences, or other activities to foster cooperation in addressing water resources or management challenges, including cooperation relating to water resources shared by the United States and Canada or Mexico.

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

(1) provide training for the professional development of legal and technical experts in the field of water resources management; or

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

(A) a new or significantly improved water resource management practice, method, or technique;

(B) the existence of a water resource management practice, method, or technique that may have wide application;

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

(D) general water resource issues or management challenges, including as part of a
science curricula in elementary or secondary education setting.

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

(a) **COORDINATION WITH INNOVATIVE WATER INFRASTRUCTURE WORKFORCE DEVELOPMENT PROGRAM.**—

(1) **IN GENERAL.**—The Secretary shall develop a grant program to improve job placement and retention in the water and wastewater utilities sector, to be administered in coordination with the Innovative Water Infrastructure Workforce Development Program.

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

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

(b) **GRANTS AUTHORIZED.**—Beginning 360 days after the date of the enactment of this section, the Secretary may award grants to eligible entities for the purpose of developing, offering, or improving programs that
increase the job placement and retention of skilled and diverse workers in the water and wastewater sector.

(c) ALLOCATION OF GRANTS.—

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

(A) more than 1 grant under this section for which the eligible entity is the lead applicant; or

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

(2) ALLOCATION TO COMMUNITY COLLEGES.—

Not less than 20 percent of the total amount awarded under this section for a fiscal year shall be awarded to eligible entities that are community colleges.

(d) PARTNERSHIPS.—An eligible entity seeking to receive a grant under this section may partner with 1 or more of the following:

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

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

(3) A State or local government.

(4) A nonprofit organization.
USE OF GRANT.—An eligible entity may use a grant awarded under this section for the following activities:

1. Assessment of water workforce needs and priorities.
2. Development of a water workforce plan.
3. Design and implementation of formalized mentorship or registered apprenticeship programs.
4. Design and implementation of bridge programs, work-study opportunities, or other strategies to connect jobseekers with employment opportunities.
5. Development of outreach strategies to recruit a more diverse workforce.
6. Incumbent worker and career ladder training and skill upgrading and retraining.
7. Identification and removal of barriers preventing qualified individuals from securing and retaining a job.
8. Curriculum development at the undergraduate and postgraduate levels.
9. Development and support of water resource management major, minor, or certificate programs.
10. Outreach, recruitment, career guidance, and case management services.
Such other activities, as determined by the Secretary, to meet the purposes of this section.

(f) **Grant Proposals.**—

(1) **Submission Procedure for Grant Proposals.**—An eligible entity seeking to receive a grant under this section shall submit a grant proposal to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(2) **Content of Grant Proposals.**—A grant proposal submitted to the Secretary under this section shall include a detailed description of—

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

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

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

(g) **Criteria for Award of Grants.**—
1. In General.—Subject to appropriations, the Secretary shall award grants under this section based on an evaluation of—

(A) the merits of the grant proposal;

(B) the likely improvement to job recruitment and retention as a result of the grant proposal; and

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

2. Priority.—Priority in awarding grants under this section shall be given to an eligible entity that—

(A) includes the equal participation of industry and labor organizations, including joint labor-management training programs and workforce investment boards;

(B) has entered into a memorandum of understanding with an employer that is a water district or organization with water delivery authority to foster workforce development, recruitment, and retention, and can leverage additional public and private resources to fund activities that further the purposes of the grant;

(C) focuses on individuals who are—
(i) veterans, members of the reserve components of the Armed Forces, or former members of such reserve components;

(ii) unemployed;

(iii) seeking employment pathways out of poverty and into economic self-sufficiency;

(iv) at-risk youth;

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

(vi) from populations that are traditionally underrepresented in the infrastructure workforce; or

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

(3) GEOGRAPHIC DISTRIBUTION.—The Secretary shall, to the extent practicable, award grants under this section in a manner that provides for a reasonable geographic distribution, except that the Secretary shall prioritize grants to institutions focused on the water management challenges of the Reclamation States.
(h) DATA COLLECTION AND REPORTING.—

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

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

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

(C) The services received by such participants, including a description of training, education, and supportive services.

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

(E) The rate of job placement of participants with a water district or other entity in the water and wastewater utilities sector.

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

(G) The average wage at placement, including any benefits, and the rate of average wage increase after 1 year.
(H) Any factors determined as significantly interfering with recruitment and retention.

(2) DISAGGREGATION OF DATA.—The data collected and reported under this subsection shall be disaggregated by—

(A) race;

(B) gender;

(C) low-income status;

(D) disability; and

(E) English language proficiency.

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

(i) INTERAGENCY RESEARCH PROGRAM AND COORDINATION.—

(1) INTERAGENCY LABOR MARKET RESEARCH PROGRAM.—

(A) MEMORANDUM OF UNDERSTANDING.—

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

(i) collect and analyze labor market data in the water and wastewater utilities sector, including the data collected in subsection (h);

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

(iii) identify the educational and career training needs for current and future jobs in the water and wastewater utilities sector, including those related to construction and installation, engineering, operation, and maintenance.

(B) COLLABORATION.—Activities carried out under this paragraph shall include collaboration with State and local governments, workforce investment boards, industry, labor organizations, water districts, and nonprofit organizations.

(2) COORDINATION BETWEEN FEDERAL WATER CAREER TRAINING PROGRAMS.—Not later than 180
days after the date of the enactment of this section, the Secretary shall enter into a memorandum of understanding with the Administrator of the Environmental Protection Agency to facilitate coordination and collaboration between the career training program established by this section and the Innovative Water Infrastructure Workforce Development Program, including the improvement of such career training programs over time to reflect the needs identified by the interagency research program established in paragraph (1).

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

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

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

(k) **REPORTING REQUIREMENT.**—Not later than 18 months after the date of the enactment of this section, and every 2 years thereafter, the Secretary shall submit a report to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate on the grant programs established by this section and the Innovative
Water Infrastructure Workforce Development Program.

The report shall include a description of the grantees and the activities for which grantees used a grant awarded under this section.

(l) DEFINITIONS.—In this section:

(1) COMMUNITY COLLEGE.—The term “community college” has the meaning given the term “junior or community college” in section 312(f) of the Higher Education Act of 1965 (20 U.S.C. 1058(f)).

(2) ELIGIBLE ENTITY.—The term “eligible entity” means a nonprofit entity or partnership that demonstrates experience in implementing and operating worker skills training and education programs such as a labor organization or an institution of higher education, as such term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

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

(4) INNOVATIVE WATER INFRASTRUCTURE WORKFORCE DEVELOPMENT PROGRAM.—The term “Innovative Water Infrastructure Workforce Development Program” means the program authorized by section 4304(b) of Public Law 115–270.
(5) LEAD APPLICANT.—The term “lead applicant” means the eligible entity that is primarily responsible for the preparation, conduct, and administration of the project for which the grant was awarded.

(6) LOW-INCOME STUDENT.—The term “low-income student” means a student whose income (adjusted for family size) does not exceed—

(A) for metropolitan areas, 80 percent of the area median income; and

(B) for nonmetropolitan areas, the greater of—

(i) 80 percent of the area median income; or

(ii) 80 percent of the statewide non-metropolitan area median income.

TITLE V—MISCELLANEOUS

SEC. 501. OFFSET.

(a) PURPOSE; DEFINITION.—

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

(A) to receive a minimum level of Federal investment; or
(B) to initiate construction.

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

(b) **Backlog List.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives, and make available on a publicly accessible internet website in a manner that is downloadable, searchable, and sortable, a list of—

(1) Reclamation projects—

(A) that are authorized; and

(B) for which, during the fiscal year in which this Act is enacted and each of the preceding 10 fiscal years—

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

(ii) no construction has occurred; and
(2) for each Reclamation project listed under paragraph (1)—

(A) the date of authorization of the Reclamation project, including any subsequent modifications to the original authorization;

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

(C) any amounts appropriated for the Reclamation project that remain unobligated.

(c) INTERIM DEAUTHORIZATION LIST.—

(1) IN GENERAL.—The Secretary shall develop and make publicly available an interim deauthorization list that identifies each Reclamation project described in subsection (b)(1).

(2) PUBLIC COMMENT AND CONSULTATION.—

(A) IN GENERAL.—The Secretary shall solicit and accept, for a period of not less than 90 days, comments relating to the interim deauthorization list under paragraph (1) from—

(i) the public; and

(ii) the Governor of each applicable State.

(B) PROJECT SPONSORS.—As part of the public comment period under subparagraph (A), the Secretary shall provide to project sponsors
the opportunity to provide to the Secretary a notice of the intent to initiate construction of the project by not later than the date that is 2 years after the date of publication of the preliminary final deauthorization list under subsection (d).

(3) Submission to Congress; Publication.—Not later than 90 days after the date of submission of the backlog list under subsection (b), the Secretary shall—

(A) submit the interim deauthorization list under paragraph (1) to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives; and

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

(d) Preliminary Final Deauthorization List.—

(1) In general.—The Secretary shall develop a preliminary final deauthorization list that includes each project identified pursuant to paragraph (2).

(2) Identification of Projects.—

(A) Exclusions.—The Secretary may identify a Reclamation project described in subsection (b)(1) for exclusion from the prelimi-
nary final deauthorization list if the Secretary
determines, on a case-by-case basis following re-
ceipt of public comments, that the project is
critical for interests of the United States, based
on the practicable impact of the project on—

(i) public health and safety;
(ii) the national economy; or
(iii) the environment.

(B) SUBJECT TO DEAUTHORIZATION DESIGNATION.—Any Reclamation project the spon-
sor of which has provided to the Secretary a no-
tice of the intent to initiate construction by not
later than 2 years after the date of publication
of the preliminary final deauthorization list
under this subsection shall be designated on
that list as “subject to deauthorization”.

(C) APPENDIX.—The Secretary shall in-
clude as part of the preliminary final deautho-
rierization list under this subsection an appendix
that—

(i) identifies each Reclamation project
included on the interim deauthorization list
under subsection (e) that is not included
on the preliminary final deauthorization
list; and
(ii) describes the reasons why each
Reclamation project identified under clause
(i) is not included on the preliminary final
deauthorization list.

(3) Submission to Congress; Publication.—Not later than 120 days after the date of ex-
piration of the public comment period under sub-
section (c)(2)(A), the Secretary shall—

(A) submit to the Committee on Energy
and Natural Resources of the Senate and the
Committee on Natural Resources of the House
of Representatives the preliminary final de-
authorization list and the appendix required
under this subsection; and

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

(e) Deauthorization; Congressional Review.—
Effective beginning on the date that is 180 days after the
date of submission to Congress of the preliminary final
deauthorization list under subsection (d)(3)(A), each Recl-
amation project included on that list is deauthorized, un-
less—
(1) the Reclamation project is designated as
“subject to deauthorization” pursuant to subsection
(d)(2)(B); or

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

(f) UPDATED FINAL DEAUTHORIZATION LIST.—

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

(2) PROJECTS SUBJECT TO DEAUTHORI-
ZATION.—On the updated final deauthorization list
under this subsection, the Secretary shall describe
any Reclamation project designated as “subject to
deauthORIZATION” on the preliminary final deauthor-
ization list pursuant to subsection (d)(2)(B) as—

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

(B) deauthorized, if the Secretary has not
received the evidence described in subparagraph
(A).
(3) DEAUTHORIZATION.—Any project described as deauthorized pursuant to paragraph (2)(B) shall be deauthorized on the date that is 180 days after the date of submission of the updated final deauthorization list under paragraph (1), unless Congress has enacted a joint resolution disapproving that list.

(g) TREATMENT OF PROJECT MODIFICATIONS.—For purposes of this section, if an authorized Reclamation project has been modified by an Act of Congress, the date of authorization of the project shall be considered to be the date of the most recent modification.
Community and Legislative Affairs Committee

ACTION
ITEM
1D
Date: June 16, 2021
To: The Honorable Board of Directors
From: Shivaji Deshmukh, General Manager
Committee: Community & Legislative Affairs

Executive Contact: Kathy Besser, Executive Manager of Government & Ext. Affairs/AGM
Subject: Adopt Position on SB 372 Purchasing Assistance Program: Zero Emission Vehicles

Executive Summary:
In February, Senator Leyva introduced SB 372 - Fleet Purchasing Assistance Program: Zero-Emission Vehicles. This legislation would establish a purchasing assistance program within the Air Quality Improvement Program to make financial tools and non-financial supports available to the operators of medium- and heavy-duty vehicle fleets to provide assistance with the mandatory transition to zero-emission vehicles as put forth by the Governor's Executive Order N-79-20 and the State Air Resources Board's Advanced Clean Trucks and Advanced Clean Fleets regulations.

On behalf of IEUA, West Coast Advisors has been working closely with Sen. Leyva's office to ensure any mandates to replace IEUA's diverse fleet of vehicles qualifies for financial assistance. This includes light-duty, heavy-duty and specialty vehicles that are essential to performing the Agency's core services. Sen. Leyva's recent amendments to the bill added vehicles used for construction and earth moving purposes for inclusion within the funding assistance program put forth by this legislation. The Agency would face significant expense upon transitioning to a zero emission fleet, and the funding assistance provided by this program would be critical.

Staff's Recommendation:
Adopt a position of "Support" for SB 372 (Leyva) - Purchasing Assistance Program: Zero Emission Vehicles.

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

Account/Project Name:
N/A

Fiscal Impact (explain if not budgeted):
N/A
Prior Board Action:
Adoption of 2021 Legislative Policy Principles.

Environmental Determination:
Not Applicable

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

Attachments:
1. SB 372 (Leyva) - Bill Text
An act to add Article 4 (commencing with Section 44274.10) to Chapter 8.9 of Part 5 of Division 26 of the Health and Safety Code, relating to vehicles.

LEGISLATIVE COUNSEL’S DIGEST


Existing law establishes the Air Quality Improvement Program that is administered by the State Air Resources Board for the purposes of funding projects related to, among other things, the reduction of criteria air pollutants and improvement of air quality. Pursuant to its existing statutory authority, the state board has established the Clean Vehicle Rebate Project, as a part of the Air Quality Improvement Program, to promote the use of zero-emission vehicles by providing rebates for the purchase of new zero-emission vehicles.

Existing law, the California Pollution Control Financing Authority Act, establishes the California Pollution Control Financing Authority, with specified powers and duties, and authorizes the authority to approve financing for projects or pollution control facilities to prevent or reduce environmental pollution.
This bill would establish the Medium- and Heavy-Duty Zero-Emission Vehicle Fleet Purchasing Assistance Program within the Air Quality Improvement Program to make financing tools and nonfinancial supports available to the operators of medium- and heavy-duty vehicle fleets to enable those operators to transition their fleets to zero-emission vehicles. The bill would require the state board to designate the California Pollution Control Financing Authority as the agency responsible for administering the program and would require the state board and the authority to enter into an interagency working agreement for the development and administration of the program. The bill would require the authority to consult with various state agencies and stakeholders in the development and implementation of the program.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.


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

SECTION 1. The Legislature finds and declares all of the following:

(a) The transition to zero-emission medium- and heavy-duty vehicles is the goal of the state, as outlined in the Governor’s Executive Order N-79-20 and the State Air Resources Board’s Advanced Clean Trucks and Advanced Clean Fleets regulations.

(b) Statewide, about 12,000,000 Californians live in communities that exceed the federal ozone and PM 2.5 standards. According to the American Lung Association, more than 90 percent of Californians live in counties affected with unhealthy air during certain parts of the year. The south coast and San Joaquin Valley are the only two areas in the nation designated as “extreme” nonattainment. Researchers found that southern California has seen a 10 percent increase in deaths attributable to ozone pollution from 2010 to 2017, inclusive.

(c) Emissions from medium- and heavy-duty vehicles make up a significant proportion of harmful air pollution in California,
despite making up just 7 percent of vehicles on the road.

Heavy-duty trucks are responsible for about 35 percent of total statewide NOx emissions and over 70 percent of NOx emissions from on-road mobile sources. Heavy-duty trucks are also responsible for approximately 26 percent of total statewide diesel PM emissions.

(d) The risks of near-road air pollution are particularly high for minority and low-income communities, disadvantaged and underserved communities and communities of color because these communities constitute a higher percentage of the population near major roadways.

(e) These emissions near roadways add to the health burdens in underserved, priority, and disadvantaged communities disadvantaged and underserved communities and communities of color and cleaning up transportation emissions in these communities is long overdue and should be the focus of state clean air programs.

(f) Using zero-emission vehicles instead of internal combustion engine vehicles saves the operators of medium- and heavy-duty vehicle fleets money over the lifetime of the zero-emission vehicles because zero-emission vehicles have lower operation costs. Additionally, using zero-emission medium- and heavy-duty vehicles has broader societal benefits, including improved health outcomes, resulting in reduced costs related to health care.

(g) Even with this lower operating cost, getting to this transition requires near-term, scalable, and replicable financing tools and nonfinancial supports, such as technical and policy supports, with an understanding that small and microfleets of medium- and heavy-duty vehicles will require development of specific financing solutions relative to larger fleets of medium- and heavy-duty vehicles, and the state’s commitment to developing those financing solutions.

(h) Small and microfleets are more likely to operate in disadvantaged communities, disadvantaged and underserved communities and communities of color, have less access to market capital, and face other financial burdens, and, for those reasons, could benefit from the cost savings of zero-emission vehicles if financing tools and nonfinancial supports are designed for, and directed to, those fleets.
Large fleets will likely need public moneys and nonfinancial supports to help transition those fleets to zero-emission vehicles. These tools can be leveraged with infusions of private capital.

(j) Public moneys, other financing tools, and nonfinancial policy supports can be designed to go where they are needed the most and will have the most impact, bringing in as much private capital as possible to complement and leverage limited existing funding, while ensuring that small and microfleets are made economically better off through this process, rather than adding to their financial burden of purchasing a new or used vehicle.

(k) It is important to ensure the distribution of funds to seaports throughout the state to widen adoption of these vehicles with specific offerings to overcome existing obstacles to accessing funding and that will complement their different operational models in order to accomplish the goals of Article 4 (commencing with Section 44274.10) of Chapter 8.9 of Part 5 of Division 26 of the Health and Safety Code.

(l) Bus fleets are often on the cutting edge of zero-emission vehicle transportation, help to support the transition to zero-emission vehicles, and would benefit from financial and nonfinancial support designed to suit their fleets.

SEC. 2. Article 4 (commencing with Section 44274.10) is added to Chapter 8.9 of Part 5 of Division 26 of the Health and Safety Code, to read:

Article 4. Medium- and Heavy-Duty Zero-Emission Vehicle Fleet Purchasing Assistance Program

44274.10. For purposes of this division, article, the following definitions apply:

(a) “Administering agency” means the California Pollution Control Financing Authority.

(b) “Financing tools” includes, but is not limited to, any of the following:

(1) Capital instruments, which are financing instruments that increase access to capital or other resources or reduce the cost of capital, or both, such as interest rate reductions, public-backed “soft” loans, grants, bonds, and investment aggregation, also known as warehousing.
(2) Risk reduction instruments, which are financing instruments that reduce exposure to risk or uncertainty, such as performance guarantees and asset residual value guarantees.

(3) Cost smoothing instruments, which are financing instruments that reduce and smooth up-front or recurrent costs, or both, such as operational leasing, all-inclusive leasing, also known as wet leasing, lease-purchase agreements, and on-bill financing.

(c) “Fleet” means one or more vehicles under common control or ownership.

(d) “Medium- and heavy-duty vehicle” includes, but is not limited to, trucks, buses, and vehicles used for construction and earth moving purposes.

(e) “Nonfinancial supports” means technical support, such as supports for technical management of electric medium- and heavy-duty vehicles, technical assistance for financing approaches, battery health programs, and creation of residual markets, or policy action, such as policy measures to enable financing or encourage fleet transitions.

(c) “Priority population” means a community identified as disadvantaged pursuant to Section 39711, or a low-income household or a low-income community, as defined in Section 39713.

(f) “Program” means the Medium- and Heavy-Duty Zero-Emission Vehicle Fleet Purchasing Assistance Program established pursuant to Section 44274.11.

(g) “Underserved community” means a community that meets one of the following criteria: any of the following communities:

(1) Is a “disadvantaged community” as defined by subdivision (g) of Section 75005 of the Public Resources Code:

(2) Is included within the definition of “low-income communities”:

(1) A low-income community as defined by paragraph (2) of subdivision (d) of Section 39713.

(3) Is within an area identified as among the most disadvantaged 25 percent in the state according to the California Environmental Protection Agency and based on the most recent California Communities Environmental Health Screening Tool, also known as CalEnviroScreen.
(4) Is a community in which at least 75 percent of public school students in the project area are eligible to receive free or reduced-price meals under the National School Lunch Program.

(2) A community identified as a disadvantaged community by the California Environmental Protection Agency pursuant to Section 39711.

(5) Is a community located on lands belonging to a federally recognized California Native American tribe.

44274.11 (a) The Medium- and Heavy-Duty Zero-Emission Vehicle Fleet Purchasing Assistance Program is hereby established within the state board’s Air Quality Improvement Program established pursuant to Section 44274 to make financing tools and nonfinancial supports available to the operators of medium- and heavy-duty vehicle fleets to enable those operators to transition their fleets to zero-emission vehicles. The state board shall designate the California Pollution Control Financing Authority as the agency responsible for administering the program.

(b) The state board and the administering agency shall enter into an interagency working agreement for the development and administration of the program.

44274.12. As part of the interagency working agreement entered into pursuant to Section 44274.11, the state board and the administering agency shall do all of the following when developing and implementing the program:

(a) Seek input from environmental justice organizations, medium- and heavy-duty vehicle fleets of diverse sizes and types, financers, original truck equipment manufacturers, transportation, logistics, and fleet management companies, nongovernmental organizations, and other relevant stakeholders on all of the following topics:

(1) Which medium- and heavy-duty fleets should be designated as high-priority fleets pursuant to subdivision (d), taking into consideration the implications for climate change, pollution and environmental justice, state policy regarding clean air and transportation, and post-COVID economic recovery.

(2) How to apply to the program the Governor’s Office of Business and Economic Development’s findings on the critical barriers that impede medium- and heavy-duty fleets in different
sectors and of different fleet sizes from transitioning to zero-emission vehicles.

(3) The financing tools and nonfinancial supports that should be used to help overcome the critical barriers identified pursuant to paragraph (2).

(4) How to determine whether the program is successful in meeting its goals.

(b) (1) Develop and design, in consultation with other relevant state agencies and building on the input received pursuant to subdivision (a), financing tools and nonfinancial supports that are most appropriate for different sizes and sectors of medium- and heavy-duty vehicle fleets.

(2) Ensure the financing tools and nonfinancial supports identified pursuant to paragraph (1) have no redundancies or inefficiencies with other state programs.

(3) Identify the funding needs and potential funding sources for the financing tools and nonfinancial supports identified pursuant to paragraph (1).

(c) Ensure that a minimum of 75 percent of financing products offered under the program are directed towards operators of medium- and heavy-duty fleets whose fleets directly impact, or operate ______ percent of the time in, an underserved community or priority population, or both.

(d) Designate which medium- and heavy-duty fleets are the high-priority fleets that will have access to the program first based on a consideration of state transportation policy and the input received pursuant to subdivision (a). The administering agency shall designate port and drayage truck fleets as one of the high-priority fleets until a date determined by the state board.

(e) Provide financing tools to operators of small and microfleets of medium- and heavy-duty vehicles that include, but are not limited to, direct assistance, such as incentives, grants, and vouchers, that increase access to capital and reduce exposure to market risks or uncertainties. The state board and the administering agency shall determine how many vehicles constitute a small fleet and a microfleet for purposes of the program.

(f) Provide financing tools to operators of large fleets of medium- and heavy-duty vehicles to increase access to private capital in ways that make it easier, less expensive, or reduce
 uncertainties, or any combination of these things, for the operators
to transition to zero-emission vehicles. The state board and the
administering agency shall determine how many vehicles constitute
a large fleet for purposes of the program.
   (g) Enable the stacking or coordinated combination of financial
tools and nonfinancial supports.
   (h) Facilitate the decommissioning of high-polluting medium-
and heavy-duty vehicles in accordance with the state’s clean air
targets and goals.
   (i) Enable the development of replicable business models that
allow private capital to fully engage, while meeting the goals of
this division: article.
   (j) Include optimal financing tools and appropriate nonfinancial
supports that are designed and targeted to catalyze electrification
at scale.
   (k) Encourage emerging flexible business, operational, and
ownership models that accomplish the goals of this division:
article, such as lease-backs or electric vehicle managers and lessors.
   (l) (1) Establish deadlines for Ensure that the program that
aligns with milestones established in Executive Order
N-79-20 and the goals set forth in Resolution 20-19 adopted by
the state board on June 25, 2020, along with the proposed revisions
to Division 3 (commencing with Section 1900) of Title 13 of the
California Code of Regulations known as the Proposed Advanced
Clean Trucks Regulation, which were approved by the state board
   (2) The administering agency state board shall do both of the
following:
   (A) Establish penetration targets for deployment of financing
tools and nonfinancial supports to operators, including,
but not limited to, those whose fleets directly impact, or operate
percent of the time in, underserved communities and priority
populations for each milestone specified in paragraph (1).
   (B) Compile data and information about the deployment of
financing tools and nonfinancial supports provided pursuant to the
program to operators, including, but not limited to, those
whose fleets directly impact, or operate percent of the time
in, underserved communities and priority populations.
   (m) Coordinate The state board shall coordinate with the Public
Utilities Commission and the State Energy Resources
Conservation and Development Commission, and the administering agency to provide marketing, education, and outreach to underserved communities and priority populations regarding the program.

(n) Ensure the financing tools and nonfinancial supports designed and developed pursuant to this section are available to operators of medium- and heavy-duty fleet operators by January 1, 2023.

44274.13. (a) The administering agency, in consultation with the state board, shall develop a data collection and dissemination strategy for the program to facilitate informed decisionmaking by other state agencies and private sector financiers.

(b) The administering agency shall keep confidential all business trade secrets and proprietary information about fleets that the administering agency gathers or becomes aware of through the course of implementing and administering this article, including through applications for financial assistance. Business trade secrets and proprietary information obtained pursuant to this subdivision are not subject to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).

(c) The strategy developed pursuant to subdivision (a) shall include data that is necessary to facilitate the financing of zero-emission vehicles in order to increase the scalability of financial tools and nonfinancial supports. These data include, but are not limited to, vehicle and battery performance, upfront and operational costs, residual values, operational revenues, and zero-emissions vehicle miles traveled.

(d) This section shall not be construed as a requirement to disclose any proprietary business information collected pursuant to the program to the public as part of the data dissemination strategy.

44274.14. The state board, in consultation with the administering agency, shall consult with the State Energy Resources Conservation and Development Commission and the Public Utilities Commission on the use of on-bill tariff products for charging and fueling infrastructure that would allow operators...
of medium- and heavy-duty fleets to see fuel cost savings of zero-emission vehicles relative to diesel fuel.

44274.15. The state board shall create, in coordination with other state agencies that administer programs similar to the program established in Section 44274.11, a “one-stop shop” that provides information on the state board’s internet website to operators of medium- and heavy-duty fleets about all of the potential financing and grant options and other technical assistance available to help obtain financing for zero-emission medium- and heavy-duty vehicles.

SEC. 3. The Legislature finds and declares that Section 2 of this act, which adds Section 44274.13 to the Health and Safety Code, imposes a limitation on the public’s right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

In order to protect the privacy of the operators of medium- and heavy-duty vehicle fleets and encourage their participation in the program established pursuant to Section 2, it is necessary to limit the public’s right of access to their proprietary business information. Appropriately protect the trade secrets and other proprietary materials of businesses, it is necessary to limit access to the proprietary information of businesses seeking financial and nonfinancial tools, supports, and assistance related to zero-emissions vehicles under Section 2.
Date: June 16, 2021
To: The Honorable Board of Directors
From: Shivaji Deshmukh, General Manager
Committee: Community & Legislative Affairs

Executive Contact: Kathy Besser, Executive Manager of Government & Ext. Affairs/AGM
Subject: Contract Amendments for Federal and State Legislative Services and Regional Strategy Consultants

Executive Summary:

In 2016, IEUA announced a Request for Proposals (RFP) for state and federal legislative advocacy services. After a competitive process, the IEUA Board voted in favor of awarding Innovative Federal Strategies and West Coast Advisors three year contracts, with the option of two additional one-year extensions. At this time, the Board also voted to award California Strategies a sole source contract with the same terms. All three consultants have represented the Agency well for 16, 15 and 12 years, respectively.

Last month, staff recommended extending the contracts rather than issuing a new RFP. Due to the COVID-19 pandemic, governmental meetings at the federal, state and regional level were only held electronically, conferences were moved online and in-person meetings were non-existent. The continuity and strong understanding of the opportunities and challenges ahead for IEUA are an asset as we navigate the ever-changing landscapes of federal, state and regional issues and as we emerge from stay-at-home orders staff believes it is in the Agency's best interest to move forward with the current representatives working on the Agency's behalf for 12 months and re-evaluate in early 2022.

Staff's Recommendation:

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

Budget Impact

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

Account/Project Name:
N/A

Fiscal Impact (explain if not budgeted):
N/A

Full account coding (internal AP purposes only):
Prior Board Action:
In 2016, IEUA awarded contracts to Innovative Federal Strategies, West Coast Advisors and California Strategies for three years, with the ability to add two one-year extensions.

Environmental Determination:
Not Applicable

Business Goal:
Working with legislative and regional consultants is in line with IEUA's business practices goal of advocating for the development of policies, legislation and regulations that benefit the region.

Attachments:
Attachment 1 - Contract Amendment for Innovative Federal Strategies, LLC.
Attachment 2 - Contract Amendment for West Coast Advisors
Attachment 3 - Contract Amendment for California Strategies, LLC.
CONTRACT AMENDMENT NUMBER: 4600002124-003
FOR
CONTRACTOR SERVICES

FEDERAL LEGISLATIVE ADVOCACY SERVICES

AMENDMENT NUMBER THREE is made and entered by and between the Inland Empire Utilities Agency (IEUA), a Municipal Water District, organized and existing in the County of San Bernardino under and by virtue of the laws of the State of California (hereinafter referred to as "Agency" or "IEUA"), and Innovative Federal Strategies LLC., of, Washington D.C. (hereinafter referred to as "Contractor"), and shall revise the Contract as amended:

TERM, IS REVISED TO READ AS FOLLOWS:

An additional term of this Contract shall commence on July 1, 2021 and shall continue in effect through June 30, 2022, unless terminated for Convenience or in the event the maximum amount of this Contract is exceeded as set forth in Payment, Invoicing, and Compensation.

ALL OTHER PROVISIONS OF THIS CONTRACT REMAIN UNCHANGED

WITNESSETH, that the parties hereto have mutually covenanted and agreed as per the above amendment item, and in doing so have caused this document to become incorporated into the Contract Documents.

INLAND EMPIRE UTILITIES AGENCY: INNOVATIVE FEDERAL STRATEGIES:
*A MUNICIPAL WATER DISTRICT*

Warren T. Green (Date) Letitia H. White (Date)
Manager of Contracts, Partner
Procurement & Risk Services

4600002124-003 (GD)
6/1/2021
CONTRACT AMENDMENT NUMBER: 4600002123-003
FOR
CONTRACTOR SERVICES

STATE LEGISLATIVE LOBBYING SERVICES

AMENDMENT NUMBER THREE is made and entered by and between the Inland Empire Utilities Agency (IEUA), a Municipal Water District, organized and existing in the County of San Bernardino under and by virtue of the laws of the State of California (hereinafter referred to as "Agency" or "IEUA"), and West Coast Advisors, of Sacramento, California (hereinafter referred to as "Contractor"), and shall revise the Contract as amended:

TERM, IS REVISED TO READ AS FOLLOWS:

An additional term of this Contract shall commence on August 1, 2021 and shall continue in effect through June 30, 2022, unless terminated as specified on page 3, or in the event the maximum amount of this Contract is exceeded.

ALL OTHER PROVISIONS OF THIS CONTRACT REMAIN UNCHANGED

WITNESSETH, that the parties hereto have mutually covenanted and agreed as per the above amendment item, and in doing so have caused this document to become incorporated into the Contract Documents.

INLAND EMPIRE UTILITIES AGENCY:
*A MUNICIPAL WATER DISTRICT

Warren T. Green
Manager of Contracts, Procurement & Risk Services
(Date)

WEST COAST ADVISORS:

Michael Boccadoro
President
(Date)

4600002123-003 (GD)
6/1/2021
CONTRACT AMENDMENT NUMBER: 460002179-004
FOR
CONTRACTOR SERVICES

STRATEGIC LOCAL GOVERNMENT CONSULTING SERVICES

AMENDMENT NUMBER FOUR is made and entered by and between the Inland Empire Utilities Agency (IEUA), a Municipal Water District, organized and existing in the County of San Bernardino under and by virtue of the laws of the State of California (hereinafter referred to as "Agency" or "IEUA"), and California Strategies, LLC of Sacramento, California (hereinafter referred to as "Consultant"), and shall revise the Contract as amended:

TERM, IS REVISED TO READ AS FOLLOWS:

An additional term of this Contract shall commence on July 1, 2021 and shall continue in effect through June 30, 2022, unless terminated for Convenience or in the event the maximum amount of this Contract is exceeded as set forth in Payment, Invoicing, and Compensation.

ALL OTHER PROVISIONS OF THIS CONTRACT REMAIN UNCHANGED

WITNESSETH, that the parties hereto have mutually covenanted and agreed as per the above amendment item, and in doing so have caused this document to become incorporated into the Contract Documents.

INLAND EMPIRE UTILITIES AGENCY:  
*A MUNICIPAL WATER DISTRICT

Warren T. Green
Manager of Contracts,  
Procurement & Risk Services

(Date)

CALIFORNIA STRATEGIES, LLC.:  

Jim Burton
Managing Partner

(Date)

4600002179-004 (GD)
6/1/2021
Community and Legislative Affairs Committee

INFORMATION
ITEM
2A
MEMORANDUM

To: IEUA Community and Legislative Affairs Committee
From: Letitia White, Jean Denton, Drew Tatum, and Sarah Persichetti
Date: May 27, 2021
Re: May Monthly Legislative Update

White House, Senate GOP in Talks on Infrastructure, New Proposals

The White House and Senate Republicans have held multiple meetings, in addition to floating multiple proposals during the month of May. While both sides remain optimistic that a deal can be reached, there is still much to be done to craft an agreement that both sides are willing to support. Chances are becoming increasingly unlikely that legislation would make it through the House and Senate by a July 4 deadline proposed by House Speaker Nancy Pelosi.

The White House said it was “encouraged” by talks held on Tuesday, May 18 with Republican Senators on a major new infrastructure package, even as lawmakers said the session yielded no agreement on an overall spending figure or on how to pay for it.

Administration participants in last week’s session, who included Transportation Secretary Pete Buttigieg and Commerce Secretary Gina Raimondo along with senior White House officials, “were encouraged by today’s discussion,” the White House said in a statement.

Following the meeting on the 18th, in the view of top GOP negotiator Senator Shelley Moore Capito (R-WV), the White House and Republicans have a greater than 50-50 chance of striking a deal on infrastructure.

Senator Capito led the presentation of a Republican counteroffer to the administration during the meeting.

While the talks did cover funding methods -- Biden has proposed corporate-tax hikes that Republicans have rejected -- there was no specific negotiation in the absence of an agreement on the spending figure, according to Senator Capito.

Senator Roy Blunt (R-MO) said discussion included having a way to tax those who drive electric vehicles, either a vehicle miles traveled tax or an annual fee, against the gasoline tax that’s in place today. The White House has so far opposed applying user fees to funding infrastructure, arguing that it hurts lower-income Americans.

Public-private partnerships were also discussed, and the administration seemed open to them, according to Blunt. A possible infrastructure bank was another point of the talks, he said.
Republicans have also proposed reallocating unspent funding from coronavirus response legislation previously passed by Congress to offset at least a portion of the new spending.

National Economic Council Director Brian Deese, White House Counselor Steve Ricchetti and Director of Legislative Affairs Louisa Terrell were also in the meeting last week. The GOP Senators in the meeting also included Mike Crapo of Idaho, Pat Toomey of Pennsylvania and Roger Wicker of Mississippi.

President Biden has hosted several sessions with lawmakers throughout the month of May, including the “Big Four” House Speaker Nancy Pelosi (D-CA), Senate Majority Leader Charles Schumer (D-NY), Minority Leader Kevin McCarthy (R-CA) and Senate Minority Leader Mitch McConnell (R-KY) on Wednesday, May 12 in an effort to break the highly partisan tensions in Washington over issues including infrastructure.

Additional Senators to visit the White House during May to discuss an infrastructure package include Democrat Senators Joe Manchin (D-WV) and Kyrsten Sinema (D-AZ), whom President Biden met with individually earlier in the month.

The GOP is “moving up” from its initial $568 billion counteroffer, Senator Capito said, but she declined to give the new price tag. Republicans are increasingly open to spending on electric vehicle charging stations she added.

“Our anticipation is that this would be a part of it,” she said of electric vehicle spending.

She said that nothing is off the table at this point with regard to funding mechanisms, in the talks with the White House.

Following the discussions earlier in the week, White House officials on Friday, May 21 presented Senate Republicans a $1.7 trillion counterproposal reducing the price tag of President Biden’s infrastructure proposal by $550 billion.

“In our view, this is the art of seeking common ground,” White House press secretary Jen Psaki told reporters at a briefing Friday. “This proposal exhibits a willingness to come down in size, giving on some areas that are important to the president ... while also staying firm in areas that are most vital to rebuilding our infrastructure and industries of the future.”

The offer is still far above a price tag offered by Republicans and was received tepidly on Capitol Hill, suggesting a bipartisan compromise remains out of reach.

The White House is offering to reduce funding for broadband expansion to $65 billion to match a Republican offer spearheaded by Senator Shelley Moore Capito (R-WV). The new measure also reduces proposed investments in roads, bridges and other major infrastructure projects from $159 billion to $120 billion, which is still more than double the $48 billion originally proposed by Republicans.
White House representatives met virtually with Republicans on Capitol Hill on Friday, May 21 as part of ongoing infrastructure talks.

Publicly, White House officials and Republican senators involved in the infrastructure negotiations have expressed optimism about the ongoing talks, though the recent developments Friday are likely to add to skepticism that a bipartisan deal can be reached.

Republicans thus far have reacted coolly to the counteroffer and there remain significant disagreements on the size of the package, the definition of infrastructure and the means with which to pay for the investments. GOP senators have declined to say how much higher they’re willing to go after Capito’s $568 billion offer last month.

Senator Capito said she was disappointed by the $1.7 trillion counteroffer Friday from the White House.

“Yeah, I was,” she said, adding that President Biden had left her more hopeful of a compromise when he met earlier with Republicans face-to-face at the White House.

Senate Republicans say a familiar dynamic is playing out in the infrastructure negotiations. Much like the ultimately unsuccessful talks over Biden’s $1.9 trillion coronavirus relief plan, Republicans say White House officials are hampering progress.

Senate Minority Whip John Thune (R-SD) said talks are “temporarily at a stalemate” and that they were more productive when GOP Senators were speaking directly to President Biden.

Following a meeting among a group of Senate Republicans on Tuesday, May 25, the lawmakers announced that they will give the White House a counteroffer to their latest $1.7 billion infrastructure proposal on Thursday, May 27.

While Senator Capito declined to say what the top-line for the offer would be, Senator Roger Wicker (R-MS), a member of the group, appeared to signal that it would be around $1 trillion. While less than half of Biden’s original proposal, the new GOP plan would be “the most substantial infrastructure bill ever enacted by the federal government,” Wicker said.

**Senators Reach Bipartisan Deal on U.S. Highway Funding Package**

Senate Environment and Public Works Committee leaders announced on Saturday, May 22 that they reached agreement on the surface transportation reauthorization bill, which would provide $304 billion in funding for highways, roads and bridges. The legislation, which is separate from President Joe Biden’s American Jobs Plan, was unanimously reported by the Senate Environment and Public Works Committee on Wednesday, May 26.

The panel is one of the four authorizing committees in the Senate for the legislation. The bill has been delayed in the House; it isn’t expected to be marked up until late June as the House has allowed Members to submit Member Directed Project requests that are still being vetted.
Innovative Federal Strategies LLC

The bipartisan bill highlights some compromise from both sides of the aisle to include Democratic and Republican priorities for highways, bridges, and roads. Senator Kevin Cramer (R-ND), a bill cosponsor, said that “neither side got everything” they wanted, but they were able to find “common ground.”

The bill, which would authorize $303.5 billion from the Highway Trust Fund over five years, is more than 34% larger than the last reauthorization in 2015, but similar to what the committee advanced last Congress, which didn’t receive a vote on the Senate floor.

The bill would authorize $2.5 billion for electric vehicle charging and alternative fueling infrastructure grants and $6.4 billion for states to reduce transportation emissions. Like the last bill, it includes a title on climate change.

Senator Ben Cardin (D-MD) said in a statement that it “sends a clear signal that climate change is a top priority for our infrastructure investments going forward,” which has been a major goal for Democrats.

Republican priorities of reducing regulation and giving states more flexibility are also incorporated in the bill. The legislation would streamline the environmental review process for major projects, requiring the Transportation Department to average no more than two years to complete a review. Additionally, it would authorize $2 billion for a grant program for rural communities.

The legislation would also create various programs and studies. The Biden administration and Democrats have prioritized reconnecting urban communities cut off by highways and the bill would authorize $500 million for a Reconnecting Communities Pilot Program. It would also direct the Transportation Secretary to create a center to study the impact of automated vehicles and new mobility, such as dockless bikes and scooters.

As a reminder, the legislation will ultimately have to move through other Senate Committees, as the Senate Finance Committee has jurisdiction over how to pay for the legislation, which would not be fully offset by Highway Trust Fund Revenues.
**House Passes January 6th Commission, Capitol Supplemental**
On Thursday, May 20, the House passed legislation (H.R.3237) to provide $1.9 billion in emergency supplemental appropriations to bolster Capitol Security and replenish accounts impacted due to the events of January 6, 2021. The legislation passed with the slimmest of margins, 213-212 with 3 voting present. “Congress owes it to everyone who works in or visits our Capitol to provide funding to recover, rebuild, and keep all who serve in the Legislative Branch safe, healthy, and secure,” House Appropriations Committee Chair Rosa DeLauro (D-CT) said upon passage of the bill. “This narrowly-tailored bill carefully responds to the insurrection and addresses urgent security vulnerabilities. It is imperative that the Senate advance this legislation without any delay.”

The tight margin for passage was due to no support from House Republicans and because several progressive lawmakers either voted present or against the bill. Republicans voted against the bill claiming that it cost too much money and that there was no guarantee the funding would be properly spent enhancing security. Several progressive lawmakers released a joint statement, saying a package that “pours $1.9 billion into increased police surveillance and force without addressing the underlying threats of organized and violent white supremacy, radicalization, and disinformation that led to this attack will not prevent it from happening again.”

The House also voted on Wednesday, May 19 to approve legislation to establish an independent commission to investigate the events of January 6. Democrats were joined by 35 Republicans to pass the legislation. The final vote was 252-175. As a reminder, the legislation proposes a commission made up of an equal number of members appointed by Republicans and Democrats with a majority vote being required to issue a subpoena.

There has been some vocal concern about the supplemental appropriations bill in the Senate from both Democrats and Republicans (including Senate Appropriations Committee Chairman Patrick Leahy (D-VT)), meaning it may not move forward in the near future. On the Commission legislation, Senate Majority Leader Mitch McConnell (R-KY) has indicated he is opposed to the legislation, meaning there will unlikely be 10 votes in the Senate to move it forward given the Chamber’s filibuster rules. Senate Majority leader Chuck Schumer (D-NY) has indicated he will seek to bring the legislation to the floor in the near future.

**GOP Energy & Commerce Members Introduce Drinking Water Bill**
House Energy and Commerce Committee Republican Ranking Member Cathy McMorris Rodgers (R-WA) and Subcommittee on Environment and Climate Change Ranking Member David B. McKinley (R-WV) introduced legislation on Tuesday, May 18 to ensure key drinking water programs are funded and protected.

The Drinking Water Funding for the Future Act would, over five years, authorize $11.6 billion for federal and state drinking water programs, as well as $9.5 billion for the state drinking water revolving loan fund and for rural and tribal areas.
Additionally, the legislation would:

- Bring investment to and modernization of the country’s drinking water infrastructure.
- Continue to promote accountability by helping states and utilities with compliance and asset management.
- Provide funding for risk and resilience measures at public water systems, including cybersecurity attack prevention.
- Assist underserved and disadvantaged areas with funding for better water quality and replacement of lead service lines.
- Prioritize funding for grants to develop, test, and deploy innovative water technologies or provide technical assistance to public water systems to deploy these technologies.

“This infrastructure bill will make sure state and local partners have the tools they need to keep people safe and healthy in their communities,” said Representative Rodgers. “It will strengthen access to safe drinking water and support America’s ability to modernize our drinking water infrastructure. To win the future, this must be a priority in any real bipartisan infrastructure plan.”

**House Republicans Unveil Wastewater Legislation**

Legislation introduced by House Republicans would authorize $14 billion over the next five years for the Clean Water State Revolving Fund, which provides loan financing and assistance for communities for a range of water infrastructure projects.

The legislation is much less than the $40 billion over the next five years authorized for the Clean Water State Revolving Fund in the Water Quality Protection and Job Creation Act of 2021 (H.R. 1915) introduced by House Transportation and Infrastructure (T&I) Chair Peter DeFazio (D-OR) earlier this spring.

Chairman DeFazio has stated that he hopes to mark up H.R. 1915 soon.

“I look forward to working with the Chair and members of the Majority to reach bipartisan agreement on these important issues just as we did last Congress,” said the panel’s top Republican Sam Graves (R-MO), who is sponsoring the bill, the Wastewater Infrastructure Improvement Act, along with Reps. David Rouzer (R-NC) and Don Young (R-AK).

The GOP bill is in line with what the wastewater portion of the bipartisan water infrastructure legislation the Senate passed in April. The Senate bill would authorize $35 billion for both drinking water and wastewater infrastructure projects. In the House, T&I has control over wastewater, while Energy and Commerce Committee has jurisdiction over drinking water.

Legislation from the House Democrats on the Energy and Commerce Committee includes $51.6 billion to protect drinking water by extending and increasing funding for the Drinking Water State Revolving Loan Fund and other programs and investing in the replacement of lead service lines.
The GOP wastewater bill would also invest in other clean water programs for localities, including assistance for states to implement water quality improvement programs and stormwater management projects.

**Lawmakers Take Steps to Protect Drinking Water from PFAS**

Senator Richard Blumenthal (D-CT) led a bipartisan group of senators calling on the Food and Drug Administration to set standards on per- and polyfluoroalkyl substances found in bottled water. The group of Senators wrote a letter to Food and Drug Administration acting Commissioner Janet Woodcock on Tuesday, May 18.

The group of Senators, which included Senator Dianne Feinstein (D-CA), asked the FDA in the letter “to promulgate Standards of Quality (SOQ) for per- and polyfluoroalkyl substances (PFAS) in bottled water to provide consumers; federal, state, and local governments; and emergency relief personnel further assurance that bottled water products are safe for everyday use and in times of need when tap water is compromised.”

“Given the widespread persistence of PFAS in our environment and drinking water, many people have turned to bottled water to avoid adding toxic chemicals to their bodies. Establishing an SOQ for bottled water is an important step that will help ensure consumer confidence and protect public health. We urge FDA to act expeditiously to tackle this critical public health issue and establish standards based on the best available science and allow for periodic review,” the lawmakers wrote in the letter.

Additionally, on Monday, May 17, Representative Brendan Boyle (PA) introduced bipartisan legislation, the Protect Drinking Water from PFAS Act of 2021, to require the U.S. Environmental Protection Agency (EPA) to set an enforceable, nationwide primary drinking water standard for PFAS contaminants, including PFOS and PFOA.

“No American should question the safety of their drinking water – period. We must address these contaminants with the full force of the Safe Drinking Water Act.” Representative Boyle said after introduction of the legislation.

**EPA Water Nominee Commits to ‘Enduring Solutions’ in Confirmation Hearing**

Radhika Fox, President Biden’s nominee to be the Environmental Protection Agency’s assistant administrator for water, on Wednesday, May 12 pledged to “listen to all sides in order to find enduring solutions” in a hearing before the Senate Environment and Public Works Committee.

Fox, who currently serves in the position on an acting basis, told the committee that “most people don’t think about” the policies and programs that go into Americans’ water service, including “the key role of states and tribes in providing these essential water services.”

“It just works, for most Americans but not for all,” she added, invoking the water crisis in Flint, Michigan, after its water supply was contaminated.
She went on to argue that the role calls for active engagement with stakeholders, saying “we can’t make policy sitting behind a desk in Washington, D.C. We have to actively engage with all who are impacted by our decisions, whether it’s water utilities, farmers and ranchers, community orgs, environmental groups, states, tribes, local officials and many, many others.”

“Water is the great uniter. It can unite this country; it can help pull us out of the compounding crises that face our nation, whether it’s a global pandemic, economic recession, longstanding racial inequities and climate change,” she added.

Ranking member Sen. Shelley Moore Capito (R-WV) questioned Fox on her position on the Obama administration’s 2015 Navigable Waters Protection Rule, which significantly broadened the definition of “waters of the United States,” later curtailed under the Trump administration.

Fox responded that “we are in the process of reviewing” the rule, adding that the EPA is “trying to understand, what are the lessons learned from an implementation perspective on both the 2015 rule and the 2020 rule?”

“Administrator [Michael] Regan and I want an enduring definition of waters of the US, one that can withstand administration changes,” she added.

Asked what her priorities would be if confirmed, Fox said they would include “mak[ing] sure the Office of Water is implementing the range of water infrastructure funding and financing programs this committee has taken so much leadership on developing.”

Another priority, Fox said, would be addressing per- and polyfluoroalkyl substances (PFAS) and other emerging contaminants, noting that Regan has asked her to co-chair an executive council on PFAS.

“That is going to be important as we think about making sure that water is clean for all families,” she said.

Census Won’t Expand or Contract Opportunity Zone Boundaries
The Internal Revenue Service rejected requests to allow changes to the boundaries of opportunity zones, closing the door on investors’ hopes of having expanded access to capital gains tax breaks.

The announcement, 2021-10, came in response to questions from the public on the effect, if any, of the 2020 decennial census, recently released by the U.S. Census Bureau, on boundaries of qualified opportunity zones.

In the announcement, the IRS noted that the 2017 tax law that created Opportunity Zones “does not permit QOZs to be nominated or designated after the statutory deadlines; nor does it permit any post-designation changes to the boundaries of the Designated QOZs. The boundaries of the
Designated QOZs were established at the time they were designated and are not subject to change.”

Since the IRS noted that it didn’t have the authority to change Opportunity Zone boundaries, existing boundaries do “not shrink or expand if the 2020 decennial census results in a change to the boundaries of a census tract.”

The IRS’s decision followed extensive interest in moving tract lines as part of the Census Bureau’s decennial program to update tracts based on population changes. Some investors had hoped that through changes to the boundaries of the zones, more projects could qualify for the accompanying tax breaks. Investors can get those tax breaks by putting profits into funds that finance projects in the designated zones.

**Administration Unveils Plan to Conserve 30 Percent of US Lands and Water**

Biden administration officials on Thursday, May 6 released a new report detailing how they want to achieve the president's goal of conserving 30 percent of the country's lands and waters by 2030, focusing on voluntary and locally led efforts instead of a nationally mandated program.

The report by Interior Secretary Deb Haaland, Agriculture Secretary Tom Vilsack, Commerce Secretary Gina Raimondo and White House Council on Environmental Quality Chair Brenda Mallory, laid out priorities to achieve the conservation goal.

Those priorities include creating parks in areas that lack access to nature, supporting tribal priorities, conserving fish and wildlife habitats and increasing outdoor recreation access.

Officials aim to incentivize voluntary actions from fishers, hunters, ranchers and forest owners and create jobs by investing in resilience.

"Where this path leads over the next decade will be determined not by our agencies, but by the ideas and leadership of local communities. It is our job to listen, learn, and provide support along the way to help strengthen economies and pass on healthy lands, waters, and wildlife for generations to come,” they wrote in a letter released with the report.

While the report lacked some detail as to what the federal government would do in order to make sure the goals are met, White House climate adviser Gina McCarthy called it a "kickoff" and said a plan would be developed.

"This is really the kickoff of an interagency working group that's going to be developing a plan and that plan is going to look at the areas that we already know we're conserving, what those efforts are, how we look at expanding our protected area database and using science to really tell us what kind of baseline we have and what we're hoping to accomplish to ensure that we meet this goal," McCarthy said.
The report put forth ideas to achieve the administration's goals like developing grants to support Indigenous-led conservation, using the 2023 Farm Bill to strengthen relevant programs and expanding existing programs.

Asked how the federal government would ensure that it had enough voluntary participation, Secretary Vilsack said that his department would seek to provide technical assistance.

"From a private working lands perspective, one of the key areas is making sure we have enough capacity to provide technical assistance," he said. "We have requested additional capacity at [the Natural Resources Conservation Service] to be able to provide that technical assistance and we're hoping Congress will be supportive of that."

Secretary Haaland, meanwhile, said that Interior would continue to have conversations "to build opportunities for volunteers to know and understand" how to be involved.

The report notes that the president is aiming for “conservation” rather than “preservation” or “protection” because “many uses of our lands and waters, including of working lands, can be consistent with the long-term health and sustainability of natural systems.”

Specifically, it says that maintaining ranching in the West is “essential” for wildlife health and local economies.

Asked about this, McCarthy stressed the importance of working with private land owners.

"We want to make sure that we understand and take advantage of working lands and take advantage of not just public lands ... but private lands," she said.

"We have farmers and fishers. We have ranchers. We have foresters. All of these are opportunities to manage our land appropriately," she said.

A key Republican, Representative Bruce Westerman (R-AR), said in a statement that he was glad the report included things like needing outdoor recreation but also argued it had too many unanswered questions.

"I appreciate that the report incorporates many of the principles discussed at our forum, such as recognizing the vital distinction between conservation and preservation and the need to improve access to outdoor recreation, particularly for the nation’s sportsmen and women," said Representative Westerman, the top Republican on the House Natural Resources Committee, referring to an event earlier this week.

"However, this report still falls short of a serious proposal and has far too many unanswered questions, such as how 'conservation' of our lands and waters will be defined and the current baseline for what is considered 'conserved,'" he added. "Although I am pleased to see the administration is finally publicizing information on a previously undefined goal, the lack of specific details in the report is unacceptable."
While on the campaign trail, President Biden’s climate plan endorsed the so-called 30 by 30 idea to conserve 30 percent of lands and waters by 2030, saying it would do so with aims of “protecting biodiversity, slowing extinction rates and helping leverage natural climate solutions.”

As part of the report, administration officials said they aim to develop a new tool to keep track of conservation progress called the American Conservation and Stewardship Atlas. They also hope the government will publish annual updates about the health of nature in the country and efforts to support conservation and restoration.
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<td>XX</td>
<td>President Joe Biden</td>
<td>American Jobs Plan</td>
<td>The White House proposed $621 billion for transportation, $400 billion for elder and disability care, and $300 billion for manufacturing. Additional funds would be invested in housing, research and development, schools, water, broadband, and the electric grid, among other projects.</td>
<td>On March 31, President Biden announced the first portion of his wide ranging infrastructure package.</td>
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<td>Speaker of the House Nancy Pelosi has expressed that she would like to see infrastructure legislation passed prior to the July 4th recess. The House Transportation and Infrastructure Committee has announced they will be working on the next surface transportation bill over the next several months.</td>
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<td>The original proposal included tax increases, which Republicans have indicated they will not support.</td>
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<td>Among Democrats, the Progressive Caucus has expressed that they would like to see a much larger package.</td>
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<td>Legislative text for the proposal has not yet been developed, as negotiations are ongoing between the White House and Republicans.</td>
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<td>XX</td>
<td>President Joe Biden</td>
<td>American Families Plan</td>
<td>The American Families Plan calls for $1 trillion in new spending and $800 billion in new tax credits. The plan would provide $200 billion program offering universal pre-kindergarten for all three- and four-year-olds; $109 billion for tuition-free community college for any American who wants it; $85 billion to increase Pell Grants to benefit low-income and minority students; and more than $4 billion in funding for larger scholarships, certification and support programs for teachers.</td>
<td>President Biden unveiled the companion package to the American Jobs Plan on April 28th prior to his address to a Joint Session of Congress. The legislation does not go as far as some Democrats hoped it would - key House Democrats would like to include a permanent expansion of the child tax credit, which Biden's plan currently does not include. Legislative text for the proposal has not yet been developed.</td>
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<td>XX</td>
<td>Sen. Shelley Moore Capito (R-WV)</td>
<td>Senate GOP Infrastructure Plan</td>
<td>The GOP Infrastructure package would spend $568 billion on infrastructure. The package would spend $299 billion on roads and bridges, $61 billion on public transit systems, $20 billion on rail, $35 billion on drinking water and wastewater infrastructure, $14 billion on water storage, $13 billion on safety programs, such as the National Highway Traffic Safety Administration, $17 billion on ports and inland waterways, and $44 billion on airports.</td>
<td>The package, unveiled by a group of Senate Republicans on Thursday, April 22, led by Senator Shelley Moore Capito (R-WV) represents a significantly smaller counteroffer to President Biden's $2.3 trillion plan. The White House has stated that the Senators' package is a legitimate starting point, and plans to host lawmakers at the White House for further talks in the coming weeks. Following discussions with President Biden at the White House during the month of May, Senate Republicans presented the administration with a revised counteroffer on May 18th and on Friday, May 21, Friday, May 21 presented Senate Republicans a $1.7 trillion counterproposal reducing the price tag of President Biden's infrastructure proposal by $550 billion. Senate Republicans announced on Tuesday, May 25 that they would present the administration with an additional counteroffer on Thursday, May 27.</td>
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<td>S. 29</td>
<td>Sen. Amy Klobuchar (D-MN)</td>
<td>Local Water Protection Act</td>
<td>A bill to amend the Federal Water Pollution Control Act to reauthorize certain programs relating to nonpoint source management, and for other purposes.</td>
<td>The legislation was introduced on January 22, 2021 and referred to the Committee on Environment and Public Works.</td>
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<td>H.R 1563</td>
<td>Rep. Mike Garcia (R-CA)</td>
<td>To extend the authorities under the Water Infrastructure Improvements for the Nation Act of 2016 providing operational flexibility, drought relief, and other benefits to the State of California</td>
<td>The legislation would extend the authorities under the Water Infrastructure Improvements for the Nation Act of 2016 providing operational flexibility, drought relief, and other benefits to the State of California. The legislation would extend 4007 authorities through January 1, 2028.</td>
<td>The legislation was introduced on March 3, 2021 and was referred to the House Committees on Natural Resources and Science, Space, and Technology.</td>
</tr>
<tr>
<td>H.R.1915</td>
<td>Rep. Peter DeFazio (D-OR) / Grace Napolitano (D-CA)</td>
<td>Water Quality Protection and Job Creation Act of 2021</td>
<td>The legislation would reauthorize the Alternative Water Source Grants Pilot Program, which authorizes the U.S. Environmental Protection Agency to grant up to $200 million per year to state, interstate, and intrastate water resource development agencies to engineer, design, construct, and test water reuse projects throughout the country.</td>
<td>The legislation was introduced on March 16, 2021.</td>
</tr>
<tr>
<td>Bill Number</td>
<td>Sponsors</td>
<td>Title and/or Summary</td>
<td>Summary/Status</td>
<td>Latest Action</td>
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<tr>
<td>H.R.2238</td>
<td>Sen. Jeff Merkley (D-OR) / Rep. Alan Lowenthal (D-CA)</td>
<td>Break Free from Plastic Pollutions Act</td>
<td>The comprehensive legislation would require corporations to take responsibility for pollution, incentivize corporations to make reusable products and items that can be recycled, create a nationwide beverage container refund program, and other items to promote recycling and other investments in U.S. domestic recycling.</td>
<td>The legislation was introduced on March 25, 2021 in the House.</td>
</tr>
<tr>
<td>H.R 866</td>
<td>Rep. Ken Calvert (R-CA)</td>
<td>FISH Act</td>
<td>This bill gives the Fish and Wildlife Service (FWS) the sole authority to protect endangered or threatened species that are anadromous species (species of fish that spawn in fresh or estuarine waters and that migrate to ocean waters) or catadromous species (species of fish that spawn in ocean waters and migrate to fresh waters). Currently, the FWS shares this authority with the National Marine Fisheries Service.</td>
<td>The legislation was introduced on February 5, 2021, and referred to the House Committee on Natural Resources.</td>
</tr>
<tr>
<td>Bill Number</td>
<td>Sponsors</td>
<td>Title and/or Summary</td>
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<tr>
<td>H.R. 1015</td>
<td>Rep. Grace Napolitano (D-CA)</td>
<td>Water Recycling Investment and Improvement Act</td>
<td>This bill makes permanent, and otherwise revises, the Bureau of Reclamation’s grant program for the funding of water recycling and reuse projects. Specifically, the bill removes priority under the program for projects in areas that, in the preceding four-year period, have been (1) identified as experiencing severe, extreme, or exceptional drought; or (2) designated as a disaster area by a state. Additionally, the bill increases through FY2025 the authorization of appropriations for the program and otherwise revises provisions related to program funding.</td>
<td>The legislation was introduced on February 22, 2021, and referred to the House Committee on Natural Resources.</td>
</tr>
<tr>
<td>H.R.1881</td>
<td>Rep. John Garamendi (D-CA)</td>
<td>To amend the Federal Water Pollution Control Act with respect to permitting terms, and for other purposes.</td>
<td>The legislation would extend permit terms for publicly owned water infrastructure projects under the National Pollutant Discharge Elimination System (NPDES) from 5 years to a maximum of 10 years.</td>
<td>The legislation was introduced on March 12, 2021 and referred to the Committee on Transportation and Infrastructure.</td>
</tr>
<tr>
<td>Bill Number</td>
<td>Sponsors</td>
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<tr>
<td>S.914</td>
<td>Sen. Tammy Duckworth (D-IL)</td>
<td>Drinking Water and Wastewater Infrastructure Act of 2021</td>
<td>Authorizes more than $35 billion for water resource development projects across the country with a focus on upgrading aging infrastructure, addressing the threat of climate change, investing in new technologies, and providing assistance to marginalized communities.</td>
<td>Introduced on March 23, 2021 and referred to the Senate Environment and Public Works Committee.</td>
</tr>
<tr>
<td>H.R. 737</td>
<td>Rep. David Valadao (R-CA)</td>
<td>RENEW WIIN Act</td>
<td>The legislation would extend the authorities under the Water Infrastructure Improvements for the Nation Act of 2016 providing operational flexibility, drought relief, and other benefits to the State of California.</td>
<td>The legislation was introduced on February 2, 2021, and referred the House Committee on Natural Resources.</td>
</tr>
<tr>
<td>S.91 /</td>
<td>Sen. Krysten Sinema (D-AZ) / Rep. John Garamendi (D-CA)</td>
<td>Special Districts Provide Essential Services Act</td>
<td>The legislation would include special districts in the coronavirus relief fund and direct the Secretary of the Treasury to include special districts as an eligible issuer under the Municipal Liquidity Facility.</td>
<td>The legislation was introduced on 1/28 in both the House and Senate. It has been referred to relevant committees in both chambers.</td>
</tr>
<tr>
<td>H.R. 895 /</td>
<td>Rep. David Rouzer (R-NC) / Sen. Jeanne Shaheen (D-NH)</td>
<td>Emergency Assistance for Rural Water Systems Act</td>
<td>To provide for assistance to rural water, wastewater, and waste disposal systems affected by the COVID-19 pandemic, and for other purposes.</td>
<td>The legislation was introduced on February 5, 2021, and referred to the House Committee on Agriculture.</td>
</tr>
<tr>
<td>Bill Number</td>
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<tr>
<td>H.R. 2515</td>
<td>Rep. Garret Graves (R-LA)</td>
<td>Building U.S. Infrastructure through Limited Delays and Efficient Reviews (BUILDER) Act</td>
<td>The legislation modernizes the National Environmental Policy Act (NEPA) and aims to make infrastructure project reviews more efficient, reduce project costs, and spur economic recovery.</td>
<td>The legislation was introduced on April 14, 2021 and was referred to the House Committee on Natural Resources. The legislation's 28 cosponsors are all Republican, including members of GOP leadership.</td>
</tr>
<tr>
<td>H.R. 939</td>
<td>Rep. Doug LaMalfa (D-CA)</td>
<td>Comustion Avoidance along Rural Roads (CARR) Act</td>
<td>The bill exempts wildfire mitigation activities conducted within 300 feet of a road from all laws governing environmental review of proposed agency actions or protection of endangered or threatened species. Mitigation activities are those that are conducted by Department of the Interior or the Department of Agriculture on federal land that is administered by the National Park System, the Bureau of Land Management, or the Forest Service. Mitigation activities include forest thinning, hazardous fuel reduction, prescribed burning, and vegetation management.</td>
<td>The legislation was introduced on February 8, 2021 and was referred to the House Committees on Natural Resources and Agriculture.</td>
</tr>
<tr>
<td>H.R.3267</td>
<td>Rep. Brendan Boyle (D-PA)</td>
<td>Protect Drinking Water from PFAS Act</td>
<td>The bill amends the Safe Drinking Water Act to require the Administrator of the Environmental Protection Agency to publish a maximum contaminant level goal and promulgate a national primary drinking water regulation for total per-and polyfluoroalkyl substances.</td>
<td>The legislation was introduced on May 17, 2021 and referred to the House Committee on Energy and Commerce.</td>
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<tr>
<td>Bill Number</td>
<td>Sponsors</td>
<td>Title and/or Summary</td>
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<tr>
<td>H.R. 1512</td>
<td>Rep. Frank Pallone (D-NJ)</td>
<td>The Climate Leadership and Environmental Action for our Nation’s Future (CLEAN) Act</td>
<td>The legislation aims to achieve net zero greenhouse gas pollution, combat the climate crisis, and create jobs. The bill authorizes $565 billion over ten years to enable deep decarbonization.</td>
<td>The legislation was introduced on March 2, 2021, and referred to the relevant committees.</td>
</tr>
<tr>
<td>S. 953</td>
<td>Sen. Ron Wyden (D-OR)</td>
<td>Water for Conservation and Farming Act</td>
<td>The legislation would create a Bureau of Reclamation fund of $300 million to support water recycling projects, water-use efficiency projects and dam safety projects; the WaterSMART program to increase water supply reliability by funding infrastructure and conservation projects that conserve water, increases water use efficiency and improves the condition of natural water recharge infrastructure; Establishes a grant program for any Reclamation States, Tribes, nonprofit conservation organizations, irrigation or water districts, and regional and local authorities to complete habitat restoration projects that improve watershed health and mitigate climate change; among other actions.</td>
<td>The legislation was introduced on March 24, 2021, and referred to the Committee on Energy and Natural Resources.</td>
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<tr>
<td>Bill Number</td>
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<tr>
<td>H.R.3293</td>
<td>Rep. Lisa Blunt Rochester (D‐DE)</td>
<td>Low-Income Water Customer Assistance Programs Act</td>
<td>The legislation would amend the Safe Drinking Water Act and the Federal Water Pollution Control Act to establish programs to assist low-income households in maintaining access to drinking water and wastewater services.</td>
<td>The legislation was introduced on May 18, 2021, and referred to the relevant committees.</td>
</tr>
<tr>
<td>H.R.3291</td>
<td>Rep. Paul Tonko (D-NY)</td>
<td>AQUA Act</td>
<td>The legislation would invest $105 billion over 10 years in the nation's water systems including $53 billion for the Drinking Water State Revolving Fund,$45 billion to fully replace every lead service line, and $5 billion to provide assistance to systems with PFAS contamination. Additionally, the legislation would require the EPA to set national standards for PFAS, 1,4-dioxane, and microcystin toxin, and makes it easier for EPA to set standards in the future. The bill would authorize $4 billion emergency relief program to provide forgiveness for utility customers facing debts and unpaid fees since March 1, 2020.</td>
<td>The legislation was introduced on May 18, 2021, and referred to the House Committee on Energy and Commerce.</td>
</tr>
<tr>
<td>Bill Number</td>
<td>Sponsors</td>
<td>Title and/or Summary</td>
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<tr>
<td>H.R. 3286</td>
<td>Rep. Raul Ruiz (D-CA)</td>
<td>Emergency Order Assurance, Safety, and Inspection of water Systems (Emergency OASIS Act)</td>
<td>The legislation would require the EPA to establish regulations to flush a drinking water system if contaminants were present in the system for longer than six months, or if water stood motionless in the system for longer than six months.</td>
<td>The legislation was introduced on May 17, 2021 and referred to the House Committee on Energy and Commerce.</td>
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<td></td>
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<td>- Provides an additional $1,400 to individuals in the form of an economic impact payment.</td>
<td>The legislation was introduced on February 24, 2021 in the House, and after passing both the House and Senate, President Biden signed the legislation into law on March 11, 2021.</td>
</tr>
</tbody>
</table>
INFORMATION
ITEM
2B
Overview:
The water supply situation in California has become headline news throughout the state. With about two-thirds of the state in extreme drought conditions, a snowpack at 2 percent of normal and reservoir levels hovering lower than 50 percent capacity, it is a bleak outlook. The Governor recently declared drought in 41 of 58 counties.

The California Independent System Operator (CAISO) recently released its Summer Loads and Reliability Assessment for 2021 report. The report highlighted increased communication, forecasting and 1,000 megawatts of new capacity to handle extreme heat events like experienced in August of 2020, but also reported that for various reasons, there are still likely to be shut-offs if another regional extreme heat event materializes this summer.

The State is starting to make a dent on controlling the destructive Nutria population that is remaking havoc on Delta levees. The giant rodents, thought eradicated since 1970, reappeared in 2017 and started burrowing into already fragile levees. The levee system is crucial to protecting the State Water Project. The state expects it to take another two to three years to completely control the population once again.

The Governor released his revised budget proposal on May 14. In very welcome news, the state is flush with cash. The state has $76 billion in extra revenue for the 2021-22 budget year, of which, the Governor and the Legislature have about $38 billion to allocate at their discretion. In addition, the state also has been allocated about $27 billion in federal funding from the COVID relief package. The May Revise includes a $5 billion Water Resilience and Drought Package, similar to the Senate’s $3.4 billion proposal. Both the Governor and the Senate propose significant funding for water arrearages.

The Legislature has passed several key deadlines, policy committee deadline and suspense deadline. Now, they have until June 4 for all bills to pass out of their house of origin or they will become two-year bills. Recently, the Pro Tem and the Speaker announced that they are only allowing twelve bills per member to be heard in the opposite house. Members with significant bill packages will have to start making some tough decisions on what their priority bills are for the year.

Several bills did not survive Appropriations Suspense file. AB 377 (R. Rivas) which attempted to make all waters in CA fishable, drinkable and swimmable with little thought about how to make that actually happen was made a two-year bill. AB 1434 (Friedman) which would lower the indoor water use standard before DWR could complete a feasibility evaluation was also held for the year. Finally, SB 223 (Dodd) which would have required water agencies to create a program for low-income water rate assistance and debt relief will not be considered again until January. Both houses are now working toward the June 4 house of origin deadline.
Water Supply Conditions
As widely reported, the Governor has now declared drought in 41 of 58 counties (30 percent of the CA population), leaving Southern California and much of the Central Coast out of the drought declaration. The sierra snowpack is pretty much completely melted, sitting at only two percent of normal for this date. To add insult to the bleak conditions, much of the snow that melted this year didn’t make it to streams and reservoirs, but rather was soaked up by parched trees from a dry 2020. While the peak Sierra snowpack at 59 percent of normal was better than in 2014-15, runoff in 2020-21 rival the worst two years of the last drought.

Storage levels have started to decline when they should still be filling with snowmelt. San Luis Reservoir, the main south-of-Delta storage facility for the State Water Project, is at 55 percent of average for this time of the year and 45 percent capacity and Oroville is at 47 percent of average and 39 percent capacity. Finally, over 73 percent of the state is in extreme drought conditions, a 20 percent jump from last month. Conditions are deteriorating rapidly.

Drought progression in California: 2019-2021

Data: US Drought Monitor
CAISO Warns of Summer Outages

Seeming to be hedging its bets, touting that there are new resources coming online by the summer, and that grid operators have learned lessons from last year and made modifications to market operations, the California Independent System Operator (CAISO) announced cautious optimism that there will be enough electricity to meet demand this summer in the recently released 2021 Summer Loads and Resources Assessment. But at the same time, despite growing in-state generation, CAISO is warning that unusually low levels of hydroelectricity and a potentially limited supply of imported energy could lead to more power outages if there is another extreme regional heatwave like the one from August 2020.

The state’s grid will have at least 2,000 more megawatts of capacity to meet demand in 2021 than in 2020 and officials are still attempting to bring at least another 1,000 MWs of new resources to the system by the summer.

In the “lessons learned” category, grid operators are trying to account for a regional heat event that spans multiple states like last year. The assessment notes that imported resources significantly diminish in a widespread heat event and that the state will have to rely on measures to reduce load including rotating power outages during a significant event.
**Nutria Update**
The state has been rushing to prevent significant damage to the Delta’s already fragile levees from invasive Nutria, giant rodents that burrow into levees. Originally bought to the state in the 1800s for the fur trade, they were thought to be eradicated from the state in the 1970s, but were discovered again in 2017.

As one of the Central Valley’s biggest enemies because of their destructive and prolific breeding nature, the state has dedicated significant resources to their eradication, rounding up about 2,500 of the animals to date.

Levee protection in the Delta is crucial to the State Water Project. Many of the Delta’s levees are already in significant disrepair due to age, subsidence, poor original construction and other issues. Burrowing nutria could just be the final piece that could cause levee failure, so their eradication is absolutely critical.

The state initiative to round up nutria has about 30 staff and expects to remove a majority of the population on the next two to three years.

**Governor Releases Revised Budget**
As is customary, the Governor released his revised budget proposal on May 14. In very welcome news, the state is flush with cash. The state has $76 billion in extra revenue for the 2021-22 budget year. $27 billion of that is constitutionally required to be spent on schools and community colleges, $8 billion is required to go to reserves, and $3 billion is required for debt payments. After those required allocations, the Governor and the Legislature have about $38 billion extra money to allocate at their discretion. In addition, the state also has been allocated about $27 billion in federal funding from the COVID relief package. The state has until the end of 2024 to use the funds in four areas: (1) respond to the public health emergency and associated negative economic impacts; (2) support essential work; (3) backfill revenue reduction (4) for water, sewer or broadband infrastructure.

The May Revise includes a $5 billion Water Resilience and Drought Package. As a reminder, the Senate also has a drought proposal totaling $3.4 billion. The major differences include the Governor only proposing $150 million for water recycling (over two years, shared with groundwater cleanup) and the Governor proposes $1 billion over two years, for water arrearage debt to the SWRCB. The Senate proposes $1 billion to be shared with municipal electric corporations. There are other significant differences outlined in the chart below. As of submittal of this report May 26, the Senate and Assembly budget sub committees have both discussed the matter and reported a general plan to their respective full budget committees. The matter will ultimately be worked out with leadership behind the scenes.

There is significant effort to increase recycled water and IRWM funding by a large group of stakeholders.
**Water and Drought Package Comparisons**

(\text{in millions})

<table>
<thead>
<tr>
<th>Activity</th>
<th>Senate Sub 2 May 4 proposal</th>
<th>Governor May Revision (across 2 years)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address water arrearage debt ((a))</td>
<td>1,000</td>
<td>1,000</td>
</tr>
<tr>
<td>Small community drought assistance/ drinking water grants and projects</td>
<td>500</td>
<td>1,450</td>
</tr>
<tr>
<td>SGMA implementation ((b))</td>
<td>300</td>
<td>300</td>
</tr>
<tr>
<td>Recycled water/groundwater clean-up/water quality</td>
<td>300</td>
<td>170</td>
</tr>
<tr>
<td>Agricultural water use efficiency including SWEEP ((b))</td>
<td>250</td>
<td>60</td>
</tr>
<tr>
<td>Land conservation/restoration programs</td>
<td>265</td>
<td>266</td>
</tr>
<tr>
<td>Urban water-use efficiency</td>
<td>250</td>
<td>-</td>
</tr>
<tr>
<td>Resilient water infrastructure projects</td>
<td>200</td>
<td>266</td>
</tr>
<tr>
<td>Stormwater management</td>
<td>200</td>
<td>-</td>
</tr>
<tr>
<td>Water data and forecast improvements</td>
<td>75</td>
<td>91</td>
</tr>
<tr>
<td>Drought projects at State Parks</td>
<td>50</td>
<td>-</td>
</tr>
<tr>
<td>Drought assistance for fish and wildlife</td>
<td>35</td>
<td>33</td>
</tr>
<tr>
<td>Land repurposing program</td>
<td>-</td>
<td>500</td>
</tr>
<tr>
<td>Salton Sea</td>
<td>-</td>
<td>220</td>
</tr>
<tr>
<td>SWP and CVP canal repairs</td>
<td>-</td>
<td>200</td>
</tr>
<tr>
<td>Oroville pump storage project</td>
<td>-</td>
<td>200</td>
</tr>
<tr>
<td>Urban water management grants</td>
<td>-</td>
<td>150</td>
</tr>
<tr>
<td>Flood management projects</td>
<td>-</td>
<td>140</td>
</tr>
<tr>
<td>Drought emergency response activities</td>
<td>-</td>
<td>65</td>
</tr>
<tr>
<td>Specified water and climate studies</td>
<td>-</td>
<td>45</td>
</tr>
<tr>
<td><strong>Totals((c))</strong></td>
<td><strong>3,425</strong></td>
<td><strong>5,158</strong></td>
</tr>
</tbody>
</table>

\(a\) The Governor’s $1 billion proposal to address water arrearages was not presented as part of his water package but rather in a separate budget change proposal.

\(b\) Not reflected in this chart are an additional $60 million for SGMA implementation and $40 million for SWEEP the Governor proposed in January and the subcommittee adopted at earlier hearings.

\(c\) The Governor’s total excludes $200 million for multibenefit flood and habitat projects which is displaced instead in the “climate package” comparison chart.

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**Legislative Update**

The Legislature has passed several key deadlines, policy committee deadline and suspense deadline. Now, they have until June 4 for all bills to pass out of their house of origin or they will become two-year bills. Recently, the Pro Tem and the Speaker announced that they are only allowing twelve bills per member to be heard in the opposite house. Members with significant bill packages will have to start making some tough decisions on what their priority bills are for the year. The social distancing rules in the Capitol continue to restrict the legislature’s ability to act on a significant number of bills.

As mentioned above, the deadline for bills to move out of the Appropriations Committee was May 20, and there were a number of bills that were held in the committee that IEUA was opposing.

**Updates on Priority Bills** (reminder- we do not yet know if all of the bills still moving are going to be on the member’s 12-bill list)
• AB 818 (Bloom) - Solid Waste: premoistened nonwoven disposable wipes: Co-Sponsored by CASA and disposable wipes industry. Would require specific “Do Not Flush” labeling on specific disposable wipes. The bill has been sailing through the process and already over in the Senate.

• SB 230 (Portantino) - State Water Resources Control Board: Constituents of Emerging Concern (CECs): This bill is a reintroduction of a bill sponsored by MWD and California Municipal Utilities Association (CMUA) that would require the SWRCB to convene a Science Advisory Panel to review and provide recommendations to the board on further action to regulate CECs in the state. The goal is to establish a process by which the board decides to regulate CECs rather than the unpredictable process currently used. The bill passed out of its first committee, but was tagged with significant fiscal costs in Appropriations. MWD, CMUA and the author decided to make the bill a two-year bill and it will not move forward in 2021.

• SB 273 (Hertzberg) Water Quality: municipal wastewater agencies: This legislation, sponsored by CASA, would authorize a wastewater agency to capture and treat stormwater utilizing ratepayer funds. The bill got out of it’s both the Governance and Finance and Environmental Quality Committees, on the consent calendar as well as of the Senate Floor on the Consent Calendar. The bill is over in the Assembly.

• Climate Bonds: Leadership, especially in the Assembly, have indicated that with the drought proposal in the budget, it is unlikely they will try to move a bond this year.

  o SB 45 (Portantino): Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Act of 2022: This is a reintroduction of Senator Allen’s SB 45 from 2020. It is a $5.5 Billion bond. The bill has been heard in the Natural Resources and Water Committee and Governance and Finance Committee, with very little discussion by members and virtually no opportunity to testify by the public. The bill will next be heard on the Senate floor.

  o AB 1500 (E. Garcia) Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022. This legislation is similar to Asm. Garcia’s bond from 2020. It is a $6.7 billion bond. AB 1500 was heard in the Water, Parks and Wildlife Committee where it passed easily. The bill was passed out of the Appropriations but was sent to the Rules Committee, a clear indication the Speaker intends to “park” the bill for the summer.

If, for some reason, they decide they do want a bond this year, they will have time to hammer out a deal. They have until the end of January 2022 to make a final decision if they want a measure on the March 2022 ballot.

• AB 377 (R. Rivas): Water quality: impaired waters. This legislation would require all surface waters to be fishable, swimmable and drinkable by 2050. The bill attempts to do this by taking away regional board discretion to issue waste discharge and MS4 permits in accordance with a larger basin plan in favor of a one size fits all approach to managing water quality. The legislation has been widely opposed. Supporters, the author and the Environmental Safety and Toxic Materials (ESTM) Committee worked to try to find a path forward for the bill, but so far, the suggestions from the sponsor do not address the concerns of the opponents. The bill has taken significant amendments along the way, but was not able to make enough adjustments to
appease the opposition. The bill was made a two-year bill and will stay in Appropriations Committee until January.

- **AB 1434 (Friedman) Urban water use objectives: indoor residential water use:** This legislation would set the standard for indoor water use at 48 gallons per capita daily (GPCD) beginning in 2023, 44 GPCD in 2025 and 40 GPCD in 2030. A strong coalition including ACWA, CASA, WateReuse, So Cal Water Coalition and the CA Water Association worked to meet with members of the Water, Parks and Wildlife Committee to express significant concerns with the bill. The bill met some concerned committee members, with the bill passing only after a member changed his vote as a “courtesy” to the author. After significant pushback from stakeholders, the author decided to make the bill a two-year bill.

- **SB 372 (Leyva) medium and heavy-duty fleet purchasing assistance program: zero emission vehicles.** The bill, while still a work in progress, seeks to make financing tools available to help transition medium and heavy-duty truck fleets to zero emission vehicles. The took amendments as it came out of the Appropriations Committee to include construction or earth-moving equipment as eligible under the program. The bill is on the Senate floor.
<table>
<thead>
<tr>
<th>Bill Number</th>
<th>Author/Sponsor</th>
<th>Title and/or Summary</th>
<th>Summary</th>
<th>IEUA Position/ Bill Location</th>
<th>Positions Taken by Associations &amp; Regional Agencies</th>
</tr>
</thead>
<tbody>
<tr>
<td>AB 361</td>
<td>Asm R. Rivas</td>
<td>Open Meetings: Local Agencies: Teleconferences</td>
<td>Would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting for the purpose of declaring or ratifying a local emergency, during a declared state or local emergency, as those terms are defined, when state or local health officials have imposed or recommended measures to promote social distancing, and during a declared local emergency provided the legislative body makes certain determinations by majority vote.</td>
<td>In Senate awaiting committee assignment</td>
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<td>AB 377</td>
<td>Asm. R. Rivas/ CA Coastkeeper</td>
<td>Water quality: impaired waters</td>
<td>Would require all California surface waters to be fishable, swimmable, and drinkable by January 1, 2050, as prescribed. The bill would prohibit the state board and regional boards from authorizing an NPDES discharge, waste discharge requirement, or waiver of a waste discharge requirement that causes or contributes to an exceedance of a water quality standard, or from authorizing a best management practice permit term to authorize a discharge that causes or contributes to an exceedance of a water quality standard in receiving waters. The bill would prohibit, on or after January 1, 2030, a regional water quality control plan from including a schedule for implementation for achieving a water quality standard that was adopted as of January 1, 2021, and would prohibit a regional water quality control plan from including a schedule for implementation of a water quality standard that is adopted after January 1, 2021, unless specified conditions are met.</td>
<td>Oppose</td>
<td>Opposed by SAWPA, MWD, CASA, ACWA</td>
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<td>AB 703</td>
<td>Rubio/ Three Valleys Municipal Water District</td>
<td>Open Meetings: Local Agencies: Teleconferences</td>
<td>Current law, by Executive Order N-29-20, suspends the Ralph M. Brown Act’s requirements for teleconferencing during the COVID-19 pandemic, provided that notice requirements are met, the ability</td>
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of the public to observe and comment is preserved, as specified, and that a local agency permitting teleconferencing have a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified. This bill would remove the requirements of the act particular to teleconferencing and allow for teleconferencing subject to existing provisions regarding the posting of notice of an agenda and the ability of the public to observe the meeting and provide public comment. The bill would require that, in each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the local agency also give notice of the means by which members of the public may observe the meeting and offer public comment and that the legislative body have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act, as provided.

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<tr>
<th>Bill Number</th>
<th>Sponsor</th>
<th>Description</th>
<th>Status</th>
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<tbody>
<tr>
<td>AB 818</td>
<td>Asm. Bloom/ CASA</td>
<td>Solid Waste: premoistened nonwoven disposable wipes</td>
<td>SUPPORT</td>
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<td>Would require, except as provided, certain premoistened nonwoven disposable wipes manufactured on or after July 1, 2022, to be labeled clearly and conspicuously with the phrase “Do Not Flush” and a related symbol, as specified. The bill would prohibit a covered entity, as defined, from making a representation about the flushable attributes, benefits, performance, or efficacy of those premoistened nonwoven disposable wipes, as provided. The bill would establish enforcement provisions, including authorizing a civil penalty not to exceed $2,500 per day, up to a maximum of $100,000 per violation, to be imposed on a covered entity who violates those provisions.</td>
<td>In Senate awaiting committee assignment</td>
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<td>Bill</td>
<td>Sponsor</td>
<td>Description</td>
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<td>AB 1434</td>
<td>Asm. Friedman</td>
<td>Urban water use objectives: Indoor water use</td>
<td>OPPOSE</td>
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<td>AB 1500</td>
<td>Asms. E. Garcia/Mullin</td>
<td>Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022</td>
<td>SUPPORT IF AMENDED</td>
</tr>
<tr>
<td>SB 45</td>
<td>Sen. Portantino</td>
<td>Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022</td>
<td>SUPPORT IF AMENDED</td>
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<td>SB 222</td>
<td>Sen. Dodd</td>
<td>Water Affordability Assistance Program</td>
<td>Opposed by ACWA</td>
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<tr>
<td>Bill Number</td>
<td>Senator</td>
<td>Bill Title</td>
<td>Description</td>
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<tr>
<td>SB 223</td>
<td>Sen. Dodd</td>
<td>Discontinuation of residential water service</td>
<td>Current law prohibits an urban and community water system, defined as a public water system that supplies water to more than 200 service connections, from discontinuing residential water service for nonpayment until a payment by a customer has been delinquent for at least 60 days. Current law requires an urban and community water system to have a written policy on discontinuation of residential service for nonpayment, including, among other things, specified options for addressing the nonpayment. Current law requires an urban and community water system to provide notice of that policy to customers, as provided. This bill would apply those provisions, on and after July 1, 2022, to a very small community water system, defined as a public water system that supplies water to 200 or fewer service connections used by year-long residents.</td>
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<td>SB 230</td>
<td>Sen. Portantino/CMUA &amp; MWD</td>
<td>State Water Resources Control Board: Constituents of Emerging Concern</td>
<td>Would require the State Water Resources Control Board to establish, maintain, and direct an ongoing, dedicated program called the Constituents of Emerging Concern Program to assess the state of information and recommend areas for further study on, among other things, the occurrence of constituents of emerging concern (CEC) in drinking water sources and treated drinking water. The bill would require the state board to convene, by an unspecified date, the Science Advisory Panel to review and provide recommendations to the state board on CEC for further action, among other duties. The bill would require the state board to provide an annual report to the Legislature on the ongoing work conducted by the panel.</td>
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<td>Bill</td>
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<td>SB 273</td>
<td>Sen. Hertzberg/ CASA</td>
<td>Water quality: municipal wastewater agencies</td>
<td>Would authorize a municipal wastewater agency, as defined, to enter into agreements with entities responsible for stormwater management for the purpose of managing stormwater and dry weather runoff, to acquire, construct, expand, operate, maintain, and provide facilities for specified purposes relating to managing stormwater and dry weather runoff, and to levy taxes, fees, and charges consistent with the municipal wastewater agency’s existing authority in order to fund projects undertaken pursuant to the bill. The bill would require the exercise of any new authority granted under the bill to comply with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. To the extent this requirement would impose new duties on local agency formation commissions, the bill would impose a state-mandated local program.</td>
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<td>SB 372</td>
<td>Sen Leyva/ NRDC</td>
<td>Medium and heavy-duty fleet purchasing assistance program: zero-emission vehicles</td>
<td>Would require an unspecified agency to establish a program to make financing tools and nonfinancial supports available to the operators of medium- and heavy-duty vehicle fleets to enable those operators to transition their fleets to zero-emission vehicles. The bill would require the agency to consult with various state agencies and stakeholders in the development and implementation of the program.</td>
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Date: May 28, 2021
To: Inland Empire Utilities Agency
From: John Withers, Jim Brulte
Re: California Strategies, LLC May 2021 Activity Report

1) This month Jim Brulte and John Withers participated in a senior staff meeting via Microsoft Teams on May 11 due to the Coronavirus.

2) Topics of discussion included:

   a) Regional Relations
      i) A general discussion with staff about various stakeholders and customers.
      ii) Ongoing discussion related to Census and Redistricting was held.

   b) CBP/WSIP
      i) A discussion was held regarding the WSIP. Ongoing positive and constructive progress with MET was noted.

   c) Regional Contract
      i) Recent Committee meetings and activities were discussed and reviewed with the outstanding issues of governance and reclaimed water was noted.

   d) MEU Rate
      i) A discussion was held on the status and issues associated with this rate.

   e) IEUA Member Agency Outreach – Facility Tours
      i) Ontario Councilwoman Dorst-Porada and Utility Director Burton are touring several facilities to increase understanding of projects.
      ii) Future tour is being scheduled with the City of Fontana.
INFORMATION
ITEM
2D
Executive Summary:

A SCWC California Water IE Publication was published on May 27 in the Daily Bulletin, San Bernardino Sun, Press Enterprise, and Redlands Daily Facts. IEUA staff worked with the publications vendor to develop an article for this outreach piece focusing on resiliency and innovation.

Staff is working with regional and member agencies to develop summer messaging that highlights the State’s dry climate as well as the efforts that continue to be made to ensure a reliable water supply through investments and community water-use efficiency efforts.

A dedication ceremony was held on Friday, May 21 at St. Joseph School in Upland to celebrate the completion of their water-wise garden as part of the Garden in Every School® program. Randall Pepper Elementary School (Fontana) and Loving Savior of the Hills (Chino Hills) remain on hold. Staff is coordinating with the two schools for possible summer ground clearing in order to begin the garden installations in September.

Staff’s Recommendation:

This is an informational item for the Board of Directors to receive and file.
Business Goal:
IEUA is committed to providing a reliable and cost-effective water supply and promoting sustainable water use throughout the region.

IEUA is committed to enhancing and promoting environmental sustainability and the preservation of the region's heritage.

Attachments:
Attachment 1 - Background
Background

Subject: Public Outreach and Communication

June

- June, Great Outdoors Month
- June 5, World Environment Day
- June 6-12, National Garden Week
- June 8, World Oceans Day
- June 10, MWD Solar Cup 2021 Recognition Ceremony, Virtual (via Zoom), 5:00 p.m.
- June 23, National Hydration Day

Media and Outreach

- A SCWC California Water IE Publication was published on May 27 in the Daily Bulletin, San Bernardino Sun, Press Enterprise, and Redlands Daily Facts. IEUA staff worked with the publications vendor to develop an article for this outreach piece focusing on resiliency and innovation.
- Staff is working with regional and member agencies to develop summer messaging that highlights the State’s dry climate as well as the efforts that continue to be made to ensure a reliable water supply through investments and community water-use efficiency efforts.
- Staff recognized Water Awareness Month during the month of May by publishing multiple social media outreach messaging across all channels and a weekly Kahoot quiz where participants answered questions for a chance to win water-saving giveaways.
- Staff recognized Compost Awareness Week by publishing stories throughout the week highlighting members of the Organics Management department, as well as a post educating the public on how to create their own compost at home.
- Drinking Water Week was recognized from May 2-8. Staff thanked all water professionals who ensure water, whether recycled or tap, is readily available.
- Staff published three Water Awareness Month-themed Reels on the Agency’s social media channels, resulting in a combined total of over 5,000 views and more than 100 likes.
- The Agency’s Internal Audit department was featured on social media channels in honor of Internal Audit Awareness Month.
- Staff celebrated Special Districts Week and Public Works Week on social media by raising awareness of IEUA as a special district and thanking public works professionals for the value they provide to their communities.
- Fontana Councilmember Jesse Sandoval was given an informative, behind the scenes tour of Regional Water Recycling Plant No. 1. A post was shared on the Agency’s social media channels thanking the Engineering and Operations staff for coordinating and leading the tour, as well as to Councilmember Sandoval for taking the time to join us.
Staff celebrated the record-breaking milestone of 14,442 total acre-feet of recycled water recharged in a single fiscal year and credited the staff working at the Agency’s treatment plants and Groundwater Recharge department for this accomplishment.

The Agency continues to publish content on LinkedIn and has gained 34 followers since April 2021, with 414 page views in the last 30 days.

May: 32 posts were published to the IEUA Facebook page, 32 tweets were sent on the @IEUAWater Twitter handle, 35 posts were published to IEUA’s Instagram grid, and 10 posts were published to the IEUA LinkedIn page.

o The top three Facebook posts, based on reach and engagement, in the month of May were:
  - 5/11 Collection System Operator I-II (DOQ) and Mechanic I-III (DOQ) Hiring
  - 5/18 Control Systems Analyst I-II (DOQ), Network Administrator and Safety Analyst Hiring
  - 5/4 International Compost Awareness Week

o The top three Twitter tweets, based on reach and engagement, in the month of May were:
  - 5/17 Special Districts Week
  - 5/4 IEUA Board President Jasmin A. Hall Receives Diversity Professional Women of Excellence Leadership Award
  - 5/23 Water Awareness Month Kahoot Quiz

o The top three Instagram posts, based on reach and engagement, in the month of May were:
  - 5/18 Water Awareness Month- Save Water PSA Reel
  - 5/6 Water Awareness Month- Pass the Phone Reel
  - 5/20 Councilmember Jesse Sandoval RP-1 Tour

o The top three LinkedIn posts, based on impressions and reactions, in the month of May were:
  - 5/20 Councilmember Jesse Sandoval RP-1 Tour
  - 5/5 IEUA Board President Jasmin A. Hall Receives Diversity Professional Women of Excellence Leadership Award
  - 5/18 Wave Hello feature- Rea Tom, Office Assistant

A Water Awareness Month digital banner ad ran in La Opinion for the month of May.
A Water Awareness Month digital banner ad ran in Fontana Herald News for the month of May.
A Water Awareness Month ad ran on May 10 in La Opinion.
A Water Awareness Month ad ran on May 14 in the Daily Bulletin.

For the month of May, there were 14,853 searches for a park in IEUA’s service area on Yelp, where Chino Creek Wetlands and Educational Park was viewed 1,241 times on a mobile device.

Education and Outreach Updates

A dedication ceremony was held on Friday, May 21 at St. Joseph School in Upland to celebrate the completion of their water-wise garden as part of the Garden in Every School® program. Randall Pepper Elementary School (Fontana) and Loving Savior of
the Hills (Chino Hills) remain on hold. Staff is coordinating with the two schools for possible summer ground clearing in order to begin the garden installations in September.

- Solar Cup 2021 is nearing completion. MWD will host a virtual recognition ceremony on June 10 at 5:00 p.m. Teams have until June 1 to complete and submit challenges including a video of their assembled solar vehicle model. The video must showcase how quickly the solar vehicle travels within a specified distance.

Agency-Wide Membership Updates

- Richard Lao, Senior Environmental Resources Planner, attended the Southern California Alliance of Publicly Owned Treatment Works (SCAP) Air Quality Committee Meeting on April 13.
- Richard Lao, Senior Environmental Resources Planner, attended the California Association of Sanitation Agencies (CASA) Water Regulatory Working Group Committee Meeting on April 15.
- Richard Lao, Senior Environmental Resources Planner, attended the California Association of Sanitation Agencies (CASA) Air Quality, Climate Change, and Energy Workgroup Meeting on April 22.
- Jeff Ziegenbein, Manager of Regional Compost Operations attended the California Association of Sanitation Agencies (CASA) Biosolids Workgroup Meeting on April 15.