



— BUREAU OF —
RECLAMATION

RECLAMATION AND RELATED LAWS

2021 - Current

Editor: Kevin M. Sabo, Esq.

**Bureau of Reclamation
United States Department of the Interior**

FOREWARD

We are pleased to share with you a research tool that will benefit Reclamation and our stakeholders with an online update to the legal histories of Federal Reclamation program laws covering 2021 through April 2, 2025.

2021 began a decade of increasing growing budget for the Bureau of Reclamation. Beginning in November 2021, Congress appropriated Reclamation with a significant increase in its appropriated funds. Public Law 117-58, the *Infrastructure Investment and Jobs Act*, provided an \$8.3 billion investment in Reclamation water infrastructure and \$2.5 billion for authorized water rights settlement projects. Less than one year later, in Public Law 117-169, the *Inflation Reduction Act*, Congress appropriated Reclamation another \$4.6 billion to address drought mitigation, increase domestic water supplies, and provide funding to cover water conveyance facilities with solar panels. Reclamation's annual appropriation was \$1.860 billion in fiscal year 2025, increased from \$1.130 billion a decade earlier.

With the goal of making this updated collection as comprehensive as possible, we have included federal laws affecting western water law regardless of the agency charged with its implementation. Therefore, you will see statutes naming such agencies as the U.S. Army Corps of Engineers, Interior's Bureau of Indian Affairs, the Federal Energy Regulatory Commission, and the various federal power marketing agencies. Reflecting Congress' increased attention to the water needs of Hawaii and Alaska, we have also included water laws affecting these States.

This is a living document and will be updated as Congress enacts new public laws and as we become aware of additional relevant research tools. Please remember that the information provided does not constitute legal advice. All information, content, and materials are for general informational purposes only and should not be considered "official." Further, while we will do our best to update this information regularly, it may not represent the most up-to-date sources. Links to other government and/or third-party websites are only for the convenience of the user; and we do not endorse the content of these sites. This content is provided "as is;" no representations are made that the content is error-free. Visitors should contact their attorney to obtain advice with respect to any legal matter.

Kevin M. Sabo, Esq.
Editor

Secretaries of the Interior

<u>Name</u>	<u>Year Appointed</u>	<u>Name</u>	<u>Year Appointed</u>
Thomas Ewing	1849	Harold L. Ickes	1933
Thomas M.T. McKennan	1850	Julius A. Krug	1946
Alexander H.H. Stuart	1850	Oscar L. Chapman	1949
Robert McClelland	1853	Douglas McKay	1953
Jacob Thompson	1857	Fred A. Seaton	1956
Caleb B. Smith	1861	Stewart L. Udall	1961
John P. Usher	1863	Walter J. Hickel	1969
James Harlan	1865	Rogers C.B. Morton	1971
Orville H. Browning	1866	Stanley K. Hathaway	1975
Jacob D. Cox	1869	Thomas S. Kleppe	1975
Columbus Delano	1870	Cecil D. Andrus	1977
Zachariah Chandler	1875	James G. Watt	1981
Carl Schurz	1877	William P. Clark	1983
Samuel J. Kirkwood	1881	Donald P. Hodel	1985
Henry M. Teller	1882	Manuel Lujan Jr.	1989
Lucius Q.C. Lamar II	1885	Bruce E. Babbitt	1993
William F. Vilas	1888	Gale Norton	2001
John W. Noble	1889	Dirk Kempthorne	2006
Hoke Smith	1893	Ken Salazar	2009
David R. Francis	1896	Sally Jewell	2013
Cornelius N. Bliss	1897	Ryan Zinke	2017
Ethan A. Hitchcock	1899	David Bernhardt	2019
James R. Garfield	1907	Debra Anne Haaland	2021
Richard A. Ballinger	1909	Doug Burgum	2025
Walter L. Fisher	1911		
Franklin K. Lane	1913		
John B. Payne	1920		
Albert B. Fall	1921		
Hubert Work	1923		
Roy O. West	1928		
Ray Lyman Wilbur	1929		

Commissioners of Reclamation

<u>Name</u>	<u>Year Appointed</u>	<u>Name</u>	<u>Year Appointed</u>
Charles D. Walcott (Dir., USGS)	1894	Gilbert G. Stamm	1973
Frederick H. Newell, Chief Engineer	1902	R. Keith Higginson	1977
Frederick H. Newell, Director	1907	Robert N. Broadbent	1981
Arthur Powell Davis, Director	1914	C. Dale Duvall	1985
David W. Davis, Director	1923	Dennis B. Underwood	1989
Elwood Mead	1924	Daniel Beard	1993
Mae A. Schnurr	1930	Eluid L. Martinez	1995
John C. Page	1936	John W. Keys III	2001
Harry W. Bashore	1943	Robert W. Johnson	2006
Michael W. Straus	1945	Michael L. Connor	2009
Wilbur A. Dexheimer	1953	Estevan Lopez	2014
Floyd E. Dominy	1959	Brenda Burman	2017
Ellis L. Armstrong	1969	Maria Camille Touton	2021

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INFRASTRUCTURE INVESTMENT AND JOBS ACT

[Extracts from] An Act to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes. (Act of November 15, 2021, [Public Law 117-58](#), 135 Stat. 429)

[Section 1. Short Title; Table of Contents.]

(a) Short Title.--This Act may be cited as the “Infrastructure Investment and Jobs Act”.

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

Sec. 1. Short title; table of contents.

Sec. 2. References.

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DIVISION D--ENERGY

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Sec. 40001. Definitions.

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TITLE III--FUELS AND TECHNOLOGY INFRASTRUCTURE INVESTMENTS

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Sec. 40331. Hydroelectric production incentives.

Sec. 40332. Hydroelectric efficiency improvement incentives.

Sec. 40333. Maintaining and enhancing hydroelectricity incentives.

Sec. 40334. Pumped storage hydropower wind and solar integration and system reliability initiative.

Sec. 40335. Authority for pumped storage hydropower development using multiple Bureau of Reclamation reservoirs.

Sec. 40336. Limitations on issuance of certain leases of power privilege.

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Sec. 40901. Authorizations of appropriations.

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Sec. 40907. Multi-benefit projects to improve watershed health.

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Sec. 40909. Clarification of authority to use coronavirus fiscal recovery funds to meet a non-Federal matching requirement for authorized Bureau of Reclamation water projects.

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- Sec. 50202. Wastewater efficiency grant pilot program.
- Sec. 50203. Pilot program for alternative water source projects.
- Sec. 50204. Sewer overflow and stormwater reuse municipal grants.
- Sec. 50205. Clean water infrastructure resiliency and sustainability program.
- Sec. 50206. Small and medium publicly owned treatment works circuit rider program.
- Sec. 50207. Small publicly owned treatment works efficiency grant program.
- Sec. 50208. Grants for construction and refurbishing of individual household decentralized wastewater systems for individuals with low or moderate income.
- Sec. 50209. Connection to publicly owned treatment works.
- Sec. 50210. Clean water State revolving funds.
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- Sec. 50213. Water data sharing pilot program.
- Sec. 50214. Final rating opinion letters.
- Sec. 50215. Water infrastructure financing reauthorization.
- Sec. 50216. Small and disadvantaged community analysis.
- Sec. 50217. Stormwater infrastructure technology.
- Sec. 50218. Water Reuse Interagency Working Group.
- Sec. 50219. Advanced clean water technologies study.
- Sec. 50220. Clean watersheds needs survey.

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TITLE III--ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES

Sec. 2. [References.]-- Except as expressly provided otherwise, any reference to “this Act” contained in any division of this Act shall be treated as referring only to the provisions of that division.

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DIVISION D--ENERGY

Sec. 40001. [Definitions.]-- In this division:

(1) Department.--The term “Department” means the Department of Energy.

(2) 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](#)).

(3) Secretary.--The term “Secretary” means the Secretary of Energy.

* * * * *

Subtitle D--Hydropower

Sec. 40331. [Hydroelectric Production Incentives.]-- Section 242 of the Energy Policy Act of 2005 ([42 U.S.C. 15881](#)) is amended--

(1) in subsection (b)(2), by striking “before the date of the enactment of this section” and inserting “before the date of enactment of the Infrastructure Investment and Jobs Act”;

(2) in the undesignated matter following subsection (b)(3), by striking “the date of the enactment of this section” and inserting “the date of enactment of the Infrastructure Investment and Jobs Act”;

(3) in subsection (e)(1), in the second sentence, by striking “\$750,000” and inserting “\$1,000,000”; and

(4) by striking subsection (g) and inserting the following:

“(g) Authorization of Appropriations.--There is authorized to be appropriated to the Secretary to carry out this section \$125,000,000 for fiscal year 2022, to remain available until expended.”.

Sec. 40332. [Hydroelectric Efficiency Improvement Incentives.]--

(a) In General.--Section 243 of the Energy Policy Act of 2005 ([42 U.S.C. 15882](#)) is amended--

(1) in the section heading, by inserting “incentives” after “improvement”;

(2) in subsection (b)--

(A) in the first sentence, by striking “10 percent” and inserting “30 percent”;

(B) in the second sentence--

(i) by striking “\$750,000” and inserting “\$5,000,000”; and

(ii) by inserting “in any 1 fiscal year” before the period at the end; and

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

“(c) Authorization of Appropriations.--There is authorized to be appropriated to carry out this section \$75,000,000 for fiscal year 2022 to remain available until expended.”.

(b) Conforming Amendment.--The table of contents for the Energy Policy Act of 2005 ([Public Law 109-58](#); 119 Stat. 595) is amended by striking the item relating to section 243 and inserting the following:

“243. Hydroelectric efficiency improvement incentives.”.

Sec. 40333. [Maintaining and Enhancing Hydroelectricity Incentives.]--

(a) In General.--Subtitle C of title II of the Energy Policy Act of 2005 ([Public Law 109-58](#); 119 Stat. 674) is amended by adding at the end the following:

“SEC. 247. MAINTAINING AND ENHANCING HYDROELECTRICITY INCENTIVES.

“(a) Definition of Qualified Hydroelectric Facility.--In this section, the term ‘qualified hydroelectric facility’ means a hydroelectric project that--

“(1)(A) is licensed by the Federal Energy Regulatory Commission; or

“(B) is a hydroelectric project constructed, operated, or maintained pursuant to a permit or valid existing right-of-way granted prior to June 10, 1920, or a license granted pursuant to the Federal Power Act ([16 U.S.C. 791a](#) et seq.);

“(2) is placed into service before the date of enactment of this section; and

“(3)(A) is in compliance with all applicable Federal, Tribal, and State requirements; or

“(B) would be brought into compliance with the requirements described in subparagraph (A) as a result of the capital improvements carried out using an incentive payment under this section.

“(b) Incentive Payments.--The Secretary shall make incentive payments to the owners or operators of qualified hydroelectric facilities for capital improvements directly related to

“(1) improving grid resiliency, including--

“(A) adapting more quickly to changing grid conditions;

“(B) providing ancillary services (including black start capabilities, voltage support, and spinning reserves);

“(C) integrating other variable sources of electricity generation; and

“(D) managing accumulated reservoir sediments;

“(2) improving dam safety to ensure acceptable performance under all loading conditions (including static, hydrologic, and seismic conditions), including-

“(A) the maintenance or upgrade of spillways or other appurtenant structures;

“(B) dam stability improvements, including erosion repair and enhanced seepage controls; and

“(C) upgrades or replacements of floodgates or natural infrastructure restoration or protection to improve flood risk reduction; or

“(3) environmental improvements, including--

“(A) adding or improving safe and effective fish passage, including new or upgraded turbine technology, fish ladders, fishways, and all other associated technology, equipment, or other fish passage technology to a qualified hydroelectric facility;

“(B) improving the quality of the water retained or released by a qualified hydroelectric facility;

“(C) promoting downstream sediment transport processes and habitat maintenance; and

“(D) improving recreational access to the project vicinity, including roads, trails, boat ingress and egress, flows to improve recreation, and infrastructure that improves river recreation opportunity.

“(c) Limitations.--

“(1) Costs.--Incentive payments under this section shall not exceed 30 percent of the costs of the applicable capital improvement.

“(2) Maximum amount.--Not more than 1 incentive payment may be made under this section with respect to capital improvements at a single qualified hydroelectric facility in any 1 fiscal year, the amount of which shall not exceed \$5,000,000.

“(d) Authorization of Appropriations.--There is authorized to be appropriated to the Secretary to carry out this section \$553,600,000 for fiscal year 2022, to remain available until expended.”.

(b) Conforming Amendment.--The table of contents for the Energy Policy Act of 2005 ([Public Law 109-58](#); 119 Stat. 595) is amended by inserting after the item relating to section 246 the following:

“247. Maintaining and enhancing hydroelectricity incentives.”.

Sec. 40334. [Pumped Storage Hydropower Wind and Solar Integration and System Reliability Initiative.]-- Section 3201 of the Energy Policy Act of 2020 ([42 U.S.C. 17232](#)) is amended—

(1) by redesignating subsections (e) through (g) as subsections (f) through (h), respectively; and
(2) by inserting after subsection (d) the following:

“(e) Pumped Storage Hydropower Wind and Solar Integration and System Reliability Initiative.--

“(1) Definition of eligible entity.--In this subsection, the term ‘eligible entity’ means--

“(A)(i) an electric utility, including--

“(I) a political subdivision of a State, such as a municipally owned electric utility; or

“(II) an instrumentality of a State composed of municipally owned electric utilities;

“(ii) an electric cooperative; or

“(iii) an investor-owned utility;

“(B) an Indian Tribe or Tribal organization;

“(C) a State energy office;

“(D) an institution of higher education; and

“(E) a consortium of the entities described in subparagraphs (A) through (D).

“(2) Demonstration project.—

“(A) In general.--Not later than September 30, 2023, the Secretary shall, to the maximum extent practicable, enter into an agreement with an eligible entity to provide financial assistance to the eligible entity to carry out project design, transmission studies, power market assessments, and permitting for a pumped storage hydropower project to facilitate the long-duration storage of intermittent renewable electricity.

“(B) Project requirements.--To be eligible for financial assistance under subparagraph (A), a project shall--

“(i) be designed to provide not less than 1,000 megawatts of storage capacity;

“(ii) be able to provide energy and capacity for use in more than 1 organized electricity market;

“(iii) be able to store electricity generated by intermittent renewable electricity projects located on Tribal land; and

“(iv) have received a preliminary permit from the Federal Energy Regulatory Commission.

“(C) Matching requirement.--An eligible entity receiving financial assistance under subparagraph (A) shall provide matching funds equal to or greater than the amount of financial assistance provided under that subparagraph.

“(3) Authorization of appropriations.--There is authorized to be appropriated to carry out this subsection \$2,000,000 for each of fiscal years 2022 through 2026.”.

Sec. 40335. [Authority for Pumped Storage Hydropower Development Using Multiple Bureau of Reclamation Reservoirs.]-- Section 9(c) of the Reclamation Project Act of 1939 ([43 U.S.C. 485h](#)(c)) is amended--

(1) in paragraph (1), in the fourth sentence, by striking “, including small conduit hydropower development” and inserting “and reserve to the Secretary the exclusive authority to develop

small conduit hydropower using Bureau of Reclamation facilities and pumped storage hydropower exclusively using Bureau of Reclamation reservoirs"; and
(2) in paragraph (8), by striking "has been filed with the Federal Energy Regulatory Commission as of the date of the enactment of the Bureau of Reclamation Small Conduit Hydropower Development and Rural Jobs Act" and inserting "was filed with the Federal Energy Regulatory Commission before August 9, 2013, and is still pending".

Sec. 40336. [Limitations on Issuance of Certain Leases of Power Privilege.]--

(a) Definitions.--In this section:

- (1) Commission.--The term "Commission" means the Federal Energy Regulatory Commission.
- (2) Director.--The term "Director" means the Director of the Office of Hearings and Appeals.
- (3) Office of hearings and appeals.--The term "Office of Hearings and Appeals" means the Office of Hearings and Appeals of the Department of the Interior.
- (4) Party.--The term "party", with respect to a study plan agreement, means each of the following parties to the study plan agreement:
 - (A) The proposed lessee.
 - (B) The Tribes.
- (5) Project.--The term "project" means a proposed pumped storage facility that--
 - (A) would use multiple Bureau of Reclamation reservoirs; and
 - (B) as of June 1, 2017, was subject to a preliminary permit issued by the Commission pursuant to section 4(f) of the Federal Power Act ([16 U.S.C. 797\(f\)](#)).
- (6) Proposed lessee.--The term "proposed lessee" means the proposed lessee of a project.
- (7) Secretary.--The term "Secretary" means the Secretary of the Interior.
- (8) Study plan.--The term "study plan" means the plan described in subsection (d)(1).
- (9) Study plan agreement.--The term "study plan agreement" means an agreement entered into under subsection (b)(1) and described in subsection (c).
- (10) Tribes.--The term "Tribes" means--
 - (A) the Confederated Tribes of the Colville Reservation; and
 - (B) the Spokane Tribe of Indians of the Spokane Reservation.

(b) Requirement for Issuance of Leases of Power Privilege.--The Secretary shall not issue a lease of power privilege pursuant to section 9(c)(1) of the Reclamation Project Act of 1939 ([43 U.S.C. 485h\(c\)\(1\)](#)) (as amended by section 40335) for a project unless—

- (1) the proposed lessee and the Tribes have entered into a study plan agreement; or
- (2) the Secretary or the Director, as applicable, makes a final determination for—
 - (A) a study plan agreement under subsection (c)(2); or
 - (B) a study plan under subsection (d).

(c) Study Plan Agreement Requirements.--

- (1) In general.--A study plan agreement shall--
 - (A) establish the deadlines for the proposed lessee to formally respond in writing to comments and study requests about the project previously submitted to the Commission;
 - (B) allow for the parties to submit additional comments and study requests if any aspect of the project, as proposed, differs from an aspect of the project, as described in a preapplication document provided to the Commission;

- (C) except as expressly agreed to by the parties or as provided in paragraph (2) or subsection (d), require that the proposed lessee conduct each study described in--
 - (i) a study request about the project previously submitted to the Commission; or
 - (ii) any additional study request submitted in accordance with the study plan agreement;
 - (D) require that the proposed lessee study any potential adverse economic effects of the project on the Tribes, including effects on--
 - (i) annual payments to the Confederated Tribes of the Colville Reservation under section 5(b) of the Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act ([Public Law 103-436](#); 108 Stat. 4579); and
 - (ii) annual payments to the Spokane Tribe of Indians of the Spokane Reservation authorized after the date of enactment of this Act, the amount of which derives from the annual payments described in clause (i);
 - (E) establish a protocol for communication and consultation between the parties;
 - (F) provide mechanisms for resolving disputes between the parties regarding implementation and enforcement of the study plan agreement; and
 - (G) contain other provisions determined to be appropriate by the parties.
- (2) Disputes.--
- (A) In general.-- If the parties cannot agree to the terms of a study plan agreement or implementation of those terms, the parties shall submit to the Director, for final determination on the terms or implementation of the study plan agreement, notice of the dispute, consistent with paragraph (1)(F), to the extent the parties have agreed to a study plan agreement.
 - (B) Inclusion.--A dispute covered by subparagraph (A) may include the view of a proposed lessee that an additional study request submitted in accordance with paragraph (1)(B) is not reasonably calculated to assist the Secretary in evaluating the potential impacts of the project.
 - (C) Timing.--The Director shall issue a determination regarding a dispute under subparagraph (A) not later than 120 days after the date on which the Director receives notice of the dispute under that subparagraph.
- (d) Study Plan.--
- (1) In general.--The proposed lessee shall submit to the Secretary for approval a study plan that details the proposed methodology for performing each of the studies—
 - (A) identified in the study plan agreement of the proposed lessee; or
 - (B) determined by the Director in a final determination regarding a dispute under subsection (c)(2).
 - (2) Initial determination.--Not later than 60 days after the date on which the Secretary receives the study plan under paragraph (1), the Secretary shall make an initial determination that--
 - (A) approves the study plan;
 - (B) rejects the study plan on the grounds that the study plan--
 - (i) lacks sufficient detail on a proposed methodology for a study identified in the study plan agreement; or
 - (ii) is inconsistent with the study plan agreement; or

(C) imposes additional study plan requirements that the Secretary determines are necessary to adequately define the potential effects of the project on--

- (i) the exercise of the paramount hunting, fishing, and boating rights of the Tribes reserved pursuant to the Act of June 29, 1940 (54 Stat. 703, chapter 460; [16 U.S.C. 835d](#) et seq.);
- (ii) the annual payments described in clauses (i) and (ii) of subsection (c)(1)(D);
- (iii) the Columbia Basin project (as defined in section 1 of the Act of May 27, 1937 (50 Stat. 208, chapter 269; 57 Stat. 14, chapter 14; [16 U.S.C. 835](#)));
- (iv) historic properties and cultural or spiritually significant resources; and
- (v) the environment.

(3) Objections.--

(A) In general.--Not later than 30 days after the date on which the Secretary makes an initial determination under paragraph (2), the Tribes or the proposed lessee may submit to the Director an objection to the initial determination.

(B) Final determination.--Not later than 120 days after the date on which the Director receives an objection under subparagraph (A), the Director shall—

- (i) hold a hearing on the record regarding the objection; and
- (ii) make a final determination that establishes the study plan, including a description of studies the proposed lessee is required to perform.

(4) No objections.--If no objections are submitted by the deadline described in paragraph (3)(A), the initial determination of the Secretary under paragraph (2) shall be final.

(e) Conditions of Lease.--

(1) Consistency with rights of tribes; protection, mitigation, and enhancement of fish and wildlife.--

(A) In general.--Any lease of power privilege issued by the Secretary for a project under subsection (b) shall contain conditions--

- (i) to ensure that the project is consistent with, and will not interfere with, the exercise of the paramount hunting, fishing, and boating rights of the Tribes reserved pursuant to the Act of June 29, 1940 (54 Stat. 703, chapter 460; [16 U.S.C. 835d](#) et seq.); and
- (ii) to adequately and equitably protect, mitigate damages to, and enhance fish and wildlife, including related spawning grounds and habitat, affected by the development, operation, and management of the project.

(B) Recommendations of the tribes.--The conditions required under subparagraph (A) shall be based on joint recommendations of the Tribes.

(C) Resolving inconsistencies.--

- (i) In general.--If the Secretary determines that any recommendation of the Tribes under subparagraph (B) is not reasonably calculated to ensure the project is consistent with subparagraph (A) or is inconsistent with the requirements of the Reclamation Project Act of 1939 ([43 U.S.C. 485](#) et seq.), the Secretary shall attempt to resolve any such inconsistency with the Tribes, giving due weight to the recommendations and expertise of the Tribes.
- (ii) Publication of findings.--If, after an attempt to resolve an inconsistency under clause (i), the Secretary does not adopt in whole or in part a recommendation of

the Tribes under subparagraph (B), the Secretary shall issue each of the following findings, including a statement of the basis for each of the findings:

(I) A finding that adoption of the recommendation is inconsistent with the requirements of the Reclamation Project Act of 1939 ([43 U.S.C. 485](#) et seq.).

(II) A finding that the conditions selected by the Secretary to be contained in the lease of power privilege under subparagraph (A) comply with the requirements of clauses (i) and (ii) of that subparagraph.

(2) Annual charges payable by licensee.--

(A) In general.--Subject to subparagraph (B), any lease of power privilege issued by the Secretary for a project under subsection (b) shall contain conditions that require the lessee of the project to make direct payments to the Tribes through reasonable annual charges in an amount that recompenses the Tribes for any adverse economic effect of the project identified in a study performed pursuant to the study plan agreement for the project.

(B) Agreement.--

(i) In general.--The amount of the annual charges described in subparagraph (A) shall be established through agreement between the proposed lessee and the Tribes.

(ii) Condition.--The agreement under clause (i), including any modification of the agreement, shall be deemed to be a condition to the lease of power privilege issued by the Secretary for a project under subsection (b).

(C) Dispute resolution.--

(i) In general.--If the proposed lessee and the Tribes cannot agree to the terms of an agreement under subparagraph (B)(i), the proposed lessee and the Tribes shall submit notice of the dispute to the Director.

(ii) Resolution.--The Director shall resolve the dispute described in clause (i) not later than 180 days after the date on which the Director receives notice of the dispute under that clause.

(3) Additional conditions.--The Secretary may include in any lease of power privilege issued by the Secretary for a project under subsection (b) other conditions determined appropriate by the Secretary, on the condition that the conditions shall be consistent with the Reclamation Project Act of 1939 ([43 U.S.C. 485](#) et seq.).

(4) Consultation.--In establishing conditions under this subsection, the Secretary shall consult with the Tribes.

(f) Deadlines.--The Secretary or any officer of the Office of Hearing and Appeals before whom a proceeding is pending under this section may extend any deadline or enlarge any timeframe described in this section--

(1) at the discretion of the Secretary or the officer; or

(2) on a showing of good cause by any party.

(g) Judicial Review.--Any final action of the Secretary or the Director made pursuant to this section shall be subject to judicial review in accordance with [chapter 7 of title 5](#), United States Code.

(h) Effect on Other Projects.--Nothing in this section establishes any precedent or is binding on any Bureau of Reclamation lease of power privilege, other than for a project.

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TITLE IX--WESTERN WATER INFRASTRUCTURE

Sec. 40901. [Authorizations of Appropriations.] There are authorized to be appropriated to the Secretary of the Interior, acting through the Commissioner of Reclamation (referred to in this title as the “Secretary”), for the period of fiscal years 2022 through 2026--

(1) \$1,150,000,000 for water storage, groundwater storage, and conveyance projects in accordance with section 40902, of which \$100,000,000 shall be made available to provide grants to plan and construct small surface water and groundwater storage projects in accordance with section 40903;

(2) \$3,200,000,000 for the Aging Infrastructure Account established by subsection (d)(1) of section 9603 of the Omnibus Public Land Management Act of 2009 ([43 U.S.C. 510b](#)), to be made available for activities in accordance with that subsection, including major rehabilitation and replacement activities, as identified in the Asset Management Report of the Bureau of Reclamation dated April 2021, of which--

(A) \$100,000,000 shall be made available for Bureau of Reclamation reserved or transferred works that have suffered a critical failure, in accordance with section 40904(a); and

(B) \$100,000,000 shall be made available for the rehabilitation, reconstruction, or replacement of a dam in accordance with section 40904(b);

(3) \$1,000,000,000 for rural water projects that have been authorized by an Act of Congress before July 1, 2021, in accordance with the Reclamation Rural Water Supply Act of 2006 ([43 U.S.C. 2401](#) et seq.);

(4) \$1,000,000,000 for water recycling and reuse projects, of which--

(A) \$550,000,000 shall be made available for water recycling and reuse projects authorized in accordance with the Reclamation Wastewater and Groundwater Study and Facilities Act ([43 U.S.C. 390h](#) et seq.) that are--

(i) authorized or approved for construction funding by an Act of Congress before the date of enactment of this Act; or

(ii) selected for funding under the competitive grant program authorized pursuant to section 1602(f) of the Reclamation Wastewater and Groundwater Study and Facilities Act ([43 U.S.C. 390h](#)(f)), with funding under this subparagraph to be provided in accordance with that section, notwithstanding section 4013 of the Water Infrastructure Improvements for the Nation Act ([43 U.S.C. 390b](#) note; [Public Law 114-322](#)), except that section 1602(g)(2) of the Reclamation Wastewater and Groundwater Study and Facilities Act ([43 U.S.C. 390h](#)(g)(2)) shall not apply to amounts made available under this subparagraph; and

(B) \$450,000,000 shall be made available for large-scale water recycling and reuse projects in accordance with section 40905;

(5) \$250,000,000 for water desalination projects and studies authorized in accordance with the Water Desalination Act of 1996 ([42 U.S.C. 10301](#) note; [Public Law 104-298](#)) that are--

(A) authorized or approved for construction funding by an Act of Congress before July 1, 2021; or

(B) selected for funding under the program authorized pursuant to section 4(a) of the Water Desalination Act of 1996 ([42 U.S.C. 10301](#) note; [Public Law 104-298](#)), with funding to be made available under this paragraph in accordance with that subsection, notwithstanding section 4013 of the Water Infrastructure Improvements for the Nation Act ([43 U.S.C. 390b](#) note; [Public Law 114-322](#)), except that paragraph (2)(F) of section 4(a) of the Water

- Desalination Act of 1996 ([42 U.S.C. 10301](#) note; [Public Law 104-298](#)) (as redesignated by section 40908) shall not apply to amounts made available under this paragraph;
- (6) \$500,000,000 for the safety of dams program, in accordance with the Reclamation Safety of Dams Act of 1978 ([43 U.S.C. 506](#) et seq.);
- (7) \$400,000,000 for WaterSMART grants in accordance with section 9504 of the Omnibus Public Land Management Act of 2009 ([42 U.S.C. 10364](#)), of which \$100,000,000 shall be made available for projects that would improve the condition of a natural feature or nature-based feature (as those terms are defined in section 9502 of the Omnibus Public Land Management Act of 2009 ([42 U.S.C. 10362](#)));
- (8) subject to section 40906, \$300,000,000 for implementing the Colorado River Basin Drought Contingency Plan, consistent with the obligations of the Secretary under the Colorado River Drought Contingency Plan Authorization Act ([Public Law 116-14](#); 133 Stat. 850) and related agreements, of which \$50,000,000 shall be made available for use in accordance with the Drought Contingency Plan for the Upper Colorado River Basin;
- (9) \$100,000,000 to provide financial assistance for watershed management projects in accordance with subtitle A of title VI of the Omnibus Public Land Management Act of 2009 ([16 U.S.C. 1015](#) et seq.);
- (10) \$250,000,000 for design, study, and construction of aquatic ecosystem restoration and protection projects in accordance with section 1109 of division FF of the Consolidated Appropriations Act, 2021 ([Public Law 116-260](#));
- (11) \$100,000,000 for multi-benefit projects to improve watershed health in accordance with section 40907; and
- (12) \$50,000,000 for endangered species recovery and conservation programs in the Colorado River Basin in accordance with--
- (A) [Public Law 106-392](#) (114 Stat. 1602);
- (B) the Grand Canyon Protection Act of 1992 ([Public Law 102-575](#); 106 Stat. 4669); and
- (C) subtitle E of title IX of the Omnibus Public Land Management Act of 2009 ([Public Law 111-11](#); 123 Stat. 1327).

Sec. 40902. [Water Storage, Groundwater Storage, and Conveyance Projects.]--

(a) Eligibility for Funding.--

(1) Feasibility studies.--

(A) In general.--A feasibility study shall only be eligible for funding under section 40901(1) if--

(i) the feasibility study has been authorized by an Act of Congress before the date of enactment of this Act;

(ii) Congress has approved funding for the feasibility study in accordance with section 4007 of the Water Infrastructure Improvements for the Nation Act ([43 U.S.C. 390b](#) note; [Public Law 114-322](#)) before the date of enactment of this Act; or

(iii) the feasibility study is authorized under subparagraph (B).

(B) Feasibility study authorizations.--The Secretary may carry out feasibility studies for the following projects:

(i) The Verde Reservoirs Sediment Mitigation Project in the State of Arizona.

(ii) The Tualatin River Basin Project in the State of Oregon.

(2) *Construction.*--A project shall only be eligible for construction funding under section 40901(1) if--

(A) an Act of Congress enacted before the date of enactment of this Act authorizes construction of the project;

(B) Congress has approved funding for construction of the project in accordance with section 4007 of the Water Infrastructure Improvements for the Nation Act ([43 U.S.C. 390b](#) note; [Public Law 114-322](#)) before the date of enactment of this Act, except for any project for which--

(i) Congress did not approve the recommendation of the Secretary for funding under subsection (h)(2) of that section for at least 1 fiscal year before the date of enactment of this Act; or

(ii) State funding for the project was rescinded by the State before the date of enactment of this Act; or

(C)(i) Congress has authorized or approved funding for a feasibility study for the project in accordance with clause (i) or (ii) of paragraph (1)(A) (except that projects described in clauses (i) and (ii) of subparagraph (B) shall not be eligible); and

(ii) on completion of the feasibility study for the project, the Secretary--

(I) finds the project to be technically and financially feasible in accordance with the reclamation laws;

(II) determines that sufficient non-Federal funding is available for the non-Federal cost share of the project; and

(III)(aa) finds the project to be in the public interest; and

(bb) recommends the project for construction.

(b) *Cost-sharing Requirement.*--

(1) *In general.*--The Federal share--

(A) for a project authorized by an Act of Congress shall be determined in accordance with that Act;

(B) for a project approved by Congress in accordance with section 4007 of the Water Infrastructure Improvements for the Nation Act ([43 U.S.C. 390b](#) note; [Public Law 114-322](#)) (including construction resulting from a feasibility study authorized under that Act) shall be as provided in that Act; and

(C) for a project not described in subparagraph (A) or (B)--

(i) in the case of a federally owned project, shall not exceed 50 percent of the total cost of the project; and

(ii) in the case of a non-Federal project, shall not exceed 25 percent of the total cost of the project.

(2) *Federal benefits.*--Before funding a project under this section, the Secretary shall determine that, in return for the Federal investment in the project, at least a proportionate share of the benefits are Federal benefits.

(3) *Reimbursability.*--The reimbursability of Federal funding of projects under this section shall be in accordance with the reclamation laws.

(c) *Environmental Laws.*--In providing funding for a project under this section, the Secretary shall comply with all applicable environmental laws, including the National Environmental Policy Act of 1969 ([42 U.S.C. 4321](#) et seq.).

Sec. 40903. [Small Water Storage and Groundwater Storage Projects.]--

(a) Establishment of a Competitive Grant Program for Small Water Storage and Groundwater Storage Projects.--The Secretary shall establish a competitive grant program, under which the non-Federal project sponsor of any project in a Reclamation State, including the State of Alaska or Hawaii, determined by the Secretary to be feasible under subsection (b)(2)(B) shall be eligible to apply for funding for the planning, design, and construction of the project.

(b) Eligibility and Selection.--

(1) Submission to the secretary.--

(A) In general.--A non-Federal project sponsor described in subsection (a) may submit to the Secretary a proposal for a project eligible to receive a grant under this section in the form of a completed feasibility study.

(B) Eligible projects.--A project shall be considered eligible for consideration for a grant under this section if the project--

(i) has water storage capacity of not less than 2,000 acre-feet and not more than 30,000 acre-feet; and

(ii)(I) increases surface water or groundwater storage; or

(II) conveys water, directly or indirectly, to or from surface water or groundwater storage.

(C) Guidelines.--Not later than 60 days after the date of enactment of this Act, the Secretary shall issue guidelines for feasibility studies for small storage projects to provide sufficient information for the formulation of the studies.

(2) Review by the secretary.--The Secretary shall review each feasibility study received under paragraph (1)(A) for the purpose of determining whether--

(A) the feasibility study, and the process under which the study was developed, each comply with Federal laws (including regulations) applicable to feasibility studies of small storage projects;

(B) the project is technically and financially feasible, in accordance with--

(i) the guidelines developed under paragraph (1)(C); and

(ii) the reclamation laws; and

(C) the project provides a Federal benefit, as determined by the Secretary.

(3) Submission to congress.--Not later than 180 days after the date of receipt of a feasibility study received under paragraph (1)(A), 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 a report that describes--

(A) the results of the review of the study by the Secretary under paragraph (2), including a determination of whether the project is feasible and provides a Federal benefit;

(B) any recommendations that the Secretary may have concerning the plan or design of the project; and

(C) any conditions the Secretary may require for construction of the project.

(4) Eligibility for funding.--

(A) In general.--The non-Federal project sponsor of any project determined by the Secretary to be feasible under paragraph (3)(A) shall be eligible to apply to the Secretary for a grant to cover the Federal share of the costs of planning, designing, and constructing the project pursuant to subsection (c).

(B) Required determination.--Prior to awarding grants to a small storage project, the Secretary shall determine whether there is sufficient non-Federal funding available to complete the project.

(5) Priority.--In awarding grants to projects under this section, the Secretary shall give priority to projects that meet 1 or more of the following criteria:

(A) Projects that are likely to provide a more reliable water supply for States, Indian Tribes, and local governments, including subdivisions of those entities.

(B) Projects that are likely to increase 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, ecosystem benefits, groundwater management and enhancements, and water quality improvements.

(c) Ceiling on Federal Share.--The Federal share of the costs of each of the individual projects selected under this section shall not exceed the lesser of--

(1) 25 percent of the total project cost; or

(2) \$30,000,000.

(d) Environmental Laws.--In providing funding for a grant for a project under this section, the Secretary shall comply with all applicable environmental laws, including the National Environmental Policy Act of 1969 ([42 U.S.C. 4321](#) et seq.).

(e) Termination of Authority.--The authority to carry out this section terminates on the date that is 5 years after the date of enactment of this Act.

Sec. 40904. [Critical Maintenance and Repair.]--

(a) Critical Failure at a Reserved or Transferred Work.--

(1) In general.--A reserved or transferred work shall only be eligible for funding under section 40901(2)(A) if--

(A) construction of the reserved or transferred work began on or before January 1, 1915; and

(B) a unit of the reserved or transferred work suffered a critical failure in Bureau of Reclamation infrastructure during the 2-year period ending on the date of enactment of this Act that resulted in the failure to deliver water to project beneficiaries.

(2) Use of funds.--Rehabilitation, repair, and replacement activities for a transferred or reserved work using amounts made available under section 40901(2)(A) may be used for the entire transferred or reserved work, regardless of whether the critical failure was limited to a single project of the overall work.

(3) Nonreimbursable funds.--Notwithstanding section 9603(b) of the Omnibus Public Land Management Act of 2009 ([43 U.S.C. 510b](#)(b)), amounts made available to a reserved or transferred work under section 40901(2)(A) shall be nonreimbursable to the United States.

(b) Carey Act Projects.--The Secretary shall use amounts made available under section 40901(2)(B) to fund the rehabilitation, reconstruction, or replacement of a dam--

(1) the construction of which began on or after January 1, 1905;

(2) that was developed pursuant to section 4 of the Act of August 18, 1894 (commonly known as the "Carey Act") ([43 U.S.C. 641](#); 28 Stat. 422, chapter 301);

(3) that the Governor of the State in which the dam is located has--

- (A) determined the dam has reached its useful life;
- (B) determined the dam poses significant health and safety concerns; and
- (C) requested Federal support; and
- (4) for which the estimated rehabilitation, reconstruction, or replacement, engineering, and permitting costs would exceed \$50,000,000.

Sec. 40905. [Competitive Grant Program for Large-Scale Water Recycling and Reuse Program.]--

(a) Definitions.--In this section:

- (1) Eligible entity.--The term "eligible entity" means—
 - (A) a State, Indian Tribe, municipality, irrigation district, water district, wastewater district, or other organization with water or power delivery authority;
 - (B) a State, regional, or local authority, the members of which include 1 or more organizations with water or power delivery authority; or
 - (C) an agency established under State law for the joint exercise of powers or a combination of entities described in subparagraphs (A) and (B).
- (2) Eligible project.--The term "eligible project" means a project described in subsection (c).
- (3) Program.--The term "program" means the grant program established under subsection (b).
- (4) Reclamation state.--The term "Reclamation State" means a State or territory described in the first section of the Act of June 17, 1902 ([43 U.S.C. 391](#); 32 Stat. 388, chapter 1093).

(b) Establishment.--The Secretary shall establish a program to provide grants to eligible entities on a competitive basis for the planning, design, and construction of large-scale water recycling and reuse projects that provide substantial water supply and other benefits to the Reclamation States in accordance with this section.

(c) Eligible Project.--A project shall be eligible for a grant under this section if the project--

- (1) reclaims and reuses--
 - (A) municipal, industrial, domestic, or agricultural wastewater; or
 - (B) impaired groundwater or surface water;
- (2) has a total estimated cost of \$500,000,000 or more;
- (3) is located in a Reclamation State;
- (4) is constructed, operated, and maintained by an eligible entity; and
- (5) provides a Federal benefit in accordance with the reclamation laws.

(d) Project Evaluation.--The Secretary may provide a grant to an eligible project under the program if--

- (1) the eligible entity determines through the preparation of a feasibility study or equivalent study, and the Secretary concurs, that the eligible project--
 - (A) is technically and financially feasible;
 - (B) provides a Federal benefit in accordance with the reclamation laws; and
 - (C) is consistent with applicable Federal and State laws;
- (2) the eligible entity has sufficient non-Federal funding available to complete the eligible project, as determined by the Secretary;
- (3) the eligible entity is financially solvent, as determined by the Secretary; and
- (4) not later than 30 days after the date on which the Secretary concurs with the determinations under paragraph (1) with respect to the eligible project, the Secretary submits to Congress written notice of the determinations.

(e) Priority.--In providing grants to eligible projects under the program, the Secretary shall give priority to eligible projects that meet 1 or more of the following criteria:

- (1) The eligible project provides multiple benefits, including--
 - (A) water supply reliability benefits for drought-stricken States and communities;
 - (B) fish and wildlife benefits; and
 - (C) water quality improvements.
- (2) The eligible project is likely to reduce impacts on environmental resources from water projects owned or operated by Federal and State agencies, including through measurable reductions in water diversions from imperiled ecosystems.
- (3) The eligible project would advance water management plans across a multi-State area, such as drought contingency plans in the Colorado River Basin.
- (4) The eligible project is regional in nature.
- (5) The eligible project is collaboratively developed or supported by multiple stakeholders.

(f) Federal Assistance.--

- (1) Federal cost share.--The Federal share of the cost of any project provided a grant under the program shall not exceed 25 percent of the total cost of the eligible project.
- (2) Total dollar cap.--The Secretary shall not impose a total dollar cap on Federal contributions for all eligible individual projects provided a grant under the program.
- (3) Nonreimbursable funds.--Any funds provided by the Secretary to an eligible entity under the program shall be considered nonreimbursable.
- (4) Funding eligibility.--An eligible project shall not be considered ineligible for assistance under the program because the eligible project has received assistance under--
 - (A) the Reclamation Wastewater and Groundwater Study and Facilities Act ([43 U.S.C. 390h](#) et seq.);
 - (B) section 4(a) of the Water Desalination Act of 1996 ([42 U.S.C. 10301](#) note; [Public Law 104-298](#)) for eligible desalination projects; or
 - (C) section 1602(e) of the Reclamation Wastewater and Groundwater Study and Facilities Act ([43 U.S.C. 390h\(e\)](#)).

(g) Environmental Laws.--In providing a grant for an eligible project under the program, the Secretary shall comply with all applicable environmental laws, including the National Environmental Policy Act of 1969 ([42 U.S.C. 4321](#) et seq.).

(h) Guidance.--Not later than 1 year after the date of enactment of this Act, the Secretary shall issue guidance on the implementation of the program, including guidelines for the preparation of feasibility studies or equivalent studies by eligible entities.

(i) Reports.--

- (1) Annual report.--At the end of each fiscal year, the Secretary shall make available on the website of the Department of the Interior an annual report that lists each eligible project for which a grant has been awarded under this section during the fiscal year.
- (2) Comptroller general.--
 - (A) Assessment.--The Comptroller General of the United States shall conduct an assessment of the administrative establishment, solicitation, selection, and justification process with respect to the funding of grants under this section.
 - (B) Report.--Not later than 1 year after the date of the initial award of grants under this section, the Comptroller General shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes--

- (i) the adequacy and effectiveness of the process by which each eligible project was selected, if applicable; and
- (ii) the justification and criteria used for the selection of each eligible project, if applicable.

(j) Treatment of Conveyance.--The Secretary shall consider the planning, design, and construction of a conveyance system for an eligible project to be eligible for grant funding under the program.

(k) Termination of Authority.--The authority to carry out this section terminates on the date that is 5 years after the date of enactment of this Act.

Sec. 40906. [Drought Contingency Plan Funding Requirements.]--

(a) In General.--Funds made available under section 40901(8) for use in the Lower Colorado River Basin may be used for projects--

(1) to establish or conserve recurring Colorado River water that contributes to supplies in Lake Mead and other Colorado River water reservoirs in the Lower Colorado River Basin; or

(2) to improve the long-term efficiency of operations in the Lower Colorado River Basin.

(b) Limitation.--None of the funds made available under section 40901(8) may be used for the operation of the Yuma Desalting Plant.

(c) Effect.--Nothing in section 40901(8) limits existing or future opportunities to augment the water supplies of the Colorado River.

Sec. 40907. [Multi-Benefit Projects to Improve Watershed Health.]--

(a) Definition of Eligible Applicant.--In this section, the term “eligible applicant” means--

- (1) a State;
- (2) a Tribal or local government;
- (3) an organization with power or water delivery authority;
- (4) a regional authority; or
- (5) a nonprofit conservation organization.

(b) Establishment of Competitive Grant Program.--Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the heads of relevant agencies, shall establish a competitive grant program under which the Secretary shall award grants to eligible applicants for the design, implementation, and monitoring of conservation outcomes of habitat restoration projects that improve watershed health in a river basin that is adversely impacted by a Bureau of Reclamation water project by accomplishing 1 or more of the following:

- (1) Ecosystem benefits.
- (2) Restoration of native species.
- (3) Mitigation against the impacts of climate change to fish and wildlife habitats.
- (4) Protection against invasive species.
- (5) Restoration of aspects of the natural ecosystem.
- (6) Enhancement of commercial, recreational, subsistence, or Tribal ceremonial fishing.
- (7) Enhancement of river-based recreation.

(c) Requirements.--

(1) In general.--In awarding a grant to an eligible applicant under subsection (b), the Secretary--

(A) shall give priority to an eligible applicant that would carry out a habitat restoration project that achieves more than 1 of the benefits described in that subsection; and

(B) may not provide a grant to carry out a habitat restoration project the purpose of which is to meet existing environmental mitigation or compliance obligations under Federal or State law.

(2) Compliance.--A habitat restoration project awarded a grant under subsection (b) shall comply with all applicable Federal and State laws.

(d) Cost-sharing Requirement.--The Federal share of the cost of any habitat restoration project that is awarded a grant under subsection (b)--

(1) shall not exceed 50 percent of the cost of the habitat restoration project; or

(2) in the case of a habitat restoration project that provides benefits to ecological or recreational values in which the nonconsumptive water conservation benefit or habitat restoration benefit accounts for at least 75 percent of the cost of the habitat restoration project, as determined by the Secretary, shall not exceed 75 percent of the cost of the habitat restoration project.

Sec. 40908. [Eligible Desalination Projects.]-- Section 4(a) of the Water Desalination Act of 1996 ([42 U.S.C. 10301](#) note; [Public Law 104-298](#)) is amended by redesignating the second paragraph (1) (relating to eligible desalination projects) as paragraph (2).

Sec. 40909. [Clarification of Authority to Use Coronavirus Fiscal Recovery Funds to Meet a Non-Federal Matching Requirement for Authorized Bureau of Reclamation Water Projects.]—

(a) Coronavirus State Fiscal Recovery Fund.--Section 602(c) of the Social Security Act ([42 U.S.C. 802](#)(c)) is amended by adding at the end the following:

“(4) Use of funds to satisfy non-federal matching requirements for authorized bureau of reclamation water projects.--Funds provided under this section for an authorized Bureau of Reclamation project may be used for purposes of satisfying any non-Federal matching requirement required for the project.”.

(b) Coronavirus Local Fiscal Recovery Fund.--Section 603(c) of the Social Security Act ([42 U.S.C. 803](#)(c)) is amended by adding at the end the following:

“(5) Use of funds to satisfy non-federal matching, maintenance of effort, or other expenditure requirement.--Funds provided under this section for an authorized Bureau of Reclamation project may be used for purposes of satisfying any non-Federal matching requirement required for the project.”.

(c) Effective Date.--The amendments made by this section shall take effect as if included in the enactment of section 9901 of the American Rescue Plan Act of 2021 ([Public Law 117-2](#); 135 Stat. 223).

Sec. 40910. [Federal Assistance for Groundwater Recharge, Aquifer Storage, and Water Source Substitution Projects.]--

(a) In General.--The Secretary, at the request of and in coordination with affected Indian Tribes, States (including subdivisions and departments of a State), or a public agency organized pursuant to State law, may provide technical or financial assistance for, participate in, and enter into agreements (including agreements with irrigation entities) for--

(1) groundwater recharge projects;

(2) aquifer storage and recovery projects; or

(3) water source substitution for aquifer protection projects.

(b) Limitation.--Nothing in this section authorizes additional technical or financial assistance for, or participation in an agreement for, a surface water storage facility to be constructed or expanded.

(c) Requirement.--A construction project shall only be eligible for financial assistance under this section if the project meets the conditions for funding under section 40902(a)(2)(C)(ii).

(d) Cost Sharing.--Cost sharing for a project funded under this section shall be in accordance with section 40902(b).

(e) Environmental Laws.--In providing funding for a project under this section, the Secretary shall comply with all applicable environmental laws, including –

(1) the National Environmental Policy Act of 1969 ([42 U.S.C. 4321](#) et seq.);

(2) any obligations for fish, wildlife, or water quality protection in permits or licenses granted by a Federal agency or a State; and

(3) any applicable Federal or State laws (including regulations).

(f) Authorization by Congress for Major Project Construction.--A project with a total estimated cost of \$500,000,000 or more shall only be eligible for construction funding under this section if the project is authorized for construction by an Act of Congress.

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DIVISION E-- DRINKING WATER AND WASTEWATER INFRASTRUCTURE

Sec. 50001. [Short Title.]-- This division may be cited as the “Drinking Water and Wastewater Infrastructure Act of 2021”.

Sec. 50002. [Definition of Administrator.]-- In this division, the term “Administrator” means the Administrator of the Environmental Protection Agency.

TITLE I--DRINKING WATER

Sec. 50101. [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 this paragraph, 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 requirements under this title, including water quality sampling, testing, and reporting requirements; and

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

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

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

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

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

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

“(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. 50102. [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 percent.”.

Sec. 50103. [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 subdivision 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 between 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 authorize the county to act on behalf of the unincorporated 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. 50104. [Assistance for Small and Disadvantaged Communities].--

(a) Existing Programs.--Section 1459A of the Safe Drinking Water Act ([42 U.S.C. 300j-19a](#)) is amended--

(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 contaminants 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 in 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 (1)--

(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 established under paragraph (2).

“(2) Establishment.--Subject to the availability of appropriations, the Administrator shall establish 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 covering 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 Administrator an application at such time, in such manner, and containing such information as

the Administrator may require.

“(4) Voluntary connection.-- Before providing 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 public 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 this subsection, 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.

“(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.”.

(c) 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 Underserved 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 competitive 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 this subsection, 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 methods 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. 50105. [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 subparagraph (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 inserting the following:
 “(iii) providing assistance to eligible entities to replace lead service lines, with priority for 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
- (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 (c) 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. 50106. [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 deficiencies 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 described 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 Administrator 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 Administrator--

“(1) if the grant recipient is located in 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 State in which the grant recipient agrees to provide a copy of any data collected under the proposed 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 Administrator (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 sustainability of 1 or more small systems through--

“(1) the development of a detailed asset inventory, which may include drinking water sources, wells, storage, valves, treatment systems, distribution lines, hydrants, pumps, controls, and other essential infrastructure;

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

“(A) geographic information system software; 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 this section, 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. 50107. [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 50106) 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 this section, 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. 50108. [Needs Assessment for Nationwide Rural and Urban Low-Income Community Water Assistance.]—

(a) Definitions.--In this section and section 50109:

(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. 50109. [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 municipal separate storm sewer system; and

(B) a State exercising 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.

(2) Pilot program.--The term “pilot program” 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 50108(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 eligible entities to develop and implement programs to assist qualifying households with need in maintaining access to drinking water and wastewater treatment.

(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 50108(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 nonpayment 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 subparagraph (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. 50110. [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 carrying out projects to remediate lead contamination in drinking water; or
 - “(IV) provides technical assistance to schools or child care programs in carrying out lead testing; or
 - “(iv) a qualified nonprofit organization, 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 organization”;
- (D) in paragraph (4)--
 - (i) by striking “States and local educational 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)--
 - (I) by striking “State or local educational agency” and inserting “State, local educational agency, public water system, tribal consortium, or qualified nonprofit agency”; and
 - (II) by inserting “, public water system, tribal consortium, or qualified nonprofit organization” after “each local educational agency”;
 - (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. 50111. [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 Appropriations, 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 drinking water that threatens the health of Tribal populations;
- “(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 contributing to--
- “(A) an enforcement action commenced pursuant to the Safe Drinking Water Act ([42 U.S.C. 300f](#) et seq.) against the applicable public water system (as defined in

section 1401 of that Act ([42 U.S.C. 300f](#)) as of the date of enactment of this subparagraph; or

“(B) an enforcement action commenced pursuant to the Federal Water Pollution 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 this subparagraph.

“(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 this subsection, 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. 50112. [Advanced Drinking Water Technologies.]-- Part E of the Safe Drinking Water Act ([42 U.S.C. 300j](#) et seq.) (as amended by section 50107) 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 this section, 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 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).

“(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 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.

“(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 Administrator determines that an eligible entity is unable to pay, or would experience significant 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. 50113. [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 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 this section, 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 this section, 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 this section, 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 this section, 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. 50114. [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. 50115. [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. 50201. [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 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. 50202. [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. 50203. [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), (c), (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. 50204. [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 subparagraph:

“(I) Financially distressed community.--The term ‘financially distressed community’ has the meaning 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 applications, the Administrator shall ensure that a State uses not less than 25 percent of the amount of the grants made to the State under subsection (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 this paragraph, the Administrator shall submit 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 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. 50205. [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 50202) 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 entity’ 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 manner, 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 this section, 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 description 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. 50206. [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 50205) 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. 50207. [Small Publicly Owned Treatment Works Efficiency Grants Program.]-- Title II of the Federal Water Pollution Control Act ([33 U.S.C. 1281](#) et seq.) (as amended by section 50206) 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 section, not more than 2 percent may be used to pay the administrative costs of the Administrator.”.

Sec. 50208. [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 50207) 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 organization shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator determines 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.

“(c) 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 eligible individuals is, or is proposed to be, located an application at such time, in such manner, and containing such information as the private nonprofit organization 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 submit 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. 50209. [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 50208) 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 connected, 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. 50210. [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. 50211. [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, 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 waste water utilities workers” and inserting “are designed to retain incumbent water and wastewater utility workforce workers by ensuring that those workers”; and

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

“(4) Working group; report.--

“(A) In general.--The Administrator shall establish and coordinate a Federal interagency 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 Affairs; and

“(v) other Federal agencies, as determined to be appropriate by the Administrator.

“(B) Report.--Not later than 2 years after the date of enactment of this subparagraph, the Administrator, in coordination with the working group established under subparagraph (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 consult 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. 50212. [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. 50213. [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).

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

(d) Regional Consortia.--

(1) Establishment.--States may establish regional 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 understanding--
 - (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 technology;
- (B) carry out projects--
 - (i) to exchange water data, including data on water quality; or
 - (ii) that evaluate, demonstrate, or 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 regional intended use plan of a regional consortium established under paragraph (1)--

(A) shall identify projects that the regional consortium intends to carry out, including projects that meet the requirements of paragraph (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 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.

(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. 50214. [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. 50215. [Water Infrastructure Financing Reauthorization.]--

(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. 50216. 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 communities of indigenous peoples, in accordance with Executive Order 12898 ([42 U.S.C. 4321](#) note; 60 Fed. Reg. 6381; relating to Federal actions to address environmental justice in minority populations and low-income populations).

(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 Committee on Environment and Public Works of the Senate and the Committees on Energy and Commerce and Transportation and Infrastructure of the House of Representatives a report describing--

(1) the results of the analysis; and

(2) the criteria the Administrator used in carrying out the analysis.

Sec. 50217. [Stormwater Infrastructure Technology.]—

(a) Definitions.--In this section:

(1) Center.--The term “center” means a center of excellence for stormwater control infrastructure established under subsection (b)(1).

(2) Eligible entity.--The term “eligible entity” means--

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

(B) a local, regional, or other public entity that manages stormwater or wastewater resources or other related water infrastructure.

(3) Eligible institution.--The term “eligible institution” means an institution of higher education, a research institution, or a nonprofit organization--

(A) that has demonstrated excellence in researching and developing new and emerging stormwater control infrastructure technologies; and

(B) with respect to a nonprofit organization, the core mission of which includes water management, as determined by the Administrator.

(b) Centers of Excellence for Stormwater Control Infrastructure Technologies.--

(1) Establishment of centers.--

(A) In general.--Subject to the availability 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.--

(A) In general.--There is authorized to be appropriated to carry out this subsection \$5,000,000 for each of fiscal years 2022 through 2026.

(B) 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 technologies, 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 emerging, 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 infrastructure 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. 50218. [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, nongovernmental 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. 50219. [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. 50220. [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:

“SEC. 609. CLEAN WATERSHEDS NEEDS SURVEY.

“(a) Requirement.--Not later than 2 years after the date of enactment of this section, 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).

“(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. 50221. [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."

(c) 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."

(d) Authorization of Appropriations.--Section 104(f)(1) of the Water Resources Research Act of 1984 ([42 U.S.C. 10303](#)(f)(1)) is amended by striking "fiscal years 2007 through 2011" and inserting "fiscal years 2022 through 2025".

(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".

Sec. 50222. [Enhanced Aquifer Use and Recharge.]-- 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."

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DIVISION G--OTHER AUTHORIZATIONS

TITLE I--INDIAN WATER RIGHTS SETTLEMENT COMPLETION FUND

Sec. 70101. [Indian Water Rights Settlement Completion Fund.]—

(a) Establishment.--There is established in the Treasury of the United States a fund to be known as the “Indian Water Rights Settlement Completion Fund” (referred to in this section as the “Fund”).

(b) Deposits.--

(1) In general.--On the later of October 1, 2021, and the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall deposit in the Fund \$2,500,000,000, to remain available until expended.

(2) Availability.--Amounts deposited in the Fund under paragraph (1) shall be available to the Secretary of the Interior, without further appropriation or fiscal year limitation, for the uses described in subsection (c).

(c) Uses.--Subject to subsection (d), amounts deposited in the Fund under subsection (b) shall be used by the Secretary of the Interior for transfers to funds or accounts authorized to receive discretionary appropriations, or to satisfy other obligations identified by the Secretary of the Interior, under an Indian water settlement approved and authorized by an Act of Congress before the date of enactment of this Act.

(d) Scope of Transfers.--

(1) In general.--Transfers authorized under subsection (c) shall be made in such amounts as are determined by the Secretary of the Interior to be appropriate to satisfy the obligations of the United States, including appropriate indexing, pursuant to the applicable Indian water settlement.

(2) Sequence and timing.--The Secretary of the Interior shall have the discretion to determine the sequence and timing of transfers from the Fund under subsection (c) in order to substantially complete the eligible Indian water settlements as expeditiously as practicable.

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PART I--BUY AMERICA SOURCING REQUIREMENTS

Sec. 70911. [Findings.]-- Congress finds that--

(1) the United States must make significant investments to install, upgrade, or replace the public works infrastructure of the United States;

(2) with respect to investments in the infrastructure of the United States, taxpayers expect that their public works infrastructure will be produced in the United States by American workers;

(3) United States taxpayer dollars invested in public infrastructure should not be used to reward companies that have moved their operations, investment dollars, and jobs to foreign countries or foreign factories, particularly those that do not share or openly flout the commitments of the United States to environmental, worker, and workplace safety protections;

(4) in procuring materials for public works projects, entities using taxpayer-financed Federal assistance should give a commonsense procurement preference for the materials and products produced by companies and workers in the United States in accordance with the high ideals embodied in the environmental, worker, workplace safety, and other regulatory requirements of the United States;

(5) common construction materials used in public works infrastructure projects, including steel, iron, manufactured products, non-ferrous metals, plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables), glass

(including optic glass), lumber, and drywall are not adequately covered by a domestic content procurement preference, thus limiting the impact of taxpayer purchases to enhance supply chains in the United States;

(6) the benefits of domestic content procurement preferences extend beyond economics;

(7) by incentivizing domestic manufacturing, domestic content procurement preferences reinvest tax dollars in companies and processes using the highest labor and environmental standards in the world;

(8) strong domestic content procurement preference policies act to prevent shifts in production to countries that rely on production practices that are significantly less energy efficient and far more polluting than those in the United States;

(9) for over 75 years, Buy America and other domestic content procurement preference laws have been part of the United States procurement policy, ensuring that the United States can build and rebuild the infrastructure of the United States with high-quality American-made materials;

(10) before the date of enactment of this Act, a domestic content procurement preference requirement may not apply, may apply only to a narrow scope of products and materials, or may be limited by waiver with respect to many infrastructure programs, which necessitates a review of such programs, including programs for roads, highways, and bridges, public transportation, dams, ports, harbors, and other maritime facilities, intercity passenger and freight railroads, freight and intermodal facilities, airports, water systems, including drinking water and wastewater systems, electrical transmission facilities and systems, utilities, broadband infrastructure, and buildings and real property;

(11) Buy America laws create demand for domestically produced goods, helping to sustain and grow domestic manufacturing and the millions of jobs domestic manufacturing supports throughout product supply chains;

(12) as of the date of enactment of this Act, domestic content procurement preference policies apply to all Federal Government procurement and to various Federal-aid infrastructure programs;

(13) a robust domestic manufacturing sector is a vital component of the national security of the United States;

(14) as more manufacturing operations of the United States have moved offshore, the strength and readiness of the defense industrial base of the United States has been diminished; and

(15) domestic content procurement preference laws--

(A) are fully consistent with the international obligations of the United States; and

(B) together with the government procurements to which the laws apply, are important levers for ensuring that United States manufacturers can access the government procurement markets of the trading partners of the United States.

Sec. 70912. [Definitions.]-- In this part:

(1) Deficient program.--The term “deficient program” means a program identified by the head of a Federal agency under section 70913(c).

(2) Domestic content procurement preference.--The term “domestic content procurement preference” means a requirement that no amounts made available through a program for Federal financial assistance may be obligated for a project unless--

(A) all iron and steel used in the project are produced in the United States;

(B) the manufactured products used in the project are produced in the United States; or

(C) the construction materials used in the project are produced in the United States.

(3) Federal agency.--The term "Federal agency" means any authority of the United States that is an "agency" (as defined in [section 3502 of title 44](#), United States Code), other than an independent regulatory agency (as defined in that section).

(4) Federal financial assistance.--

(A) In general.--The term "Federal financial assistance" has the meaning given the term in section 200.1 of title 2, Code of Federal Regulations (or successor regulations).

(B) Inclusion.--The term "Federal financial assistance" includes all expenditures by a Federal agency to a non-Federal entity for an infrastructure project, except that it does not include expenditures for assistance authorized under section 402, 403, 404, 406, 408, or 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. [5170a](#), [5170b](#), [5170c](#), [5172](#), [5174](#), or [5192](#)) relating to a major disaster or emergency declared by the President under section 401 or 501, respectively, of such Act (42 U.S.C. [5170](#), [5191](#)) or pre and post disaster or emergency response expenditures.

(5) Infrastructure.--The term "infrastructure" includes, at a minimum, the structures, facilities, and equipment for, in the United States--

(A) roads, highways, and bridges;

(B) public transportation;

(C) dams, ports, harbors, and other maritime facilities;

(D) intercity passenger and freight railroads;

(E) freight and intermodal facilities;

(F) airports;

(G) water systems, including drinking water and wastewater systems;

(H) electrical transmission facilities and systems;

(I) utilities;

(J) broadband infrastructure; and

(K) buildings and real property.

(6) Produced in the United States.--The term "produced in the United States" means--

(A) in the case of iron or steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;

(B) in the case of manufactured products, that--

(i) the manufactured product was manufactured in the United States; and

(ii) the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and

(C) in the case of construction materials, that all manufacturing processes for the construction material occurred in the United States.

(7) Project.--The term "project" means the construction, alteration, maintenance, or repair of infrastructure in the United States.

Sec. 70913. [Identification of Deficient Programs.]--

(a) In General.--Not later than 60 days after the date of enactment of this Act, the head of each Federal agency shall--

(1) submit to the Office of Management and Budget and to Congress, including a separate notice to each appropriate congressional committee, a report that identifies each Federal financial assistance program for infrastructure administered by the Federal agency; and

- (2) publish in the Federal Register the report under paragraph (1).
- (b) Requirements.--In the report under subsection (a), the head of each Federal agency shall, for each Federal financial assistance program--
- (1) identify all domestic content procurement preferences applicable to the Federal financial assistance;
 - (2) assess the applicability of the domestic content procurement preference requirements, including--
 - (A) [section 313 of title 23](#), United States Code;
 - (B) [section 5323\(j\) of title 49](#), United States Code;
 - (C) [section 22905\(a\) of title 49](#), United States Code;
 - (D) [section 50101 of title 49](#), United States Code;
 - (E) section 603 of the Federal Water Pollution Control Act ([33 U.S.C. 1388](#));
 - (F) section 1452(a)(4) of the Safe Drinking Water Act ([42 U.S.C. 300j-12\(a\)\(4\)](#));
 - (G) section 5035 of the Water Infrastructure Finance and Innovation Act of 2014 ([33 U.S.C. 3914](#));
 - (H) any domestic content procurement preference included in an appropriations Act; and
 - (I) any other domestic content procurement preference in Federal law (including regulations);
 - (3) provide details on any applicable domestic content procurement preference requirement, including the purpose, scope, applicability, and any exceptions and waivers issued under the requirement; and
 - (4) include a description of the type of infrastructure projects that receive funding under the program, including information relating to--
 - (A) the number of entities that are participating in the program;
 - (B) the amount of Federal funds that are made available for the program for each fiscal year; and
 - (C) any other information the head of the Federal agency determines to be relevant.
- (c) List of Deficient Programs.--In the report under subsection (a), the head of each Federal agency shall include a list of Federal financial assistance programs for infrastructure identified under that subsection for which a domestic content procurement preference requirement--
- (1) does not apply in a manner consistent with section 70914; or
 - (2) is subject to a waiver of general applicability not limited to the use of specific products for use in a specific project.

Sec. 70914. [Application of Buy America Preference.]--

- (a) In General.--Not later than 180 days after the date of enactment of this Act, the head of each Federal agency shall ensure that none of the funds made available for a Federal financial assistance program for infrastructure, including each deficient program, may be obligated for a project unless all of the iron, steel, manufactured products, and construction materials used in the project are produced in the United States.
- (b) Waiver.--The head of a Federal agency that applies a domestic content procurement preference under this section may waive the application of that preference in any case in which the head of the Federal agency finds that--
- (1) applying the domestic content procurement preference would be inconsistent with the public interest;

- (2) types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or
- (3) the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent.
- (c) Written Justification.--Before issuing a waiver under subsection (b), the head of the Federal agency shall--
 - (1) make publicly available in an easily accessible location on a website designated by the Office of Management and Budget and on the website of the Federal agency a detailed written explanation for the proposed determination to issue the waiver; and
 - (2) provide a period of not less than 15 days for public comment on the proposed waiver.
- (d) Review of Waivers of General Applicability.--
 - (1) In general.--An existing general applicability waiver or a general applicability waiver issued under subsection (b) shall be reviewed every 5 years after the date on which the waiver is issued.
 - (2) Review.--In conducting a review of a general applicability waiver, the head of a Federal agency shall--
 - (A) publish in the Federal Register a notice that--
 - (i) describes the justification for a general applicability waiver; and
 - (ii) requests public comments for a period of not less than 30 days on the continued need for a general applicability waiver; and
 - (B) publish in the Federal Register a determination on whether to continue or discontinue the general applicability waiver, taking into account the comments received in response to the notice published under subparagraph (A).
 - (3) Limitation on the review of existing waivers of general applicability.--For a period of 5 years beginning on the date of enactment of this Act, paragraphs (1) and (2) shall not apply to any product-specific general applicability waiver that was issued more than 180 days before the date of enactment of this Act.
- (e) Consistency With International Agreements.--This section shall be applied in a manner consistent with United States obligations under international agreements.

Sec. 70915. [OMB Guidance and Standards.]--

- (a) Guidance.--The Director of the Office of Management and Budget shall--
 - (1) issue guidance to the head of each Federal agency--
 - (A) to assist in identifying deficient programs under section 70913(c); and
 - (B) to assist in applying new domestic content procurement preferences under section 70914; and
 - (2) if necessary, amend subtitle A of title 2, Code of Federal Regulations (or successor regulations), to ensure that domestic content procurement preference requirements required by this part or other Federal law are imposed through the terms and conditions of awards of Federal financial assistance.
- (b) Standards for Construction Materials.--
 - (1) In general.--Not later than 180 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall issue standards that define the term “all manufacturing processes” in the case of construction materials.
 - (2) Considerations.--In issuing standards under paragraph (1), the Director shall--

(A) ensure that the standards require that each manufacturing process required for the manufacture of the construction material and the inputs of the construction material occurs in the United States; and

(B) take into consideration and seek to maximize the direct and indirect jobs benefited or created in the production of the construction material.

Sec. 70916. [Technical Assistance Partnership and Consultation Supporting Department of Transportation Buy America Requirements.]—

(a) Definitions.--In this section:

(1) Buy America law.--The term "Buy America law" means—

(A) [section 313 of title 23](#), United States Code;

(B) [section 5323\(j\) of title 49](#), United States Code;

(C) [section 22905\(a\) of title 49](#), United States Code;

(D) [section 50101 of title 49](#), United States Code;

(E) any other domestic content procurement preference for an infrastructure project under the jurisdiction of the Secretary.

(2) Secretary.--The term "Secretary" means the Secretary of Transportation.

(b) Technical Assistance Partnership.--Not later than 90 days after the date of the enactment of this Act, the Secretary shall enter into a technical assistance partnership with the Secretary of Commerce, acting through the Director of the National Institute of Standards and Technology--

(1) to ensure the development of a domestic supply base to support intermodal transportation in the United States, such as intercity high speed rail transportation, public transportation systems, highway construction or reconstruction, airport improvement projects, and other infrastructure projects under the jurisdiction of the Secretary;

(2) to ensure compliance with Buy America laws that apply to a project that receives assistance from the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration, the Federal Aviation Administration, or another office or modal administration of the Secretary of Transportation;

(3) to encourage technologies developed with the support of and resources from the Secretary to be transitioned into commercial market and applications; and

(4) to establish procedures for consultation under subsection (c).

(c) Consultation.--Before granting a written waiver under a Buy America law, the Secretary shall consult with the Director of the Hollings Manufacturing Extension Partnership regarding whether there is a domestic entity that could provide the iron, steel, manufactured product, or construction material that is the subject of the proposed waiver.

(d) Annual Report.--Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to the Committee on Commerce, Science, and Transportation, the Committee on Banking, Housing, and Urban Affairs, the Committee on Environment and Public Works, and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure and the Committee on Oversight and Reform of the House of Representatives a report that includes--

(1) a detailed description of the consultation procedures developed under subsection (b)(4);

(2) a detailed description of each waiver requested under a Buy America law in the preceding year that was subject to consultation under subsection (c), and the results of the consultation;

(3) a detailed description of each waiver granted under a Buy America law in the preceding year, including the type of waiver and the reasoning for granting the waiver; and

(4) an update on challenges and gaps in the domestic supply base identified in carrying out subsection (b)(1), including a list of actions and policy changes the Secretary recommends be taken to address those challenges and gaps.

Sec. 70917. [Application.]--

(a) In General.--This part shall apply to a Federal financial assistance program for infrastructure only to the extent that a domestic content procurement preference as described in section 70914 does not already apply to iron, steel, manufactured products, and construction materials.

(b) Savings Provision.--Nothing in this part affects a domestic content procurement preference for a Federal financial assistance program for infrastructure that is in effect and that meets the requirements of section 70914.

(c) Limitation With Respect to Aggregates.--In this part--

(1) the term "construction materials" shall not include cement and cementitious materials, aggregates such as stone, sand, or gravel, or aggregate binding agents or additives; and

(2) the standards developed under section 70915(b)(1) shall not include cement and cementitious materials, aggregates such as stone, sand, or gravel, or aggregate binding agents or additives as inputs of the construction material.

PART II--MAKE IT IN AMERICA

Sec. 70921. [Regulations Relating to Buy American Act.]--

(a) In General.--Not later than 1 year after the date of the enactment of this Act, the Director of the Office of Management and Budget ("Director"), acting through the Administrator for Federal Procurement Policy and, in consultation with the Federal Acquisition Regulatory Council, shall promulgate final regulations or other policy or management guidance, as appropriate, to standardize and simplify how Federal agencies comply with, report on, and enforce the Buy American Act. The regulations or other policy or management guidance shall include, at a minimum, the following:

(1) Guidelines for Federal agencies to determine, for the purposes of applying sections [8302\(a\)](#) and [8303\(b\)](#)(3) of title 41, United States Code, the circumstances under which the acquisition of articles, materials, or supplies mined, produced, or manufactured in the United States is inconsistent with the public interest.

(2) Guidelines to ensure Federal agencies base determinations of non-availability on appropriate considerations, including anticipated project delays and lack of substitutable articles, materials, and supplies mined, produced, or manufactured in the United States, when making determinations of non-availability under section [8302\(a\)](#)(1) of title 41, United States Code.

(3)(A) Uniform procedures for each Federal agency to make publicly available, in an easily identifiable location on the website of the agency, and within the following time periods, the following information:

(i) A written description of the circumstances in which the head of the agency may waive the requirements of the Buy American Act.

(ii) Each waiver made by the head of the agency within 30 days after making such waiver, including a justification with sufficient detail to explain the basis for the waiver.

(B) The procedures established under this paragraph shall ensure that the head of an agency, in consultation with the head of the Made in America Office established under section 70923(a), may limit the publication of classified information, trade secrets, or other information that could damage the United States.

- (4) Guidelines for Federal agencies to ensure that a project is not disaggregated for purposes of avoiding the applicability of the requirements under the Buy American Act.
- (5) An increase to the price preferences for domestic end products and domestic construction materials.
- (6) Amending the definitions of “domestic end product” and “domestic construction material” to ensure that iron and steel products are, to the greatest extent possible, made with domestic components.
- (b) Guidelines Relating to Waivers.--
- (1) Inconsistency with public interest.--
- (A) In general.--With respect to the guidelines developed under subsection (a)(1), the Administrator shall seek to minimize waivers related to contract awards that--
- (i) result in a decrease in employment in the United States, including employment among entities that manufacture the articles, materials, or supplies; or
- (ii) result in awarding a contract that would decrease domestic employment.
- (B) Covered employment.--For purposes of subparagraph (A), employment refers to positions directly involved in the manufacture of articles, materials, or supplies, and does not include positions related to management, research and development, or engineering and design.
- (2) Assessment on use of dumped or subsidized foreign products.--
- (A) In general.--To the extent otherwise permitted by law, before granting a waiver in the public interest to the guidelines developed under subsection (a)(1) with respect to a product sourced from a foreign country, a Federal agency shall assess whether a significant portion of the cost advantage of the product is the result of the use of dumped steel, iron, or manufactured goods or the use of injuriously subsidized steel, iron, or manufactured goods.
- (B) Consultation.--The Federal agency conducting the assessment under subparagraph (A) shall consult with the International Trade Administration in making the assessment if the agency considers such consultation to be helpful.
- (C) Use of findings.--The Federal agency conducting the assessment under subparagraph (A) shall integrate any findings from the assessment into its waiver determination.
- (c) Sense of Congress on Increasing Domestic Content Requirements.-- It is the sense of Congress that the Federal Acquisition Regulatory Council should amend the Federal Acquisition Regulation to increase the domestic content requirements for domestic end products and domestic construction material to 75 percent, or, in the event of no qualifying offers, 60 percent.
- (d) Definition of End Product Manufactured in the United States.-- Not later than 1 year after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall amend part 25 of the Federal Acquisition Regulation to provide a definition for “end product manufactured in the United States,” including guidelines to ensure that manufacturing processes involved in production of the end product occur domestically.
- Sec. 70922. [Amendments Relating to Buy American Act.]--**
- (a) Special Rules Relating to American Materials Required for Public Use.--[Section 8302 of title 41](#), United States Code, is amended by adding at the end the following new subsection:
- “(c) Special Rules.--The following rules apply in carrying out the provisions of subsection (a):
- “(1) Iron and steel manufactured in the united states.--For purposes of this section, manufactured articles, materials, and supplies of iron and steel are deemed manufactured

in the United States only if all manufacturing processes involved in the production of such iron and steel, from the initial melting stage through the application of coatings, occurs in the United States.

“(2) Limitation on exception for commercially available off-the-shelf items.--

Notwithstanding any law or regulation to the contrary, including section 1907 of this title and the Federal Acquisition Regulation, the requirements of this section apply to all iron and steel articles, materials, and supplies.”.

(b) Production of Iron and Steel for Purposes of Contracts for Public Works.--[Section 8303 of title 41](#), United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

“(c) Special Rules.--

“(1) Production of iron and steel.--For purposes of this section, manufactured articles, materials, and supplies of iron and steel are deemed manufactured in the United States only if all manufacturing processes involved in the production of such iron and steel, from the initial melting stage through the application of coatings, occurs in the United States.

“(2) Limitation on exception for commercially available off-the-shelf items.--

Notwithstanding any law or regulation to the contrary, including section 1907 of this title and the Federal Acquisition Regulation, the requirements of this section apply to all iron and steel articles, materials, and supplies used in contracts described in subsection (a).”.

(c) Annual Report.--Subsection (b) of [section 8302 of title 41](#), United States Code, is amended to read as follows:

“(b) Reports.--

“(1) In general.--Not later than 180 days after the end of the fiscal year during which the Build America, Buy America Act is enacted, and annually thereafter for 4 years, the Director of the Office of Management and Budget, in consultation with the Administrator of General Services, shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives a report on the total amount of acquisitions made by Federal agencies in the relevant fiscal year of articles, materials, or supplies acquired from entities that mine, produce, or manufacture the articles, materials, or supplies outside the United States.

“(2) Exception for intelligence community.--This subsection does not apply to acquisitions made by an agency, or component of an agency, that is an element of the intelligence community as specified in, or designated under, section 3 of the National Security Act of 1947 ([50 U.S.C. 3003](#)).”.

(d) Definition.--[Section 8301 of title 41](#), United States Code, is amended by adding at the end the following new paragraph:

“(3) Federal agency.--The term ‘Federal agency’ has the meaning given the term ‘executive agency’ in section 133 of this title.”.

(e) Conforming Amendments.--Title 41, United States Code, is amended--

(1) in section [8302\(a\)](#)--

(A) in paragraph (1)--

- (i) by striking “department or independent establishment” and inserting “Federal agency”; and
 - (ii) by striking “their acquisition to be inconsistent with the public interest or their cost to be unreasonable” and inserting “their acquisition to be inconsistent with the public interest, their cost to be unreasonable, or that the articles, materials, or supplies of the class or kind to be used, or the articles, materials, or supplies from which they are manufactured, are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality”; and
- (B) in paragraph (2), by amending subparagraph (B) to read as follows:

“(B) to any articles, materials, or supplies procured pursuant to a reciprocal defense procurement memorandum of understanding (as described in section [8304](#) of this title), or a trade agreement or least developed country designation described in subpart 25.400 of the Federal Acquisition Regulation; and”; and
- (2) in [section 8303](#)--
 - (A) in subsection (b)--
 - (i) by striking “department or independent establishment” each place it appears and inserting “Federal agency”;
 - (ii) by amending subparagraph (B) of paragraph (1) to read as follows:

“(B) to any articles, materials, or supplies procured pursuant to a reciprocal defense procurement memorandum of understanding (as described in section [8304](#)), or a trade agreement or least developed country designation described in subpart 25.400 of the Federal Acquisition Regulation; and”; and
 - (iii) in paragraph (3)--
 - (I) in the heading, by striking “Inconsistent with public interest” and inserting “Waiver authority”; and
 - (II) by striking “their purchase to be inconsistent with the public interest or their cost to be unreasonable” and inserting “their acquisition to be inconsistent with the public interest, their cost to be unreasonable, or that the articles, materials, or supplies of the class or kind to be used, or the articles, materials, or supplies from which they are manufactured, are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality”; and
 - (B) in subsection (d), as redesignated by subsection (b)(1) of this section, by striking “department, bureau, agency, or independent establishment” each place it appears and inserting “Federal agency”.
- (f) Exclusion From Inflation Adjustment of Acquisition-Related Dollar Thresholds.--

Subparagraph (A) of [section 1908\(b\)\(2\) of title 41](#), United States Code, is amended by striking “chapter 67” and inserting “chapters 67 and 83”.
- Sec. 70923. [Made in America Office.]--**
 - (a) Establishment.--The Director of the Office of Management and Budget shall establish within the Office of Management and Budget an office to be known as the “Made in America Office”. The head of the office shall be appointed by the Director of the Office of Management and Budget (in this section referred to as the “Made in America Director”).
 - (b) Duties.--The Made in America Director shall have the following duties:
 - (1) Maximize and enforce compliance with domestic preference statutes.

- (2) Develop and implement procedures to review waiver requests or inapplicability requests related to domestic preference statutes.
 - (3) Prepare the reports required under subsections (c) and (e).
 - (4) Ensure that Federal contracting personnel, financial assistance personnel, and non-Federal recipients are regularly trained on obligations under the Buy American Act and other agency-specific domestic preference statutes.
 - (5) Conduct the review of reciprocal defense agreements required under subsection (d).
 - (6) Ensure that Federal agencies, Federal financial assistance recipients, and the Hollings Manufacturing Extension Partnership partner with each other to promote compliance with domestic preference statutes.
 - (7) Support executive branch efforts to develop and sustain a domestic supply base to meet Federal procurement requirements.
- (c) Office of Management and Budget Report.--Not later than 1 year after the date of the enactment of this Act, the Director of the Office of Management and Budget, working through the Made in America Director, shall report to the relevant congressional committees on the extent to which, in each of the three fiscal years prior to the date of enactment of this Act, articles, materials, or supplies acquired by the Federal Government were mined, produced, or manufactured outside the United States. Such report shall include for each Federal agency the following:
- (1) A summary of total procurement funds expended on articles, materials, and supplies mined, produced, or manufactured--
 - (A) inside the United States;
 - (B) outside the United States; and
 - (C) outside the United States--
 - (i) under each category of waiver under the Buy American Act;
 - (ii) under each category of exception under such chapter; and
 - (iii) for each country that mined, produced, or manufactured such articles, materials, and supplies.
 - (2) For each fiscal year covered by the report--
 - (A) the dollar value of any articles, materials, or supplies that were mined, produced, or manufactured outside the United States, in the aggregate and by country;
 - (B) an itemized list of all waivers made under the Buy American Act with respect to articles, materials, or supplies, where available, and the country where such articles, materials, or supplies were mined, produced, or manufactured;
 - (C) if any articles, materials, or supplies were acquired from entities that mine, produce, or manufacture such articles, materials, or supplies outside the United States due to an exception (that is not the micro-purchase threshold exception described under section [8302\(a\)\(2\)\(C\)](#) of title 41, United States Code), the specific exception that was used to purchase such articles, materials, or supplies; and
 - (D) if any articles, materials, or supplies were acquired from entities that mine, produce, or manufacture such articles, materials, or supplies outside the United States pursuant to a reciprocal defense procurement memorandum of understanding (as described in [section 8304 of title 41](#), United States Code), or a trade agreement or least developed country designation described in subpart 25.400 of the Federal Acquisition Regulation, a citation to such memorandum of understanding, trade agreement, or designation.

(3) A description of the methods used by each Federal agency to calculate the percentage domestic content of articles, materials, and supplies mined, produced, or manufactured in the United States.

(d) Review of Reciprocal Defense Agreements.--

(1) Review of process.--Not later than 180 days after the date of the enactment of this Act, the Made in America Director shall review the Department of Defense's use of reciprocal defense agreements to determine if domestic entities have equal and proportional access and report the findings of the review to the Director of the Office of Management and Budget, the Secretary of Defense, and the Secretary of State.

(2) Review of reciprocal procurement memoranda of understanding.--The Made in America Director shall review reciprocal procurement memoranda of understanding entered into after the date of the enactment of this Act between the Department of Defense and its counterparts in foreign governments to assess whether domestic entities will have equal and proportional access under the memoranda of understanding and report the findings of the review to the Director of the Office of Management and Budget, the Secretary of Defense, and the Secretary of State.

(e) Report on Use of Made in America Laws.--The Made in America Director shall submit to the relevant congressional committees a summary of each report on the use of Made in America Laws received by the Made in America Director pursuant to section 11 of Executive Order 14005, dated January 25, 2021 (relating to ensuring the future is made in all of America by all of America's workers) not later than 90 days after the date of the enactment of this Act or receipt of the reports required under section 11 of such Executive Order, whichever is later.

(f) Domestic Preference Statute Defined.--In this section, the term "domestic preference statute" means any of the following:

- (1) the Buy American Act;
- (2) a Buy America law (as that term is defined in section 70916(a));
- (3) the Berry Amendment;
- (4) section 604 of the American Recovery and Reinvestment Act of 2009 ([6 U.S.C. 453b](#)) (commonly referred to as the "Kissell amendment");
- (5) section 2533b of title 10 (commonly referred to as the "specialty metals clause");
- (6) laws requiring domestic preference for maritime transport, including the Merchant Marine Act, 1920 ([Public Law 66-261](#)), commonly known as the "Jones Act"; and
- (7) any other law, regulation, rule, or executive order relating to Federal financial assistance awards or Federal procurement, that requires, or provides a preference for, the purchase or acquisition of goods, products, or materials produced in the United States, including iron, steel, construction material, and manufactured goods offered in the United States.

Sec. 70924. [Hollings Manufacturing Extension Partnership Activities.]--

(a) Use of Hollings Manufacturing Extension Partnership to Refer New Businesses to Contracting Opportunities.--The head of each Federal agency shall work with the Director of the Hollings Manufacturing Extension Partnership, as necessary, to ensure businesses participating in this Partnership are aware of their contracting opportunities.

(b) Automatic Enrollment in GSA Advantage!--The Administrator of the General Services Administration and the Secretary of Commerce, acting through the Under Secretary of Commerce for Standards and Technology, shall jointly ensure that each business that participates

in the Hollings Manufacturing Extension Partnership is automatically enrolled in General Services Administration Advantage!.

Sec. 70925. [United States Obligations Under International Agreements.]-- This part, and the amendments made by this part, shall be applied in a manner consistent with United States obligations under international agreements.

Sec. 70926. [Definitions.]-- In this part:

- (1) Berry amendment.--The term "Berry Amendment" means section [2533a of title 10](#), United States Code.
- (2) Buy american act.--The term "Buy American Act" means [chapter 83 of title 41](#), United States Code.
- (3) Federal agency.--The term "Federal agency" has the meaning given the term "executive agency" in [section 133 of title 41](#), United States Code.
- (4) Relevant congressional committees.--The term "relevant congressional committees" means--
 - (A) the Committee on Homeland Security and Governmental Affairs, the Committee on Commerce, Science, and Transportation, the Committee on Environment and Public Works, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Armed Services of the Senate; and
 - (B) the Committee on Oversight and Reform, the Committee on Armed Services, and the Committee on Transportation and Infrastructure of the House of Representatives.
- (5) Waiver.--The term "waiver", with respect to the acquisition of an article, material, or supply for public use, means the inapplicability of [chapter 83 of title 41](#), United States Code, to the acquisition by reason of any of the following determinations under section [8302\(a\)\(1\)](#) or [8303\(b\)](#) of such title:
 - (A) A determination by the head of the Federal agency concerned that the acquisition is inconsistent with the public interest.
 - (B) A determination by the head of the Federal agency concerned that the cost of the acquisition is unreasonable.
 - (C) A determination by the head of the Federal agency concerned that the article, material, or supply is not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities of a satisfactory quality.

Sec. 70927. [Prospective Amendments to Internal Cross-References.]--

- (a) Specialty Metals Clause Reference.--Section 70923(f)(5) is amended by striking "section 2533b" and inserting "section 4863".
 - (b) Berry Amendment Reference.--Section 70926(1) is amended by striking "section [2533a](#)" and inserting "section 4862".
 - (c) Effective Date.--The amendments made by this section shall take effect on January 1, 2022.
- Subtitle B--BuyAmerican.gov

Sec. 70931. [Short Title.]-- This subtitle may be cited as the "BuyAmerican.gov Act of 2021".

Sec. 70932. [Definitions.]-- In this subtitle:

- (1) Buy american law.--The term "Buy American law" means any law, regulation, Executive order, or rule relating to Federal contracts, grants, or financial assistance that requires or provides a preference for the purchase or use of goods, products, or materials mined, produced, or manufactured in the United States, including--
 - (A) [chapter 83 of title 41](#), United States Code (commonly referred to as the "Buy American Act");
 - (A) [section 5323\(j\) of title 49](#), United States Code;

- (B) [section 313 of title 23](#), United States Code;
- (C) [section 22905\(a\) of title 49](#), United States Code;
- (D) [section 50101 of title 49](#), United States Code;
- (E) section 24405 of title 49, United States Code;
- (F) section 608 of the Federal Water Pollution Control Act ([33 U.S.C. 1388](#));
- (G) section 1452(a)(4) of the Safe Drinking Water Act ([42 U.S.C. 300j-12\(a\)\(4\)](#));
- (H) section 5035 of the Water Resources Reform and Development Act of 2014 ([33 U.S.C. 3914](#));
- (I) [section 2533a of title 10](#), United States Code (commonly referred to as the “Berry Amendment”); and
- (J) [section 2533b of title 10](#), United States Code.

(2) Executive agency.--The term “executive agency” has the meaning given the term “agency” in paragraph (1) of [section 3502 of title 44](#), United States Code, except that it does not include an independent regulatory agency, as that term is defined in paragraph (5) of such section.

(3) Buy American waiver.--The term “Buy American waiver” refers to an exception to or waiver of any Buy American law, or the terms and conditions used by an agency in granting an exception to or waiver from Buy American laws.

Sec. 70933. [Sense of Congress on Buying American.]-- It is the sense of Congress that--

- (1) every executive agency should maximize, through terms and conditions of Federal financial assistance awards and Federal procurements, the use of goods, products, and materials produced in the United States and contracts for outsourced government service contracts to be performed by United States nationals;
- (2) every executive agency should scrupulously monitor, enforce, and comply with Buy American laws, to the extent they apply, and minimize the use of waivers; and
- (3) every executive agency should use available data to routinely audit its compliance with Buy American laws.

Sec. 70934. [Assessment of Impact of Free Trade Agreements.]-- Not later than 150 days after the date of the enactment of this Act, the Secretary of Commerce, the United States Trade Representative, and the Director of the Office of Management and Budget shall assess the impacts in a publicly available report of all United States free trade agreements, the World Trade Organization Agreement on Government Procurement, and Federal permitting processes on the operation of Buy American laws, including their impacts on the implementation of domestic procurement preferences.

Sec. 70935. [Judicious Use of Waivers.]--

- (a) In General.--To the extent permitted by law, a Buy American waiver that is determined by an agency head or other relevant official to be in the public interest shall be construed to ensure the maximum utilization of goods, products, and materials produced in the United States.
- (b) Public Interest Waiver Determinations.--To the extent permitted by law, determination of public interest waivers shall be made by the head of the agency with the authority over the Federal financial assistance award or Federal procurement under consideration.

Sec. 70936. [Establishment of BuyAmerican.Gov Website.]—

(a) In General.--Not later than one year after the date of the enactment of this Act, the Administrator of General Services shall establish an Internet website with the address [BuyAmerican.gov](#) that will be publicly available and free to access. The website shall include information on all waivers of and exceptions to Buy American laws since the date of the

enactment of this Act that have been requested, are under consideration, or have been granted by executive agencies and be designed to enable manufacturers and other interested parties to easily identify waivers. The website shall also include the results of routine audits to determine data errors and Buy American law violations after the award of a contract. The website shall provide publicly available contact information for the relevant contracting agencies.

(b) Utilization of Existing Website.--The requirements of subsection (a) may be met by utilizing an existing website, provided that the address of that website is BuyAmerican.gov.

Sec. 70937. [Waiver Transparency and Streamlining for Contracts.]--

(a) Collection of Information.--The Administrator of General Services, in consultation with the heads of relevant agencies, shall develop a mechanism to collect information on requests to invoke a Buy American waiver for a Federal contract, utilizing existing reporting requirements whenever possible, for purposes of providing early notice of possible waivers via the website established under section 70936.

(b) Waiver Transparency and Streamlining.--

(1) Requirement.-- Prior to granting a request to waive a Buy American law, the head of an executive agency shall submit a request to invoke a Buy American waiver to the Administrator of General Services, and the Administrator of General Services shall make the request available on or through the public website established under section 70936 for public comment for not less than 15 days.

(2) Exception.--The requirement under paragraph (1) does not apply to a request for a Buy American waiver to satisfy an urgent contracting need in an unforeseen and exigent circumstance.

(c) Information Available to the Executive Agency Concerning the Request.--

(1) Requirement.--No Buy American waiver for purposes of awarding a contract may be granted if, in contravention of subsection (b)--

(A) information about the waiver was not made available on the website under section 70936; or

(B) no opportunity for public comment concerning the request was granted.

(2) Scope.--Information made available to the public concerning the request included on the website described in section 70936 shall properly and adequately document and justify the statutory basis cited for the requested waiver. Such information shall include--

(A) a detailed justification for the use of goods, products, or materials mined, produced, or manufactured outside the United States;

(B) for requests citing unreasonable cost as the statutory basis of the waiver, a comparison of the cost of the domestic product to the cost of the foreign product or a comparison of the overall cost of the project with domestic products to the overall cost of the project with foreign-origin products or services, pursuant to the requirements of the applicable Buy American law, except that publicly available cost comparison data may be provided in lieu of proprietary pricing information;

(C) for requests citing the public interest as the statutory basis for the waiver, a detailed written statement, which shall include all appropriate factors, such as potential obligations under international agreements, justifying why the requested waiver is in the public interest; and

(D) a certification that the procurement official or assistance recipient made a good faith effort to solicit bids for domestic products supported by terms included in

requests for proposals, contracts, and nonproprietary communications with the prime contractor.

(d) Nonavailability Waivers.--

(1) In general.--Except as provided under paragraph (2), for a request citing nonavailability as the statutory basis for a Buy American waiver, an executive agency shall provide an explanation of the procurement official's efforts to procure a product from a domestic source and the reasons why a domestic product was not available from a domestic source. Those explanations shall be made available on BuyAmerican.gov prior to the issuance of the waiver, and the agency shall consider public comments regarding the availability of the product before making a final determination.

(2) Exception.--An explanation under paragraph (1) is not required for a product the nonavailability of which is established by law or regulation.

Sec. 70938. [Comptroller General Report.]— Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report describing the implementation of this subtitle, including recommendations for any legislation to improve the collection and reporting of information regarding waivers of and exceptions to Buy American laws.

Sec. 70939. [Rules of Construction.]--

(a) Disclosure Requirements.--Nothing in this subtitle shall be construed as preempting, superseding, or otherwise affecting the application of any disclosure requirement or requirements otherwise provided by law or regulation.

(b) Establishment of Successor Information Systems.--Nothing in this subtitle shall be construed as preventing or otherwise limiting the ability of the Administrator of General Services to move the data required to be included on the website established under subsection (a) to a successor information system. Any such information system shall include a reference to BuyAmerican.gov.

Sec. 70940. [Consistency With International Agreements.]-- This subtitle shall be applied in a manner consistent with United States obligations under international agreements.

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DIVISION J--APPROPRIATIONS

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2022, and for other purposes, namely:

* * * * *

TITLE III--ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES
DEPARTMENT OF THE ARMY

Corps of Engineers—Civil investigations

For an additional amount for “Investigations”, \$150,000,000, to remain available until expended:

Provided, That of the amount provided under this heading in this Act, \$30,000,000 shall be used by the Secretary of the Army, acting through the Chief of Engineers, to undertake work authorized to be carried out in accordance with section 22 of the Water Resources Development Act of 1974 ([Public Law 93-251](#); [42 U.S.C. 1962d-16](#)), as amended:

Provided further, That of the amount provided under this heading in this Act, \$45,000,000 shall be used by the Secretary of the Army, acting through the Chief of Engineers, to undertake work authorized to be carried out in accordance with section 206 of the 1960 Flood Control Act ([Public Law 86-645](#)), as amended:

Provided further, That of the amount provided under this heading in this Act, \$75,000,000 shall be used for necessary expenses related to the completion, or initiation and completion, of studies which are authorized prior to the date of enactment of this Act, of which \$30,000,000, to become available on October 1, 2022, shall be used by the Secretary of the Army, acting through the Chief of Engineers, to complete, or to initiate and complete, studies carried out in accordance with section 118 of division AA of the Consolidated Appropriations Act, 2021 ([Public Law 116-260](#)), except that the limitation on the number of studies authorized to be carried out under section 118(b) and section 118(c) shall not apply:

Provided further, That not later than 60 days after the date of enactment of this Act, the Chief of Engineers shall submit to the House and Senate Committees on Appropriations a detailed spend plan for the funds identified for fiscal year 2022 in the preceding proviso, including a list of project locations and new studies selected to be initiated:

Provided further, That not later than 60 days after the date of enactment of this Act, the Chief of Engineers shall provide a briefing to the House and Senate Committees on Appropriations on an implementation plan, including a schedule for solicitation of projects and expenditure of funds, for the funding provided for fiscal year 2023 to undertake work authorized to be carried out in accordance with section 118 of division AA of the Consolidated Appropriations Act, 2021 ([Public Law 116-260](#)):

Provided further, That for fiscal year 2023, as part of the annual budget submission of the President under [section 1105\(a\) of title 31](#), United States Code, the Chief of Engineers shall submit a detailed spend plan for that fiscal year, including a list of project locations for the funding provided to undertake work authorized to be carried out in accordance with section 118 of division AA of the Consolidated Appropriations Act, 2021 ([Public Law 116-260](#)):

Provided further, That beginning not later than 120 days after the enactment of this Act, the Chief of Engineers shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of the funds provided under this heading in this Act, including new studies selected to be initiated using funds provided under this heading:

Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

construction

For an additional amount for “Construction”, \$11,615,000,000, to remain available until expended:

Provided, That the Secretary may initiate additional new construction starts with funds provided under this heading in this Act:

Provided further, That the limitation concerning total project costs in section 902 of the Water Resources Development Act of 1986 ([Public Law 99-662](#); [33 U.S.C. 2280](#)), as amended, shall not apply to any project completed using funds provided under this heading in this Act: Provided further, That of the amount provided under this heading in this Act, such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the general fund of the Treasury:

Provided further, That of the amount provided under this heading in this Act, \$1,500,000,000 shall be for major rehabilitation, construction, and related activities for rivers

and harbors, of which not more than \$250,000,000 shall be to undertake work at harbors defined by section 2006 of the Water Resources Development Act of 2007 ([Public Law 110-114](#), [33 U.S.C. 2242](#)), as amended, and not more than \$250,000,000 may be for projects determined to require repair in the report prepared pursuant to section 1104 of the Water Infrastructure Improvements for the Nation Act ([Public Law 114-322](#)):

Provided further, That of the amount provided under this heading in this Act, \$200,000,000 shall be for water-related environmental infrastructure assistance: Provided further, That of the amount provided under this heading in this Act, \$2,500,000,000 shall be for construction, replacement, rehabilitation, and expansion of inland waterways projects:

Provided further, That section 102(a) of the Water Resources Development Act of 1986 ([Public Law 99-662](#); [33 U.S.C. 2212\(a\)](#)) and section 109 of the Water Resources Development Act of 2020 ([Public Law 116-260](#); 134 Stat. 2624) shall not apply to the extent that such projects are carried out using funds provided in the preceding proviso:

Provided further, That in using such funds referred to in the preceding proviso, the Secretary shall give priority to projects included in the Capital Investment Strategy of the Corps of Engineers:

Provided further, That of the amount provided under this heading in this Act, \$465,000,000 shall be used by the Secretary of the Army, acting through the Chief of Engineers, to undertake work authorized to be carried out in accordance with section 14, as amended, of the Flood Control Act of 1946 ([33 U.S.C. 701r](#)), section 103, as amended, of the River and Harbor Act of 1962 ([Public Law 87-874](#)), section 107, as amended, of the River and Harbor Act 1960 ([Public Law 86-645](#)), section 204 of the Water Resources Development Act of 1992 ([33 U.S.C. 2326](#)), section 205 of the Flood Control Act of 1948 ([33 U.S.C. 701s](#)), section 206 of the Water Resources Development Act of 1996 ([Public Law 104-303](#); [33 U.S.C. 2330](#)), section 1135 of the Water Resources Development Act of 1986 ([Public Law 99-662](#); [33 U.S.C. 2309a](#)), or section 165(a) of division AA of the Consolidated Appropriations Act, 2021 ([Public Law 116-260](#)), notwithstanding the project number or program cost limitations set forth in those sections:

Provided further, That of the amounts in the preceding proviso, \$115,000,000, shall be used under the aquatic ecosystem restoration program under section 206 of the Water Resources Development Act of 1996 ([33 U.S.C. 2330](#)) to restore fish and wildlife passage by removing in-stream barriers and provide technical assistance to non-Federal interests carrying out such activities, at full Federal expense and notwithstanding the individual project cost limitation set forth in that section:

Provided further, That the amounts provided in the preceding proviso shall not be construed to provide any new authority to remove, breach, or otherwise alter the operations of a Federal hydropower dam, and do not limit the Secretary of the Army, acting through the Chief of Engineers, from allotting additional funds from amounts provided under this heading in this Act for other purposes allowed under section 206 of the Water Resources Development Act of 1996 ([33 U.S.C. 2330](#)):

Provided further, That of the amount provided under this heading in this Act, \$1,900,000,000 shall be for aquatic ecosystem restoration projects, of which not less than \$1,000,000,000 shall be for multi-purpose projects or multi-purpose programs that include aquatic ecosystem restoration as a purpose:

Provided further, That of the amount provided under this heading in this Act, \$2,550,000,000 shall be for coastal storm risk management, hurricane and storm damage

reduction projects, and related activities targeting States that have been impacted by federally declared disasters over the last six years, which may include projects authorized by section 116 of [Public Law 111-85](#), of which not less than \$1,000,000,000 shall be for multi-purpose projects or multi-purpose programs that include flood risk management benefits as a purpose:

Provided further, That of the amount provided in the preceding proviso, \$200,000,000 shall be for shore protection projects:

Provided further, That of the funds in the preceding proviso, \$100,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$50,000,000, to remain available until expended, shall be made available for fiscal year 2023, and \$50,000,000, to remain available until expended, shall be made available for fiscal year 2024:

Provided further, That of the amount provided under this heading in this Act, \$2,500,000,000 shall be for inland flood risk management projects, of which not less than \$750,000,000 shall be for multi-purpose projects or multi-purpose programs that include flood risk management as a purpose:

Provided further, That in selecting projects under the previous proviso, the Secretary of the Army shall prioritize projects with overriding life-safety benefits:

Provided further, That of the funds in the proviso preceding the preceding proviso, the Secretary of the Army shall, to the maximum extent practicable, prioritize projects in the work plan that directly benefit economically disadvantaged communities, and may take into consideration prioritizing projects that benefit areas in which the percentage of people that live in poverty or identify as belonging to a minority group is greater than the average such percentage in the United States, based on data from the Bureau of the Census:

Provided further, That not later than 60 days after the date of enactment of this Act, the Chief of Engineers shall submit to the House and Senate Committees on Appropriations a detailed spend plan for the funds provided under this heading in this Act for each fiscal year, including a list of project locations and new construction projects selected to be initiated:

Provided further, That beginning not later than 120 days after the enactment of this Act, the Chief of Engineers shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, including new construction projects selected to be initiated using funds provided under this heading in this Act:

Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

mississippi river and tributaries

For an additional amount for "Mississippi River and Tributaries", \$808,000,000, to remain available until expended:

Provided, That of the amount provided under this heading in this Act, \$258,000,000, which shall be obligated within 90 days of enactment of this Act, shall be used for necessary expenses to address emergency situations at Corps of Engineers Federal projects caused by natural disasters: Provided further, That the Secretary may initiate additional new construction starts with funds provided under this heading in this Act:

Provided further, That the limitation concerning total project costs in section 902 of the Water Resources Development Act of 1986 ([Public Law 99-662](#); [33 U.S.C. 2280](#)), as amended, shall not apply to any project receiving funds provided under this heading in this Act:

Provided further, That not later than 60 days after the date of enactment of this Act, the Chief of Engineers shall submit to the House and Senate Committees on Appropriations a detailed spend plan for fiscal year 2022, including a list of project locations and construction projects selected to be initiated:

Provided further, That of the amount provided under this heading in this Act, such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for inland harbors shall be derived from the general fund of the Treasury:

Provided further, That beginning not later than 120 days after the enactment of this Act, the Chief of Engineers shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, including construction projects selected to be initiated using funds provided under this heading in this Act:

Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

operation and maintenance (including transfer of funds)

For an additional amount for "Operations and Maintenance", \$4,000,000,000, to remain available until expended:

Provided, That \$2,000,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$1,000,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$1,000,000,000, to remain available until expended, shall be made available for fiscal year 2024:

Provided further, That of the amount provided under this heading in this Act for fiscal year 2022, \$626,000,000, which shall be obligated within 90 days of enactment of this Act, shall be used for necessary expenses to dredge Federal navigation projects in response to, and repair damages to Corps of Engineers Federal projects caused by, natural disasters:

Provided further, That of the amount provided under this heading in this Act, \$40,000,000 shall be to carry out Soil Moisture and Snowpack Monitoring activities, as authorized in section 4003(a) of the Water Resources Reform and Development Act of 2014, as amended:

Provided further, That not later than 60 days after the date of enactment of this Act, the Chief of Engineers shall submit to the House and Senate Committees on Appropriations a detailed spend plan for fiscal year 2022, including a list of project locations, other than for the amount for natural disasters identified in the second proviso:

Provided further, That for fiscal years 2023 and 2024, as part of the annual budget submission of the President under [section 1105\(a\) of title 31](#), United States Code, the Chief of Engineers shall submit a detailed spend plan for that fiscal year, including a list of project locations:

Provided further, That of the amount provided under this heading in this Act, such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for coastal harbors and channels, and for inland harbors shall be derived from the general fund of the Treasury:

Provided further, That up to three percent of the amounts made available under this heading in this Act for any fiscal year may be transferred to "Regulatory Program" or "Expenses" to carry out activities funded by those accounts:

Provided further, That the Committees on Appropriations of the Senate and the House of Representatives shall be notified at least 30 days in advance of any transfer made pursuant to the preceding proviso:

Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

regulatory program

For an additional amount for “Regulatory Program”, \$160,000,000, to remain available until September 30, 2026:

Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

flood control and coastal emergencies

For an additional amount for “Flood Control and Coastal Emergencies”, \$251,000,000, to remain available until expended:

Provided, That funding provided under this heading in this Act and utilized for authorized shore protection projects shall restore such projects to the full project profile at full Federal expense: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

expenses

For an additional amount for “Expenses”, \$40,000,000, to remain available until expended:

Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

water infrastructure finance and innovation program account

For an additional amount for “Water Infrastructure Finance and Innovation Program Account”, \$75,000,000, to remain available until expended:

Provided, That of the amounts provided under this heading in this Act, \$64,000,000 shall be for the cost of direct loans and for the cost of guaranteed loans, for safety projects to maintain, upgrade, and repair dams identified in the National Inventory of Dams with a primary owner type of state, local government, public utility, or private:

Provided further, That no project may be funded with amounts provided under this heading for a dam that is identified as jointly owned in the National Inventory of Dams and where one of those joint owners is the Federal Government:

Provided further, That of the amounts provided under this heading in this Act \$11,000,000 shall be for administrative expenses to carry out the direct and guaranteed loan programs, notwithstanding section 5033 of the Water Infrastructure Finance and Innovation Act of 2014:

Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

general provisions--corps of engineers

Sec. 300. For projects that are carried out with funds under this heading, the Secretary of the Army and the Director of the Office of Management and Budget shall consider other factors in addition to the benefit-cost ratio when determining the economic benefits of projects that benefit disadvantaged communities.

DEPARTMENT OF THE INTERIOR**Central Utah Project****central utah project completion account**

For an additional amount for "Central Utah Project Completion Account", \$50,000,000, to remain available until expended, of which \$10,000,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission:

Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Bureau of Reclamation**water and related resources (including transfer of funds)**

For an additional amount for "Water and Related Resources", \$8,300,000,000, to remain available until expended:

Provided, That \$1,660,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$1,660,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$1,660,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$1,660,000,000, to remain available until expended, shall be made available for fiscal year 2025, \$1,660,000,000, to remain available until expended, shall be made available for fiscal year 2026:

Provided further, That of the amount provided under this heading in this Act for fiscal years 2022 through 2026, \$1,150,000,000 shall be for water storage, groundwater storage, and conveyance projects in accordance with section 40902 of division D of this Act:

Provided further, That of the funds identified in the preceding proviso, \$100,000,000 shall be available for small surface water and ground water storage projects authorized in section 40903 of division D of this Act:

Provided further, That of the amount provided under this heading in this Act, \$3,200,000,000 shall be available for transfer into the Aging Infrastructure Account established by section 9603(d)(1) of the Omnibus Public Land Management Act of 2009, as amended ([43 U.S.C. 510b](#)(d)(1)):

Provided further, That of the funds identified in the preceding proviso, \$100,000,000 shall be made available for reserved or transferred works that have suffered a critical failure, in accordance with section 40904(a) of division D of this Act, and \$100,000,000 shall be made available for dam rehabilitation, reconstruction, or replacement in accordance with section 40904(b) of division D of this Act:

Provided further, That of the amount provided under this heading in this Act for fiscal years 2022 through 2026, \$1,000,000,000 shall be for rural water projects that have been authorized by an Act of Congress before July 1, 2021, in accordance with the Reclamation Rural Water Supply Act of 2006 ([43 U.S.C. 2401](#) et seq.):

Provided further, That of the amount provided under this heading in this Act for fiscal years 2022 through 2026, \$1,000,000,000 shall be for water recycling and reuse projects: Provided further, That of the funds identified in the preceding proviso, \$550,000,000 shall be for water recycling and reuse projects authorized in accordance with the Reclamation Wastewater and Groundwater Study and Facilities Act (42 U.S.C. 390h et seq.), as described in section 40901(4)(A) of division D of this Act, and \$450,000,000 shall be for large-scale water recycling and reuse projects in accordance with section 40905 of division D of this Act:

Provided further, That of the amount provided under this heading in this Act for fiscal years 2022 through 2026, \$250,000,000 shall be for water desalination projects in accordance with the Water Desalinization Act of 1996 ([42 U.S.C. 10301](#) note; [Public Law 104-298](#)), as described in section 40901(5) of division D of this Act:

Provided further, That of the amount provided under this heading in this Act for fiscal years 2022 through 2026, \$500,000,000 shall be for the safety of dams program, in accordance with the Reclamation Safety of Dams Act of 1978 ([43 U.S.C. 506](#) et seq.):

Provided further, That of the amount provided under this heading in this Act for fiscal years 2022 through 2026, \$400,000,000 shall be for WaterSMART Grants in accordance with section 9504 of the Omnibus Public Land Management Act of 2009 ([42 U.S.C. 10364](#)):

Provided further, That of the funds identified in the preceding proviso, \$100,000,000 shall be for projects that would improve the condition of a natural feature or nature-based feature, as described in section 40901(7) of division D of this Act:

Provided further, That of the amount provided under this heading in this Act for fiscal years 2022 through 2026, \$300,000,000 shall be for implementing the drought contingency plan consistent with the obligations of the Secretary under the Colorado River Drought Contingency Plan Authorization Act ([Public Law 116-14](#); 133 Stat. 850), as described in section 40901(8) of division D of this Act:

Provided further, That of the funds identified in the preceding proviso, \$50,000,000 shall be for use in accordance with the Drought Contingency Plan for the Upper Colorado River Basin:

Provided further, That of the amount provided under this heading in this Act for fiscal years 2022 through 2026, \$100,000,000 shall be to provide financial assistance for watershed management projects in accordance with subtitle A of title VI of the Omnibus Public Land Management Act of 2009 ([16 U.S.C. 1015](#) et seq.):

Provided further, That of the amount provided under this heading in this Act for fiscal years 2022 through 2026, \$250,000,000 shall be for design, study and construction of aquatic ecosystem restoration and protection projects in accordance with section 1109 of the Consolidated Appropriations Act, 2021:

Provided further, That of the amount provided under this heading in this Act for fiscal years 2022 through 2026, \$100,000,000 shall be for multi-benefit projects to improve watershed health in accordance with section 40907 of division D of this Act:

Provided further, That of the amounts provided under this heading in this Act for fiscal years 2022 through 2026, \$50,000,000 shall be for endangered species recovery and conservation programs in the Colorado River Basin in accordance with [Public Law 106-392](#), title XVIII of [Public Law 102-575](#), and subtitle E of title IX of [Public Law 111-11](#):

Provided further, That up to three percent of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be for program administration and policy expenses:

Provided further, That not later than 60 days after the date of enactment of this Act, the Secretary of the Interior shall submit to the House and Senate Committees on Appropriations a detailed spend plan, including a list of project locations of the preceding proviso, to be funded for fiscal year 2022:

Provided further, That beginning not later than 120 days after the enactment of this Act, the Secretary of the Interior shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of the funds provided under this heading in this Act:

Provided further, That for fiscal years 2023 through 2026, as part of the annual budget submission of the President under [section 1105\(a\) of title 31](#), United States Code, the Secretary of the Interior shall submit a detailed spend plan for those fiscal years, including a list of project locations:

Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

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Approved November 15, 2021.

Explanatory Remarks

LEGISLATIVE HISTORY--H.R. 3684:

House Report: No. [117-70 \(Pt. 2\)](#), Comm. On Transportation and Infrastructure, June 22, 2021.

No. [117-70 \(Pt. 2\)](#), Comm. on Transportation and Infrastructure, June 22, 2021.

House Print: No. [118-8](#) on June 18, 2021

No. [117-9](#) on June 23, 2021.

CONGRESSIONAL BUDGET OFFICE: On Introduction, [Aug. 9](#), 2021(Revised)

On Manager's Amendment, [June 28](#), 2021

CONGRESSIONAL RECORD, Vol. 167 (2021):

June 30, July 1, considered and passed House.

July 30, Aug. 1-5, 7-10, considered and passed Senate, amended.

Sept. 27, 28, Oct. 1, Nov. 5, House considered and concurred in Senate amendment.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2021):

[Nov. 15](#), Presidential remarks.

CONSOLIDATED APPROPRIATIONS ACT, 2022

[Extracts from] An act making consolidated appropriations for the fiscal year ending September 30, 2022, and for providing emergency assistance for the situation in Ukraine, and for other purposes. (Act of March 15, 2022, [Public Law 117-103](#), 136 Stat. 49)

[SECTION 1. Short Title.]-- This Act may be cited as the “Consolidated Appropriations Act, 2022”.

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DIVISION D--ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2022

Title I--Corps of Engineers--Civil

Title II--Department of the Interior

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DIVISION D--ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2022

TITLE I

CORPS OF ENGINEERS—CIVIL DEPARTMENT OF THE ARMY

Corps of Engineers--Civil

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related efforts.

* * * * *

construction

For expenses necessary for the construction of river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related projects authorized by law; for conducting detailed studies, and plans and specifications, of such projects (including those involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies, and plans and specifications, shall not constitute a commitment of the Government to construction); \$2,492,800,000, to remain available until expended; of which \$97,539,000, to be derived from the Harbor Maintenance Trust Fund, shall be to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program; and of which such sums as are necessary to cover 35 percent of the costs of construction, replacement, rehabilitation, and expansion of inland waterways projects shall be derived from the Inland Waterways Trust Fund, except as otherwise specifically provided for in law:

Provided, That the Secretary shall not deviate from the work plan, once the plan has been submitted to the Committees on Appropriations of both Houses of Congress.

mississippi river and tributaries

For expenses necessary for flood damage reduction projects and related efforts in the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, \$370,000,000, to remain available until expended, of which \$10,312,000, to be derived from the

Harbor Maintenance Trust Fund, shall be to cover the Federal share of eligible operation and maintenance costs for inland harbors:

Provided, That the Secretary shall not deviate from the work plan once the plan has been submitted to the Committees on Appropriations of both Houses of Congress.

operation and maintenance

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; providing security for infrastructure owned or operated by the Corps, including administrative buildings and laboratories; maintaining harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; surveying and charting northern and northwestern lakes and connecting waters; clearing and straightening channels; and removing obstructions to navigation, \$4,570,000,000, to remain available until expended, of which \$1,941,442,000, to be derived from the Harbor Maintenance Trust Fund, shall be to cover the Federal share of eligible operations and maintenance costs for coastal harbors and channels, and for inland harbors; of which such sums as become available from the special account for the Corps of Engineers established by the Land and Water Conservation Fund Act of 1965 shall be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas at which outdoor recreation is available; of which such sums as become available from fees collected under section 217 of [Public Law 104-303](#) shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which such fees have been collected; and of which \$50,000,000, to be derived from the general fund of the Treasury, shall be to carry out subsection (c) of section 2106 of the Water Resources Reform and Development Act of 2014 ([33 U.S.C. 2238c](#)) and shall be designated as being for such purpose pursuant to paragraph (2)(B) of section 14003 of division B of the Coronavirus Aid, Relief, and Economic Security Act ([Public Law 116-136](#)):

Provided, That 1 percent of the total amount of funds provided for each of the programs, projects, or activities funded under this heading shall not be allocated to a field operating activity prior to the beginning of the fourth quarter of the fiscal year and shall be available for use by the Chief of Engineers to fund such emergency activities as the Chief of Engineers determines to be necessary and appropriate, and that the Chief of Engineers shall allocate during the fourth quarter any remaining funds which have not been used for emergency activities proportionally in accordance with the amounts provided for the programs, projects, or activities:

Provided further, That the Secretary shall not deviate from the work plan, once the plan has been submitted to the Committees on Appropriations of both Houses of Congress:

Provided further, That none of the funds provided under this heading in this Act may be used for the projects specified in the table referenced in the succeeding proviso:

Provided further, That in addition to any amounts otherwise available for necessary expenses to dredge Federal navigation projects in response to, and repair damages to Corps of Engineers Federal projects caused by, natural disasters, available amounts provided under the heading "Operation and Maintenance" in title IV of the Disaster Relief Supplemental Appropriations Act, 2022 shall be used for such purposes in the amounts specified and for the projects specified in the table titled "Corps of Engineers--Damage Repairs" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act):

Provided further, That expenditures made or obligations incurred under the heading “Corps of Engineers--Civil--Operation and Maintenance” pursuant to the Continuing Appropriations Act, 2022 for necessary expenses to dredge Federal navigation projects in response to, and repair damages to Corps of Engineers Federal projects caused by, natural disasters shall be charged to available amounts provided under the heading “Operation and Maintenance” in title IV of the Disaster Relief Supplemental Appropriations Act, 2022, consistent with the preceding proviso:

Provided further, That each amount repurposed under this heading in this Act that was previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 or a concurrent resolution on the budget is designated by the Congress as an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

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water infrastructure finance and innovation program account

For the cost of direct loans and for the cost of guaranteed loans, as authorized by the Water Infrastructure Finance and Innovation Act of 2014, \$5,000,000, to remain available until expended, for safety projects to maintain, upgrade, and repair dams identified in the National Inventory of Dams with a primary owner type of state, local government, public utility, or private:

Provided, That no project may be funded with amounts provided under this heading for a dam that is identified as jointly owned in the National Inventory of Dams and where one of those joint owners is the Federal Government:

Provided further, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974:

Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans, including capitalized interest, and total loan principal, including capitalized interest, any part of which is to be guaranteed, not to exceed \$500,000,000:

Provided further, That within 30 days of enactment of this Act, the Secretary, in consultation with the Office of Management and Budget, shall transmit a report to the Committees on Appropriations of the House of Representatives and the Senate that provides:

- (1) an analysis of how subsidy rates will be determined for loans financed by appropriations provided under this heading in this Act;
- (2) a comparison of the factors that will be considered in estimating subsidy rates for loans financed under this heading in this Act with factors that will be considered in estimates of subsidy rates for other projects authorized by the Water Infrastructure Finance and Innovation Act of 2014, including an analysis of how both sets of rates will be determined; and
- (3) an analysis of the process for developing draft regulations for the Water Infrastructure Finance and Innovation program, including a crosswalk from the statutory requirements for such program, and a timetable for publishing such regulations:

Provided further, That the use of direct loans or loan guarantee authority under this heading for direct loans or commitments to guarantee loans for any project shall be in accordance with the criteria published in the Federal Register on June 30, 2020 (85 FR 39189) pursuant to the fourth proviso under the heading “Water Infrastructure Finance and Innovation

Program Account” in division D of the Further Consolidated Appropriations Act, 2020 ([Public Law 116-94](#)):

Provided further, That none of the direct loans or loan guarantee authority made available under this heading shall be available for any project unless the Secretary and the Director of the Office of Management and Budget have certified in advance in writing that the direct loan or loan guarantee, as applicable, and the project comply with the criteria referenced in the previous proviso:

Provided further, That any references to the Environmental Protection Agency (EPA) or the Administrator in the criteria referenced in the previous two provisos shall be deemed to be references to the Army Corps of Engineers or the Secretary of the Army, respectively, for purposes of the direct loans or loan guarantee authority made available under this heading:

Provided further, That for the purposes of carrying out the Congressional Budget Act of 1974, the Director of the Congressional Budget Office may request, and the Secretary shall promptly provide, documentation and information relating to a project identified in a Letter of Interest submitted to the Secretary pursuant to a Notice of Funding Availability for applications for credit assistance under the Water Infrastructure Finance and Innovation Act Program, including with respect to a project that was initiated or completed before the date of enactment of this Act.

In addition, fees authorized to be collected pursuant to sections 5029 and 5030 of the Water Infrastructure Finance and Innovation Act of 2014 shall be deposited in this account, to remain available until expended.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, \$2,200,000, to remain available until September 30, 2023.

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TITLE II

DEPARTMENT OF THE INTERIOR

Central Utah Project

central utah project completion account

For carrying out activities authorized by the Central Utah Project Completion Act, \$23,000,000, to remain available until expended, of which \$5,000,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission:

Provided, That of the amount provided under this heading, \$1,550,000 shall be available until September 30, 2023, for expenses necessary in carrying out related responsibilities of the Secretary of the Interior:

Provided further, That for fiscal year 2022, of the amount made available to the Commission under this Act or any other Act, the Commission may use an amount not to exceed \$1,850,000 for administrative expenses.

Bureau of Reclamation

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

water and related resources (including transfers of funds)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments,

federally recognized Indian Tribes, and others, \$1,747,101,000, to remain available until expended, of which \$71,217,000 shall be available for transfer to the Upper Colorado River Basin Fund and \$19,606,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund:

Provided, That \$40,000,000 shall be available for transfer into the Blackfeet Water Settlement Implementation Fund established by section 3717 of [Public Law 114-322](#):

Provided further, That \$100,000 shall be available for transfer into the Aging Infrastructure Account established by section 9603(d)(1) of the Omnibus Public Land Management Act of 2009, as amended ([43 U.S.C. 510b\(d\)\(1\)](#)):

Provided further, That such transfers, except for the transfer authorized by the preceding proviso, may be increased or decreased within the overall appropriation under this heading:

Provided further, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund, the Water Storage Enhancement Receipts account established by section 4011(e) of [Public Law 114-322](#), or the Bureau of Reclamation special fee account established by [16 U.S.C. 6806](#) shall be derived from that Fund or account:

Provided further, That funds contributed under [43 U.S.C. 395](#) are available until expended for the purposes for which the funds were contributed:

Provided further, That funds advanced under [43 U.S.C. 397a](#) shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading:

Provided further, That of the amounts made available under this heading, \$10,000,000 shall be deposited in the San Gabriel Basin Restoration Fund established by section 110 of title I of division B of appendix D of [Public Law 106-554](#):

Provided further, That of the amounts provided herein, funds may be used for high-priority projects which shall be carried out by the Youth Conservation Corps, as authorized by [16 U.S.C. 1706](#):

Provided further, That within available funds, \$250,000 shall be for grants and financial assistance for educational activities.

central valley project restoration fund

For carrying out the programs, projects, plans, habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, \$56,499,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), and 3405(f) of [Public Law 102-575](#), to remain available until expended:

Provided, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of [Public Law 102-575](#):

Provided further, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

california bay-delta restoration (including transfers of funds)

For carrying out activities authorized by the Water Supply, Reliability, and Environmental Improvement Act, consistent with plans to be approved by the Secretary of the Interior, \$33,000,000, to remain available until expended, of which such amounts as may be necessary to

carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes:

Provided, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management:

Provided further, That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program.

policy and administration

For expenses necessary for policy, administration, and related functions in the Office of the Commissioner, the Denver office, and offices in the six regions of the Bureau of Reclamation, to remain available until September 30, 2023, \$64,400,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in [43 U.S.C. 377](#):

Provided, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

administrative provision

Appropriations for the Bureau of Reclamation shall be available for purchase and replacement of not to exceed 30 motor vehicles, which are for replacement only.

GENERAL PROVISIONS--DEPARTMENT OF THE INTERIOR

Sec. 201. (a) None of the funds provided in title II of this Act for Water and Related Resources, or provided by previous or subsequent appropriations Acts to the agencies or entities funded in title II of this Act for Water and Related Resources that remain available for obligation or expenditure in fiscal year 2022, shall be available for obligation or expenditure through a reprogramming of funds that--

- (1) initiates or creates a new program, project, or activity;
- (2) eliminates a program, project, or activity;
- (3) increases funds for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the Committees on Appropriations of both Houses of Congress;
- (4) restarts or resumes any program, project or activity for which funds are not provided in this Act, unless prior approval is received from the Committees on Appropriations of both Houses of Congress;
- (5) transfers funds in excess of the following limits, unless prior approval is received from the Committees on Appropriations of both Houses of Congress:
 - (A) 15 percent for any program, project or activity for which \$2,000,000 or more is available at the beginning of the fiscal year; or
 - (B) \$400,000 for any program, project or activity for which less than \$2,000,000 is available at the beginning of the fiscal year;
- (6) transfers more than \$500,000 from either the Facilities Operation, Maintenance, and Rehabilitation category or the Resources Management and Development category to any program, project, or activity in the other category, unless prior approval is received from the Committees on Appropriations of both Houses of Congress; or
- (7) transfers, where necessary to discharge legal obligations of the Bureau of Reclamation, more than \$5,000,000 to provide adequate funds for settled contractor claims, increased contractor earnings due to accelerated rates of operations, and real estate deficiency judgments, unless prior approval is received from the Committees on Appropriations of both Houses of Congress.

(b) Subsection (a)(5) shall not apply to any transfer of funds within the Facilities Operation, Maintenance, and Rehabilitation category.

(c) For purposes of this section, the term “transfer” means any movement of funds into or out of a program, project, or activity.

(d) Except as provided in subsections (a) and (b), the amounts made available in this title under the heading “Bureau of Reclamation-- Water and Related Resources” shall be expended for the programs, projects, and activities specified in the “Final Bill” columns in the “Water and Related Resources” table included under the heading “Title II--Department of the Interior” in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(e) The Bureau of Reclamation shall submit reports on a quarterly basis to the Committees on Appropriations of both Houses of Congress detailing all the funds reprogrammed between programs, projects, activities, or categories of funding. The first quarterly report shall be submitted not later than 60 days after the date of enactment of this Act.

Sec. 202. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the “Cleanup Program--Alternative Repayment Plan” and the “SJVDP--Alternative Repayment Plan” described in the report entitled “Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995”, prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

Sec. 203. Section 9504(e) of the Omnibus Public Land Management Act of 2009 ([42 U.S.C. 10364\(e\)](#)) is amended by striking “\$610,000,000” and inserting “\$750,000,000”.

Sec. 204. Title I of [Public Law 108-361](#) (the CALFED Bay-Delta Authorization Act) (118 Stat. 1681), as amended by section 204 of division D of [Public Law 116-260](#), is amended by striking “2021” each place it appears and inserting “2022”.

Sec. 205. Section 9106(g)(2) of [Public Law 111-11](#) (Omnibus Public Land Management Act of 2009) is amended by striking “2021” and inserting “2022”.

Sec. 206. (a) Section 104(c) of the Reclamation States Emergency Drought Relief Act of 1991 ([43 U.S.C. 2214\(c\)](#)) is amended by striking “2021” and inserting “2022”.

(b) Section 301 of the Reclamation States Emergency Drought Relief Act of 1991 ([43 U.S.C. 2241](#)) is amended by striking “2021” and inserting “2022”.

Sec. 207. Section 1101(d) of the Reclamation Projects Authorization and Adjustment Act of 1992 ([Public Law 102-575](#)) is amended by striking “\$10,000,000” and inserting “\$13,000,000”.

Sec. 208. None of the funds made available by this Act may be used for pre-construction or construction activities for any project recommended after enactment of the Energy and Water Development and Related Agencies Appropriations Act, 2020 and prior to enactment of this Act by the Secretary of the Interior and transmitted to the appropriate committees of Congress

pursuant to section 4007 of the Water Infrastructure Improvements for the Nation Act ([Public Law 114-322](#)) if such project is not named in this Act, [Public Law 116-260](#), or [Public Law 117-43](#).

* * * * *

Approved: March 15, 2022

Explanatory Remarks

LEGISLATIVE HISTORY—H.R. 2471

House Report: No. [Rpt. 117-98](#), Comm. on Appropriations, Subcomm. on Energy and Water Development, July 20, 2021

Senate Report: No. [Rpt. 117-36](#), Comm. on Appropriations, Subcomm. on Energy and Water Development, Aug. 4, 2021

House Rules Committee, Joint Explanatory Statement, [Div. D](#), March 9, 2022

House Report: No. [Rpt. 117-269](#), Comm. on Rules, March 9, 2022

House Vote: Final [Vote](#), March 9, 2022

Senate Vote: Final [Vote](#), March 10, 2022.

CONGRESSIONAL BUDGET OFFICE, [Cost Estimate](#), March 14, 2022

INFLATION REDUCTION ACT OF 2022

[Extracts from] An act to provide for reconciliation pursuant to title II of S. Con. Res. 14. (Act of Aug. 16, 2022, Public Law [117-169](#), 136 Stat. 1818)

Subtitle B – Natural Resources

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PART 3--DROUGHT RESPONSE AND PREPAREDNESS

Sec. 50231. [Bureau of Reclamation Domestic Water Supply Projects.]-- In addition to amounts otherwise available, there is appropriated to the Secretary, acting through the Commissioner of Reclamation, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$550,000,000, to remain available through September 30, 2031, for grants, contracts, or financial assistance agreements for disadvantaged communities (identified according to criteria adopted by the Commissioner of Reclamation) in a manner as determined by the Commissioner of Reclamation for up to 100 percent of the cost of the planning, design, or construction of water projects the primary purpose of which is to provide domestic water supplies to communities or households that do not have reliable access to domestic water supplies in a State or territory described in the first section of the Act of June 17, 1902 ([43 U.S.C. 391](#); 32 Stat. 388, chapter 1093).

Sec. 50232. [Canal Improvement Projects.]-- In addition to amounts otherwise available, there is appropriated to the Secretary, acting through the Commissioner of Reclamation, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$25,000,000, to remain available through September 30, 2031, for the design, study, and implementation of projects (including pilot and demonstration projects) to cover water conveyance facilities with solar panels to generate renewable energy in a manner as determined by the Secretary or for other solar projects associated with Bureau of Reclamation projects that increase water efficiency and assist in implementation of clean energy goals.

Sec. 50233. [Drought Mitigation in the Reclamation States.]

(a) Definition of Reclamation State.-- In this section, 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](#)).

(b) Appropriation.-- In addition to amounts otherwise available, there is appropriated to the Secretary (acting through the Commissioner of Reclamation), for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$4,000,000,000, to remain available through September 30, 2026, for grants, contracts, or financial assistance agreements, in accordance with the reclamation laws, to or with public entities and Indian Tribes, that provide for the conduct of the following activities to mitigate the impacts of drought in the Reclamation States, with priority given to the Colorado River Basin and other basins experiencing comparable levels of long-term drought, to be implemented in compliance with applicable environmental law:

- (1) Compensation for a temporary or multiyear voluntary reduction in diversion of water or consumptive water use.
- (2) Voluntary system conservation projects that achieve verifiable reductions in use of or demand for water supplies or provide environmental benefits in the Lower Basin or Upper Basin of the Colorado River.

(3) Ecosystem and habitat restoration projects to address issues directly caused by drought in a river basin or inland water body.

(c) Report.-- Not later than 1 year after the date of enactment of this Act, and each year thereafter, the Secretary shall submit to Congress a report that describes any expenditures under this section.

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Sec. 80004. [Emergency Drought Relief for Tribes]

(a) EMERGENCY DROUGHT RELIEF FOR TRIBES. — In addition to amounts otherwise available, there is appropriated to the Commissioner of the Bureau of Reclamation for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$12,500,000, to remain available until September 30, 2026, for near-term drought relief actions to mitigate drought impacts for Indian Tribes that H. R. 5376—273 are impacted by the operation of a Bureau of Reclamation water project, including through direct financial assistance to address drinking water shortages and to mitigate the loss of Tribal trust resources.

(b) COST-SHARING AND MATCHING REQUIREMENTS. — None of the funds provided by this section shall be subject to cost-sharing or matching requirements.

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Approved August 16, 2022.

Explanatory Remarks

LEGISLATIVE HISTORY -- H.R. 5376:

CONGRESSIONAL BUDGET OFFICE, Cost Estimate, [Aug. 12](#), 2022.

CONGRESSIONAL RECORD, Vol. 167 (2021):

[Nov. 18](#), considered and passed House.

CONGRESSIONAL RECORD, Vol. 168 (2022)

[Aug. 6](#), Passed the Senate

CONGRESSIONAL RECORD, Vol. 168 (2022)

Aug. 12, House Concurred with Senate Amendments

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2022): [Aug. 16](#), Presidential remarks.

CONSOLIDATED APPROPRIATIONS ACT, 2023

[Extracts from] An act making consolidated appropriations for the fiscal year ending September 30, 2023, and for providing emergency assistance for the situation in Ukraine, and for other purposes. (Act of December 29, 2022, Public Law [117-328](#), 136 Stat. 4623)

[Section 2. Table of Contents.]-- This Act may be cited as the “Consolidated Appropriations Act, 2023”.

Sec. 2. TABLE OF CONTENTS.

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. References.

Sec. 4. Explanatory statement.

Sec. 5. Statement of appropriations.

Sec. 6. Adjustments to compensation.

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DIVISION D--ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2023

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Title II--Department of the Interior

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Title V--General Provisions

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DIVISION G--DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2023

Title I--Department of the Interior

Title II--Environmental Protection Agency

Title III--Related Agencies

Title IV--General Provisions

* * * * *

Sec. 3. [References.]-- Except as expressly provided otherwise, any reference to “this Act” contained in any division of this Act shall be treated as referring only to the provisions of that division.

Sec. 4. [Explanatory Statement.]-- The explanatory statement regarding this Act, printed in the Senate section of the Congressional Record on or about December 19, 2022, and submitted by the chair of the Committee on Appropriations of the Senate, shall have the same effect with respect to the allocation of funds and implementation of divisions A through L of this Act as if it were a joint explanatory statement of a committee of conference.

Sec. 5. [Statement of Appropriations.]-- The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2023.

Sec. 6. [Adjustments to Compensation.]-- Notwithstanding any other provision of law, no adjustment shall be made under section 601(a) of the Legislative Reorganization Act of 1946 ([2 U.S.C. 4501](#)) (relating to cost of living adjustments for Members of Congress) during fiscal year 2023.

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DIVISION D--ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2023

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TITLE II

DEPARTMENT OF THE INTERIOR

Central Utah Project; central utah project completion account

For carrying out activities authorized by the Central Utah Project Completion Act, \$23,000,000, to remain available until expended, of which \$5,000,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission:

Provided, That of the amount provided under this heading, \$1,600,000 shall be available until September 30, 2024, for expenses necessary in carrying out related responsibilities of the Secretary of the Interior:

Provided further, That for fiscal year 2023, of the amount made available to the Commission under this Act or any other Act, the Commission may use an amount not to exceed \$1,880,000 for administrative expenses.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

water and related resources; (including transfers of funds)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, federally recognized Indian Tribes, and others, \$1,787,151,000, to remain available until expended, of which \$22,165,000 shall be available for transfer to the Upper Colorado River Basin Fund and \$7,584,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund:

Provided, That \$500,000 shall be available for transfer into the Aging Infrastructure Account established by section 9603(d)(1) of the Omnibus Public Land Management Act of 2009, as amended ([43 U.S.C. 510b](#)(d)(1)):

Provided further, That such transfers, except for the transfer authorized by the preceding proviso, may be increased or decreased within the overall appropriation under this heading:

Provided further, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund, the Water Storage Enhancement Receipts account established by section 4011(e) of [Public Law 114-322](#), or the Bureau of Reclamation special fee account established by [16 U.S.C. 6806](#) shall be derived from that Fund or account:

Provided further, That funds contributed under [43 U.S.C. 395](#) are available until expended for the purposes for which the funds were contributed:

Provided further, That funds advanced under [43 U.S.C. 397a](#) shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading:

Provided further, That of the amounts made available under this heading, \$10,000,000 shall be deposited in the San Gabriel Basin Restoration Fund established by section 110 of title I of division B of appendix D of [Public Law 106-554](#):

Provided further, That of the amounts provided herein, funds may be used for high-priority projects which shall be carried out by the Youth Conservation Corps, as authorized by [16 U.S.C. 1706](#):

Provided further, That within available funds, \$250,000 shall be for grants and financial assistance for educational activities:

Provided further, That in accordance with section 4007 of [Public Law 114-322](#) and as recommended by the Secretary in a letter dated November 30, 2022, funding provided for such purpose in fiscal years 2021 and 2022 shall be made available to the Los Vaqueros Reservoir Expansion Project Phase 2, and the North-of-the-Delta Off Stream Storage (Sites Reservoir Project):

Provided further, That in accordance with section 4009(a) of [Public Law 114-322](#) and as recommended by the Secretary in a letter dated November 30, 2022, funding provided for such purpose in fiscal year 2022 shall be made available to the El Paso Water Utilities Public Service Board:

Provided further, That in accordance with section 4009(c) of [Public Law 114-322](#) and as recommended by the Secretary in a letter dated November 30, 2022, funding provided for such purpose in fiscal year 2022 shall be made available to the Eastern Municipal Water District.

central valley project restoration fund

For carrying out the programs, projects, plans, habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, such sums as may be collected in fiscal year 2023 in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), and 3405(f) of [Public Law 102-575](#), to remain available until expended:

Provided, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of [Public Law 102-575](#):

Provided further, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

california bay-delta restoration; (including transfers of funds)

For carrying out activities authorized by the Water Supply, Reliability, and Environmental Improvement Act, consistent with plans to be approved by the Secretary of the Interior, \$33,000,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes:

Provided, That funds appropriated herein may be used for the Federal share of the costs of Calfed Program management:

Provided further, That Calfed implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program.

policy and administration

For expenses necessary for policy, administration, and related functions in the Office of the Commissioner, the Denver office, and offices in the six regions of the Bureau of Reclamation, to

remain available until September 30, 2024, \$65,079,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in [43 U.S.C. 377](#):

Provided, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

administrative provision

Appropriations for the Bureau of Reclamation shall be available for purchase and replacement of not to exceed 30 motor vehicles, which are for replacement only.

GENERAL PROVISIONS--DEPARTMENT OF THE INTERIOR

Sec. 201. (a) None of the funds provided in title II of this Act for Water and Related Resources, or provided by previous or subsequent appropriations Acts to the agencies or entities funded in title II of this Act for Water and Related Resources that remain available for obligation or expenditure in fiscal year 2023, shall be available for obligation or expenditure through a reprogramming of funds that--

- (1) initiates or creates a new program, project, or activity;
- (2) eliminates a program, project, or activity;
- (3) increases funds for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the Committees on Appropriations of both Houses of Congress;
- (4) restarts or resumes any program, project or activity for which funds are not provided in this Act, unless prior approval is received from the Committees on Appropriations of both Houses of Congress;
- (5) transfers funds in excess of the following limits, unless prior approval is received from the Committees on Appropriations of both Houses of Congress:
 - (A) 15 percent for any program, project or activity for which \$2,000,000 or more is available at the beginning of the fiscal year; or
 - (B) \$400,000 for any program, project or activity for which less than \$2,000,000 is available at the beginning of the fiscal year;
- (6) transfers more than \$500,000 from either the Facilities Operation, Maintenance, and Rehabilitation category or the Resources Management and Development category to any program, project, or activity in the other category, unless prior approval is received from the Committees on Appropriations of both Houses of Congress; or
- (7) transfers, where necessary to discharge legal obligations of the Bureau of Reclamation, more than \$5,000,000 to provide adequate funds for settled contractor claims, increased contractor earnings due to accelerated rates of operations, and real estate deficiency judgments, unless prior approval is received from the Committees on Appropriations of both Houses of Congress.

(b) Subsection (a)(5) shall not apply to any transfer of funds within the Facilities Operation, Maintenance, and Rehabilitation category.

(c) For purposes of this section, the term "transfer" means any movement of funds into or out of a program, project, or activity.

(d) Except as provided in subsections (a) and (b), the amounts made available in this title under the heading "Bureau of Reclamation--Water and Related Resources" shall be expended for the programs, projects, and activities specified in the "Final Bill" columns in the "Water and Related Resources" table included under the heading "Title II--Department of the Interior" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(e) The Bureau of Reclamation shall submit reports on a quarterly basis to the Committees on Appropriations of both Houses of Congress detailing all the funds reprogrammed between programs, projects, activities, or categories of funding. The first quarterly report shall be submitted not later than 60 days after the date of enactment of this Act.

Sec. 202. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the "Cleanup Program--Alternative Repayment Plan" and the "SJVDP--Alternative Repayment Plan" described in the report entitled "Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995", prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

Sec. 203. Section 9504(e) of the Omnibus Public Land Management Act of 2009 ([42 U.S.C. 10364\(e\)](#)) is amended by striking "\$750,000,000" and inserting "\$820,000,000".

Sec. 204. (a) Title I of [Public Law 108-361](#) (the Calfed Bay-Delta Authorization Act) (118 Stat. 1681), as amended by section 204 of division D of [Public Law 117-103](#), shall be applied by substituting "2023" for "2022" each place it appears.

(b) Section 103(f)(4)(A) of [Public Law 108-361](#) (the Calfed Bay-Delta Authorization Act) is amended by striking "\$25,000,000" and inserting "\$30,000,000".

Sec. 205. Section 9106(g)(2) of [Public Law 111-11](#) (Omnibus Public Land Management Act of 2009) shall be applied by substituting "2023" for "2022".

Sec. 206. (a) Section 104(c) of the Reclamation States Emergency Drought Relief Act of 1991 ([43 U.S.C. 2214\(c\)](#)) shall be applied by substituting "2023" for "2022".

(b) Section 301 of the Reclamation States Emergency Drought Relief Act of 1991 ([43 U.S.C. 2241](#)) shall be applied by substituting "2023" for "2022" and by substituting "\$130,000,000" for "\$120,000,000".

Sec. 207. Section 529(b)(3) of the Water Resources Development Act of 2000 ([Public Law 106-541](#)) as amended, is amended by striking "\$30,000,000" and inserting "\$40,000,000".

Sec. 208. None of the funds made available by this Act may be used for pre-construction or construction activities for any project recommended after enactment of the Energy and Water Development and Related Agencies Appropriations Act, 2020 and prior to enactment of this Act by the Secretary of the Interior and transmitted to the appropriate committees of Congress pursuant to section 4007 of the Water Infrastructure Improvements for the Nation Act ([Public Law 114-322](#)) if such project is not named in this Act, [Public Law 116-260](#), or [Public Law 117-43](#).

* * * * *

TITLE V

GENERAL PROVISIONS (including transfer of funds)

Sec. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in [18 U.S.C. 1913](#).

Sec. 502. (a) None of the funds made available in title III of this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by or transfer authority provided in this Act or any other appropriations Act for any fiscal year, transfer authority referenced in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), or any authority whereby a department, agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality.

(b) None of the funds made available for any department, agency, or instrumentality of the United States Government may be transferred to accounts funded in title III of this Act, except pursuant to a transfer made by or transfer authority provided in this Act or any other appropriations Act for any fiscal year, transfer authority referenced in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), or any authority whereby a department, agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality.

(c) The head of any relevant department or agency funded in this Act utilizing any transfer authority shall submit to the Committees on Appropriations of both Houses of Congress a semiannual report detailing the transfer authorities, except for any authority whereby a department, agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality, used in the previous 6 months and in the year-to-date. This report shall include the amounts transferred and the purposes for which they were transferred, and shall not replace or modify existing notification requirements for each authority.

Sec. 503. None of the funds made available by this Act may be used in contravention of Executive Order No. 12898 of February 11, 1994 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations).

Sec. 504. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, Tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

This division may be cited as the “Energy and Water Development and Related Agencies Appropriations Act, 2023”.

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DIVISION CC--WATER RELATED MATTERS

Sec. 101. [Extension of Authorizations Related to Fish Recovery Programs.]-- Section 3 of [Public Law 106-392](#) (114 Stat. 1603; 123 Stat. 1310) is amended--

(1) by striking “2023” each place it appears and inserting “2024”;

(2) in subsection (b)(1), by striking “\$179,000,000” and inserting “\$184,000,000”;

- (3) in subsection (b)(2), by striking “\$30,000,000” and inserting “\$25,000,000”;
- (4) in subsection (h), by striking “, at least 1 year prior to such expiration,”; and
- (5) in subsection (j), by striking “2021” each place it appears and inserting “2022”.

Sec. 102. [Colorado River System Conservation Pilot Program.]-- Section 206 of the Energy and Water Development and Related Agencies Appropriations Act, 2015 ([43 U.S.C. 620](#) note; [Public Law 113-235](#)), is amended--

- (1) in subsection (b)(2), by striking “additional funds” and inserting “funds for new water conservation agreements or”;
- (2) in subsection (c)(2), by striking “2022” and inserting “2024”; and
- (3) in subsection (d), by striking “2018” and inserting “2025”.

Sec. 103. [Salton Sea Projects.]-- Section 1101 of the Reclamation Projects Authorization and Adjustment Act of 1992 ([Public Law 102-575](#); 106 Stat. 4661) is amended--

- (1) by redesignating subsections (b) through (d) as subsections (c) through (e), respectively;
- (2) by inserting after subsection (a) the following:

“(b) Additional Project Authorities.--

“(1) In general.--The Secretary of the Interior, acting through the Commissioner of Reclamation, may provide grants and enter into contracts and cooperative agreements to carry out projects located in the area of the Salton Sea in southern California to mitigate impacts from dust from dry and drying lakebeds and to improve fish and wildlife habitat, recreational opportunities, and water quality, in partnership with--

“(A) State, Tribal, and local governments;

“(B) water districts;

“(C) joint powers authorities, including the Salton Sea Authority;

“(D) nonprofit organizations; and

“(E) institutions of higher education.

“(2) Included activities.-- The projects described in paragraph (1) may include--

“(A) construction, operation, maintenance, permitting, and design activities required for the projects; and

“(B) dust suppression projects.”; and

- (3) in subsection (c) (as so redesignated), by striking “project referred to in subsection (a)” and inserting “projects referred to in subsections (a) and (b)”.

Sec. 104. [Authorization of Sun River Project, Montana.]

(a) Authorization.--The Secretary, acting through the Commissioner of Reclamation and pursuant to the reclamation laws, may construct, operate, and maintain facilities in the Sun River project, Montana, for the purpose of hydroelectric power generation.

(b) Effect.--The authorization under subsection (a) shall--

(1) be in addition to any other authorizations for the Sun River project under existing law; and

(2) not limit, restrict, or alter operations of the Sun River project in a manner that would be adverse to the satisfaction of valid existing water rights or water deliveries to the holder of any valid water service contract.

Sec 105. [Eligibility under the Infrastructure Investments and Jobs Act of Small Water Storage and Groundwater Projects.]-- Section 40903(b)(1)(B)(i) of the Infrastructure Investment and Jobs Act ([43 U.S.C. 3203\(b\)](#)(1)(B)(i)) is amended by striking “2,000” and inserting “200”.

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Approved December 29, 2022.

Explanatory Remarks

LEGISLATIVE HISTORY – H.R. 2617

House Report: [117-394](#), June 3, 2022.

Joint Explanatory Statement, Committee Print, [117-50347](#).

CONGRESSIONAL RECORD, Vol. 168 (2022);

Dec. 20, Explanatory Notes, Pgs. [S7819-8551](#), [Pages S8553-9323](#), [Pages S9325-9591](#).

Dec. 22, Senate concurred in the House amendment to Senate amendment [SA 4](#) to [H.R. 2617](#) with an amendment ([SA 6552](#)), under the order of 12/22/22, having achieved 60 votes in the affirmative, by Yeas - 68 - 29. [Record Vote Number: 421](#).

Dec. 23, On motion that the House agree to the Senate amendment to the House amendment to the Senate amendment Agreed to by the Yeas and Nays: 225 - 201, 1 Present ([Roll no. 549](#)).

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2022): Dec. 29, Presidential remarks.

CONGRESSIONAL BUDGET OFFICE, Cost Estimate, [January 12](#), 2023

THE HUALAPAI TRIBE WATER RIGHTS SETTLEMENT ACT OF 2022

An Act to approve the settlement of water rights claims of the Hualapai Tribe and certain allottees in the State of Arizona, to authorize construction of a water project relating to those water rights claims, and for other purposes. (An Act of January 5, 2023, Public Law [117-349](#), 136 STAT. 6225)

[Section 1. Short Title.]-- This Act may be cited as the “Hualapai Tribe Water Rights Settlement Act of 2022”.

Sec. 2. [Purposes.]-- The purposes of this Act are--

(1) to resolve, fully and finally, all claims to rights to water in the State, including the Verde River, the Bill Williams River, and the Colorado River, of--

(A) the Hualapai Tribe, on behalf of the Hualapai Tribe and the members of the Hualapai Tribe; and

(B) the United States, acting as trustee for the Hualapai Tribe, the members of the Hualapai Tribe, and the allottees;

(2) to authorize, ratify, and confirm the Hualapai Tribe water rights settlement agreement, to the extent that agreement is consistent with this Act;

(3) to authorize and direct the Secretary to execute and perform the duties and obligations of the Secretary under the Hualapai Tribe water rights settlement agreement and this Act; and

(4) to authorize the appropriation of funds necessary to carry out the Hualapai Tribe water rights settlement agreement and this Act.

Sec. 3. [Definitions.]-- In this Act:

(1) 1947 judgment.-- The term “1947 Judgment” means the Judgment and the Stipulation and Agreement, including exhibits to the Judgment and the Stipulation and Agreement, entered on March 13, 1947, in United States v. Santa Fe Pac. R.R. Co., No. E-190 (D. Ariz.) and attached to the Hualapai Tribe water rights settlement agreement as Exhibit 3.1.1.

(2) AFY.-- The term “AFY” means acre-feet per year.

(3) Allotment.-- The term “allotment” means any of the 4 off-reservation parcels that are--

(A) held in trust by the United States for individual Indians in the Big Sandy River basin in Mohave County, Arizona, under the patents numbered 1039995, 1039996, 1039997, and 1019494; and

(B) identified as Parcels 1A, 1B, 1C, and 2 on the map attached to the Hualapai Tribe water rights settlement agreement as Exhibit 3.1.6.

(4) Allottee.-- The term “allottee” means any Indian owner of an allotment.

(5) Available cap supply.-- The term “available CAP supply” means, for any year--

(A) all fourth priority water available for delivery through the Central Arizona Project;

(B) water available from Central Arizona Project dams and reservoirs other than the Modified Roosevelt Dam; and

(C) return flows captured by the Secretary for Central Arizona Project use.

(6) Bill Williams act.--The term “Bill Williams Act” means the Bill Williams River Water Rights Settlement Act of 2014 ([Public Law 113-223](#); 128 Stat. 2096).

- (7) Bill Williams agreements.--The term "Bill Williams agreements" means the Amended and Restated Big Sandy River-Planet Ranch Water Rights Settlement Agreement and the Amended and Restated Hualapai Tribe Bill Williams River Water Rights Settlement Agreement, including all exhibits to each agreement, copies of which (excluding exhibits) are attached to the Hualapai Tribe water rights settlement agreement as Exhibit 3.1.11.
- (8) Bill Williams river phase 2 enforceability date.--The term "Bill Williams River Phase 2 Enforceability Date" means the date described in section 14(d).
- (9) Bill Williams river phase 2 water rights settlement agreement.-- The term "Bill Williams River phase 2 water rights settlement agreement" means the agreement of that name that is attached to, and incorporated in, the Hualapai Tribe water rights settlement agreement as Exhibit 4.3.3.
- (10) Cap contract.--The term "CAP contract" means a long-term contract (as defined in the CAP repayment stipulation) with the United States for delivery of CAP water through the CAP system.
- (11) Cap contractor.--
- (A) In general.-- The term "CAP contractor" means a person that has entered into a CAP contract.
 - (B) Inclusion.-- The term "CAP contractor" includes the Hualapai Tribe.
- (12) Cap fixed OM&R charge.-- The term "CAP fixed OM&R charge" has the meaning given the term "Fixed OM&R Charge" in the CAP repayment stipulation.
- (13) Cap M&I priority water.-- The term "CAP M&I priority water" means water within the available CAP supply having a municipal and industrial delivery priority.
- (14) Cap NIA priority water.-- The term "CAP NIA priority water" means water within the available CAP supply having a non-Indian agricultural delivery priority.
- (15) Cap operating agency.-- The term "CAP operating agency" means--
- (A) the 1 or more entities authorized to assume responsibility for the care, operation, maintenance, and replacement of the CAP system; and
 - (B) as of the date of enactment of this Act, the Central Arizona Water Conservation District.
- (16) Cap pumping energy charge.-- The term "CAP pumping energy charge" has the meaning given the term "Pumping Energy Charge" in the CAP repayment stipulation.
- (17) Cap repayment contract.--The term "CAP repayment contract" means--
- (A) the contract dated December 1, 1988 (Contract No. 14-06-W-245, Amendment No. 1), between the United States and the Central Arizona Water Conservation District for the Delivery of Water and Repayment of Costs of the Central Arizona Project; and
 - (B) any amendment to, or revision of, that contract.
- (18) Cap repayment stipulation.--The term "CAP repayment stipulation" means the Stipulated Judgment and the Stipulation for Judgment, including any exhibits to those documents, entered on November 21, 2007, in the United States District Court for the District of Arizona in the consolidated civil action Central Arizona Water Conservation District v. United States, numbered CIV 95-625-TUC-WDB (EHC) and CIV 95-1720-PHX-EHC.
- (19) Cap subcontract.--The term "CAP subcontract" means a long-term subcontract (as defined in the CAP repayment stipulation) with the United States and the Central Arizona Water Conservation District for the delivery of CAP water through the CAP system.
- (20) Cap subcontractor.-- The term "CAP subcontractor" means a person that has entered into a CAP subcontract.

- (21) Cap system.-- The term "CAP system" means--
- (A) the Mark Wilmer Pumping Plant;
 - (B) the Hayden-Rhodes Aqueduct;
 - (C) the Fannin-McFarland Aqueduct;
 - (D) the Tucson Aqueduct;
 - (E) any pumping plant or appurtenant work of a feature described in subparagraph (A), (B), (C), or (D); and
 - (F) any extension of, addition to, or replacement for a feature described in subparagraph (A), (B), (C), (D), or (E).
- (22) Cap water.-- The term "CAP water" has the meaning given the term "Project Water" in the CAP repayment stipulation.
- (23) Central arizona project.-- The term "Central Arizona Project" means the reclamation project authorized and constructed by the United States in accordance with title III of the Colorado River Basin Project Act ([43 U.S.C. 1521](#) et seq.).
- (24) Central arizona water conservation district.-- The term "Central Arizona Water Conservation District" means the political subdivision of the State that is the contractor under the CAP repayment contract.
- (25) Colorado river compact.-- The term "Colorado River Compact" means the Colorado River Compact of 1922, as ratified and reprinted in article 2 of chapter 7 of title 45, Arizona Revised Statutes.
- (26) Colorado river water entitlement.-- The term "Colorado River water entitlement" means the right or authorization to use Colorado River water in the State through a mainstem contract with the Secretary pursuant to section 5 of the Boulder Canyon Project Act ([43 U.S.C. 617d](#)).
- (27) Diversion.--The term "diversion" means an act to divert.
- (28) Divert.-- The term "divert" means to receive, withdraw, develop, produce, or capture water using--
- (A) a ditch, canal, flume, bypass, pipeline, pit, collection or infiltration gallery, conduit, well, pump, turnout, dam, or any other mechanical device; or
 - (B) any other act of man.
- (29) Domestic purpose.--
- (A) In general.--The term "domestic purpose" means any use relating to the supply, service, or activity of a household or private residence.
 - (B) Inclusions.-- The term "domestic purpose" includes the application of water to not more than 2 acres of land to produce a plant or parts of a plant for--
 - (i) sale or human consumption; or
 - (ii) use as feed for livestock, range livestock, or poultry.
- (30) Effluent.--The term "effluent" means water that--
- (A) has been used in the State for domestic, municipal, or industrial purposes, other than solely for hydropower generation; and
 - (B) is available for reuse for any purpose, regardless or whether the water has been treated to improve the quality of the water.
- (31) Enforceability date.-- The term "Enforceability Date" means the date described in section 14(a).
- (32) Exchange.-- The term "exchange" means a trade between 1 or more persons of any water for any other water, if each person has a right or claim to use the water the person provides in the

trade, regardless of whether the water is traded in equal quantities or other consideration is included in the trade.

(33) Fourth priority water.-- The term "fourth priority water" means Colorado River water that is available for delivery in the State for the satisfaction of entitlements--

- (A) in accordance with contracts, Secretarial reservations, perfected rights, and other arrangements between the United States and water users in the State entered into or established after September 30, 1968, for use on Federal, State, or privately owned land in the State, in a total quantity of not greater than 164,652 AFY of diversions; and
- (B) after first providing for the delivery of Colorado River water for the CAP system, including for use on Indian land, under section 304(e) of the Colorado River Basin Project Act ([43 U.S.C. 1524](#)(e)), in accordance with the CAP repayment contract.

(34) Freeport.--

- (A) In general.-- The term "Freeport" means the Delaware corporation named "Freeport Minerals Corporation".
- (B) Inclusions.-- The term "Freeport" includes all subsidiaries, affiliates, successors, and assigns of Freeport Minerals Corporation, including Byner Cattle Company, a Nevada corporation.

(35) Gila river adjudication.-- The term "Gila River adjudication" means the action pending in the Superior Court of the State, in and for the County of Maricopa, In Re the General Adjudication of All Rights To Use Water In The Gila River System and Source, W-1 (Salt), W-2 (Verde), W-3 (Upper Gila), W-4 (San Pedro) (Consolidated).

(36) Gila river adjudication court.-- The term "Gila River adjudication court" means the Superior Court of the State, in and for the County of Maricopa, exercising jurisdiction over the Gila River adjudication.

(37) Gila river adjudication decree.-- The term "Gila River adjudication decree" means the judgment or decree entered by the Gila River adjudication court in substantially the same form as the form of judgment attached to the Hualapai Tribe water rights settlement agreement as Exhibit 3.1.43.

(38) Groundwater.-- The term "groundwater" means all water beneath the surface of the Earth within the State that is not--

- (A) surface water;
- (B) effluent; or
- (C) Colorado River water.

(39) Hualapai fee land.-- The term "Hualapai fee land" means land, other than Hualapai trust land, that--

- (A) is located in the State;
- (B) is located outside the exterior boundaries of the Hualapai Reservation or Hualapai trust land; and
- (C) as of the Enforceability Date, is owned by the Hualapai Tribe, including by a tribally owned corporation.

(40) Hualapai land.-- The term "Hualapai land" means--

- (A) the Hualapai Reservation;
- (B) Hualapai trust land; and
- (C) Hualapai fee land.

(41) Hualapai reservation.-- The term "Hualapai Reservation" means the land within the exterior boundaries of the Hualapai Reservation, including—

- (A) all land withdrawn by the Executive order dated January 4, 1883, as modified by the May 28, 1942, order of the Secretary pursuant to the Act of February 20, 1925 (43 Stat. 954, chapter 273);
- (B) the land identified by the Executive orders dated December 22, 1898, May 14, 1900, and June 2, 1911; and
- (C) the land added to the Hualapai Reservation by sections 11 and 12.
- (42) Hualapai tribe.-- The term "Hualapai Tribe" means the Hualapai Tribe, a federally recognized Indian Tribe of Hualapai Indians organized under section 16 of the Act of June 18, 1934 ([25 U.S.C. 5123](#)) (commonly known as the "Indian Reorganization Act").
- (43) Hualapai tribe cap water.-- The term "Hualapai Tribe CAP water" means the 4,000 AFY of the CAP NIA priority water that--
- (A) was previously allocated to non-Indian agricultural entities;
- (B) was retained by the Secretary for reallocation to Indian Tribes in the State pursuant to section 104(a)(1)(A)(iii) of the Central Arizona Project Settlement Act of 2004 ([Public Law 108-451](#); 118 Stat. 3487); and
- (C) is reallocated to the Hualapai Tribe pursuant to section 13.
- (44) Hualapai tribe water delivery contract.-- The term "Hualapai Tribe water delivery contract" means the contract entered into in accordance with the Hualapai Tribe water rights settlement agreement and section 13(c) for the delivery of Hualapai Tribe CAP water.
- (45) Hualapai tribe water rights settlement agreement.--
- (A) In general.-- The term "Hualapai Tribe water rights settlement agreement" means the agreement, including exhibits, entitled "Hualapai Tribe Water Rights Settlement Agreement" and dated February 11, 2019.
- (B) Inclusions.-- The term "Hualapai Tribe water rights settlement agreement" includes--
- (i) any amendments necessary to make the Hualapai Tribe water rights settlement agreement consistent with this Act; and
- (ii) any other amendments approved by the parties to the Hualapai Tribe water rights settlement agreement and the Secretary.
- (46) Hualapai trust land.-- The term "Hualapai trust land" means land, other than Hualapai fee land, that is--
- (A) located--
- (i) in the State; and
- (ii) outside the exterior boundaries of the Hualapai Reservation; and
- (B) as of the Enforceability Date, held in trust by the United States for the benefit of the Hualapai Tribe.
- (47) Hualapai water project.-- The term "Hualapai Water Project" means the project constructed in accordance with section 6(a)(7)(A).
- (48) Hualapai water trust fund account.--The term "Hualapai Water Trust Fund Account" means the account established under section 6(a)(1).
- (49) 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](#)).
- (50) Injury to water rights.--
- (A) In general.-- The term "injury to water rights" means any interference with, diminution of, or deprivation of, a water right under Federal, State, or other law.
- (B) Exclusion.-- The term "injury to water rights" does not include any injury to water quality.

- (51) Lower basin.-- The term "lower basin" has the meaning given the term in article II(g) of the Colorado River Compact.
- (52) Lower colorado river basin development fund.-- The term "Lower Colorado River Basin Development Fund" means the fund established by section 403(a) of the Colorado River Basin Project Act ([43 U.S.C. 1543](#)(a)).
- (53) Member.-- The term "member" means any person duly enrolled as a member of the Hualapai Tribe.
- (54) OM&R.--The term "OM&R" means--
- (A) any recurring or ongoing activity relating to the day to-day operation of a project;
 - (B) any activity relating to scheduled or unscheduled maintenance of a project; and
 - (C) any activity relating to replacing a feature of a project.
- (55) Parcel 1.-- The term "Parcel 1" means the parcel of land that is--
- (A) depicted as 3 contiguous allotments identified as 1A, 1B, and 1C on the map attached to the Hualapai Tribe water rights settlement agreement as Exhibit 3.1.6; and
 - (B) held in trust for certain allottees.
- (56) Parcel 2.-- The term "Parcel 2" means the parcel of land that is--
- (A) depicted as "Parcel 2" on the map attached to the Hualapai Tribe water rights settlement agreement as Exhibit 3.1.6; and
 - (B) held in trust for certain allottees.
- (57) Parcel 3.--The term "Parcel 3" means the parcel of land that is--
- (A) depicted as "Parcel 3" on the map attached to the Hualapai Tribe water rights settlement agreement as Exhibit 3.1.6;
 - (B) held in trust for the Hualapai Tribe; and
 - (C) part of the Hualapai Reservation pursuant to Executive Order 1368, dated June 2, 1911.
- (58) Party.-- The term "party" means a person that is a signatory to the Hualapai Tribe water rights settlement agreement.
- (59) Secretary.-- The term "Secretary" means the Secretary of the Interior.
- (60) State.--The term "State" means the State of Arizona.
- (61) Stock watering.--The term "stock watering" means the watering of livestock, range livestock, or poultry.
- (62) Surface water.-- The term "surface water" means all water in the State that is appropriable under State law.
- (63) Truxton basin.-- The term "Truxton Basin" means the groundwater aquifer described in the report issued by the United States Geological Survey entitled "Groundwater Availability in the Truxton Basin, Northwestern Arizona", Scientific Investigations Report No. 2020-5017-A.
- (64) Water.--The term "water", when used without a modifying adjective, means--
- (A) groundwater;
 - (B) surface water;
 - (C) effluent; and
 - (D) Colorado River water.
- (65) Water right.-- The term "water right" means any right in or to groundwater, surface water, effluent, or Colorado River water under Federal, State, or other law.

Sec. 4. [Ratification and Execution of Hualapai Tribe Water Rights Settlement Agreement.]--

- (a) Ratification.--

(1) In general.-- Except as modified by this Act and to the extent the Hualapai Tribe water rights settlement agreement does not conflict with this Act, the Hualapai Tribe water rights settlement agreement is authorized, ratified, and confirmed.

(2) Amendments.-- If an amendment to the Hualapai Tribe water rights settlement agreement, or to any exhibit attached to the Hualapai Tribe water rights settlement agreement requiring the signature of the Secretary, is executed in accordance with this Act to make the Hualapai Tribe water rights settlement agreement consistent with this Act, the amendment is authorized, ratified, and confirmed, to the extent the amendment is consistent with this Act.

(b) Execution.--

(1) In general.--To the extent the Hualapai Tribe water rights settlement agreement does not conflict with this Act, the Secretary shall execute the Hualapai Tribe water rights settlement agreement, including all exhibits to, or parts of, the Hualapai Tribe water rights settlement agreement requiring the signature of the Secretary.

(2) Modifications.--Nothing in this Act prohibits the Secretary from approving any modification to an appendix or exhibit to the Hualapai Tribe water rights settlement agreement that is consistent with this Act, to the extent the modification does not otherwise require congressional approval under section 2116 of the Revised Statutes ([25 U.S.C. 177](#)) or any other applicable provision of Federal law.

(c) Environmental Compliance.--

(1) In general.--In implementing the Hualapai Tribe water rights settlement agreement (including all exhibits to the Hualapai Tribe water rights settlement agreement requiring the signature of the Secretary) and this Act, the Secretary shall comply with all applicable provisions of--

(A) the Endangered Species Act of 1973 ([16 U.S.C. 1531](#) et seq.);

(B) the National Environmental Policy Act of 1969 ([42 U.S.C. 4321](#) et seq.), including the implementing regulations of that Act; and

(C) all other applicable Federal environmental laws and regulations.

(2) Compliance.--

(A) In general.-- In implementing the Hualapai Tribe water rights settlement agreement and this Act, the Hualapai Tribe shall prepare any necessary environmental documents, consistent with all applicable provisions of--

(i) the Endangered Species Act of 1973 ([16 U.S.C. 1531](#) et seq.);

(ii) the National Environmental Policy Act of 1969 ([42 U.S.C. 4321](#) et seq.), including the implementing regulations of that Act; and

(iii) all other applicable Federal environmental laws and regulations.

(B) Authorizations.-- The Secretary shall--

(i) independently evaluate the documentation submitted under subparagraph (A); and

(ii) be responsible for the accuracy, scope, and contents of that documentation.

(3) Effect of execution.-- The execution of the Hualapai Tribe water rights settlement agreement by the Secretary under this section shall not constitute a major action for purposes of the National Environmental Policy Act of 1969 ([42 U.S.C. 4321](#) et seq.).

Sec. 5. [Water Rights.]--

(a) Water Rights To Be Held in Trust.—

(1) Hualapai tribe.--The United States shall hold the following water rights in trust for the benefit of the Hualapai Tribe:

(A) The water rights for the Hualapai Reservation described in subparagraph 4.2 of the Hualapai Tribe water rights settlement agreement.

(B) The water rights for Hualapai trust land described in subparagraph 4.4 of the Hualapai Tribe water rights settlement agreement.

(C) The water rights described in section 12(e)(2) for any land taken into trust by the United States for the benefit of the Hualapai Tribe--

(i) after the Enforceability Date; and

(ii) in accordance with section 12(e)(1).

(D) All Hualapai Tribe CAP water.

(2) Allottees.--The United States shall hold in trust for the benefit of the allottees all water rights for the allotments described in subparagraph 4.3.2 of the Hualapai Tribe water rights settlement agreement.

(b) Forfeiture and Abandonment.--The following water rights shall not be subject to loss through non-use, forfeiture, abandonment, or other operation of law:

(1) The water rights for the Hualapai Reservation described in subparagraph 4.2 of the Hualapai Tribe water rights settlement agreement.

(2) The water rights for Hualapai trust land described in subparagraph 4.4 of the Hualapai Tribe water rights settlement agreement.

(3) Any Colorado River water entitlement purchased by the Hualapai Tribe wholly or substantially with amounts in the Economic Development Fund described in section 8.1 of the Amended and Restated Hualapai Tribe Bill Williams River Water Rights Settlement Agreement.

(c) Alienation.--Any Colorado River water entitlement purchased by the Hualapai Tribe wholly or substantially with amounts in the Economic Development Fund described in section 8.1 of the Amended and Restated Hualapai Tribe Bill Williams River Water Rights Settlement Agreement shall be restricted against permanent alienation by the Hualapai Tribe.

(d) Hualapai Tribe Cap Water.--The Hualapai Tribe shall have the right to divert, use, and store the Hualapai Tribe CAP water in accordance with section 13.

(e) Colorado River Water Entitlements.--

(1) Uses.--The Hualapai Tribe shall have the right to use any Colorado River water entitlement purchased by or donated to the Hualapai Tribe at the location to which the entitlement is appurtenant on the date on which the entitlement is purchased or donated.

(2) Storage.--

(A) In general.--Subject to paragraphs (3) and (5), the Hualapai Tribe may store Colorado River water available under any Colorado River water entitlement purchased by or donated to the Hualapai Tribe at underground storage facilities or groundwater savings facilities located within the State and in accordance with State law.

(B) Assignments.--The Hualapai Tribe may assign any long-term storage credits accrued as a result of storage under subparagraph (A) in accordance with State law.

(3) Transfers.--The Hualapai Tribe may transfer the entitlement for use or storage under paragraph (1) or (2), respectively, to another location within the State, including the Hualapai Reservation, in accordance with the Hualapai Tribe water rights settlement agreement and all applicable Federal and State laws governing the transfer of Colorado River water entitlements within the State.

(4) Leases.--The Hualapai Tribe may lease any Colorado River water entitlement for use or storage under paragraph (1) or (2), respectively, to a water user within the State, in accordance with the Hualapai Tribe water rights settlement agreement and all applicable Federal and State laws governing the transfer of Colorado River water entitlements within the State.

(5) Transports.--The Hualapai Tribe, or any person who leases a Colorado River water entitlement from the Hualapai Tribe under paragraph (4), may transport Colorado River water available under the Colorado River water entitlement through the Central Arizona Project in accordance with all laws of the United States and the agreements between the United States and the Central Arizona Water Conservation District governing the use of the Central Arizona Project to transport water other than CAP water.

(f) Use Off-Reservation.--No water rights to groundwater under the Hualapai Reservation or Hualapai trust land, or to surface water on the Hualapai Reservation or Hualapai trust land, may be sold, leased, transferred, or used outside the boundaries of the Hualapai Reservation or Hualapai trust land, other than under an exchange.

(g) Groundwater Transportation.--

(1) Fee land.-- Groundwater may be transported in accordance with State law away from Hualapai fee land and away from land acquired in fee by the Hualapai Tribe, including by a tribally owned corporation, after the Enforceability Date.

(2) Land added to hualapai reservation.-- Groundwater may be transported in accordance with State law away from land added to the Hualapai Reservation by sections 11 and 12 to other land within the Hualapai Reservation.

Sec. 6. [Hualapai Water Trust Fund Account; Construction of Hualapai Water Project; Funding.]

(a) Hualapai Water Trust Fund Account.--

(1) Establishment.--The Secretary shall establish a trust fund account, to be known as the "Hualapai Water Trust Fund Account", to be managed, invested, and distributed by the Secretary and to remain available until expended, withdrawn, or reverted to the general fund of the Treasury, consisting of the amounts deposited in the Hualapai Water Trust Fund Account under paragraph (2), together with any interest earned on those amounts, for the purposes of carrying out this Act.

(2) Deposits.--The Secretary shall deposit in the Hualapai Water Trust Fund Account the amounts made available pursuant to section 7(a)(1).

(3) Management and interest.--

(A) Management.-- On receipt and deposit of funds into the Hualapai Water Trust Fund Account, the Secretary shall manage, invest, and distribute all amounts in the Hualapai Water Trust Fund Account in a manner that is consistent with the investment authority of the Secretary under--

(i) the first section of the Act of June 24, 1938 ([25 U.S.C. 162a](#));

(ii) the American Indian Trust Fund Management Reform Act of 1994 ([25 U.S.C. 4001](#) et seq.); and

(iii) this subsection.

(B) Investment earnings.--In addition to the deposits made to the Hualapai Water Trust Fund Account under paragraph (2), any investment earnings, including interest, credited to amounts held in the Hualapai Water Trust Fund Account are authorized to be appropriated to be used in accordance with paragraph (7).

(4) Availability of amounts.--

(A) In general.--Amounts appropriated to, and deposited in, the Hualapai Water Trust Fund Account, including any investment earnings, shall be made available to the Hualapai Tribe by the Secretary beginning on the Enforceability Date, subject to the requirements of this section.

(B) Use.--Notwithstanding subparagraph (A), amounts deposited in the Hualapai Water Trust Fund Account shall be available to the Hualapai Tribe on the date on which the amounts are deposited for environmental compliance, as provided in section 8.

(5) Withdrawals.--

(A) Withdrawals under the American Indian Trust Fund Management Reform Act of 1994.--

(i) In general.--The Hualapai Tribe may withdraw any portion of the amounts in the Hualapai Water Trust Fund Account on approval by the Secretary of a Tribal management plan submitted by the Tribe in accordance with the American Indian Trust Fund Management Reform Act of 1994 ([25 U.S.C. 4001](#) et seq.).

(ii) Requirements.-- In addition to the requirements under the American Indian Trust Fund Management Reform Act of 1994 ([25 U.S.C. 4001](#) et seq.), the Tribal management plan under this subparagraph shall require that the Hualapai Tribe spend all amounts withdrawn from the Hualapai Water Trust Fund Account and any investment earnings accrued through the investments under the Tribal management plan in accordance with this Act.

(iii) Enforcement.-- The Secretary may carry out such judicial and administrative actions as the Secretary determines to be necessary to enforce the Tribal management plan under this subparagraph to ensure that amounts withdrawn by the Hualapai Tribe from the Hualapai Water Trust Fund Account under clause (i) are used in accordance with this Act.

(B) Withdrawals under expenditure plan.--

(i) In general.-- The Hualapai Tribe may submit to the Secretary a request to withdraw funds from the Hualapai Water Trust Fund Account pursuant to an approved expenditure plan.

(ii) Requirements.-- To be eligible to withdraw amounts under an expenditure plan under this subparagraph, the Hualapai Tribe shall submit to the Secretary an expenditure plan for any portion of the Hualapai Water Trust Fund Account that the Hualapai Tribe elects to withdraw pursuant to this subparagraph, subject to the condition that the amounts shall be used for the purposes described in this Act.

(iii) Inclusions.-- An expenditure plan under this subparagraph shall include a description of the manner and purpose for which the amounts proposed to be

withdrawn from the Hualapai Water Trust Fund Account will be used by the Hualapai Tribe, in accordance with paragraph (7).

(iv) Approval.-- The Secretary shall approve an expenditure plan submitted under clause (ii) if the Secretary determines that the plan--

(I) is reasonable; and

(II) is consistent with, and will be used for, the purposes of this Act.

(v) Enforcement.-- The Secretary may carry out such judicial and administrative actions as the Secretary determines to be necessary to enforce an expenditure plan to ensure that amounts disbursed under this subparagraph are used in accordance with this Act.

(6) Effect.-- Nothing in this section gives the Hualapai Tribe the right to judicial review of a determination of the Secretary relating to whether to approve a Tribal management plan under paragraph (5)(A) or an expenditure plan under paragraph (5)(B) except under subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the "Administrative Procedure Act").

(7) Uses.-- Amounts from the Hualapai Water Trust Fund Account shall be used by the Hualapai Tribe--

(A) to plan, design, construct, and conduct related activities, including compliance with Federal environmental laws under section 8, the Hualapai Water Project, which shall be designed to divert, treat, and convey up to 3,414 AFY of water from the Colorado River in the lower basin in the State, including locations on or directly adjacent to the Hualapai Reservation, for municipal, commercial, and industrial uses on the Hualapai Reservation;

(B) to perform OM&R on the Hualapai Water Project;

(C) to construct facilities to transport electrical power to pump water for the Hualapai Water Project;

(D) to construct, repair, and replace such infrastructure as may be necessary for groundwater wells on the Hualapai Reservation and to construct infrastructure for delivery and use of such groundwater on the Hualapai Reservation;

(E) to acquire land, interests in land, and water rights outside the exterior boundaries of the Hualapai Reservation that are located in the Truxton Basin;

(F) to reimburse the Hualapai Tribe for any--

(i) planning, design, and engineering costs associated with the Hualapai Water Project that the Hualapai Tribe incurs using Tribal funds during the period--

(I) beginning on the date of enactment of this Act; and

(II) ending on the Enforceability Date; and

(ii) construction costs associated with the Hualapai Water Project that the Hualapai Tribe incurs using Tribal funds during the period--

(I) beginning on the date on which the Secretary issues a record of decision; and

(II) ending on the Enforceability Date; and

(G) to make contributions to the Economic Development Fund described in section 8.1 of the Amended and Restated Hualapai Tribe Bill Williams River Water Rights Settlement Agreement for the purpose of purchasing additional Colorado River water entitlements and appurtenant land.

(8) Liability.-- The Secretary and the Secretary of the Treasury shall not be liable for the expenditure or investment of any amounts withdrawn from the Hualapai Water Trust Fund Account by the Hualapai Tribe under paragraph (5).

(9) Title to infrastructure.-- Title to, control over, and operation of any project constructed using funds from the Hualapai Water Trust Fund Account shall remain in the Hualapai Tribe.

(10) OM&R.--All OM&R costs of any project constructed using funds from the Hualapai Water Trust Fund Account shall be the responsibility of the Hualapai Tribe.

(11) No per capita distributions.-- No portion of the Hualapai Water Trust Fund Account shall be distributed on a per capita basis to any member of the Hualapai Tribe.

(12) Expenditure reports.-- The Hualapai Tribe shall annually submit to the Secretary an expenditure report describing accomplishments and amounts spent from use of withdrawals under a Tribal management plan or an expenditure plan under this Act.

(b) Hualapai Water Settlement Implementation Fund Account.--

(1) Establishment.-- There is established in the Treasury of the United States a nontrust, interest-bearing account, to be known as the "Hualapai Water Settlement Implementation Fund Account" (referred to in this subsection as the "Implementation Fund Account") to be managed and distributed by the Secretary, for use by the Secretary for carrying out this Act.

(2) Deposits.--The Secretary shall deposit in the Implementation Fund Account the amounts made available pursuant to section 7(a)(2).

(3) Uses.--The Implementation Fund Account shall be used by the Secretary to carry out section 15(c), including for groundwater monitoring in the Truxton Basin.

(4) Interest.--In addition to the deposits under paragraph (2), any investment earnings, including interest, credited to amounts unexpended in the Implementation Fund Account are authorized to be appropriated to be used in accordance with paragraph (3).

Sec. 7. [Authorizations of Appropriations.]--

(a) Authorizations.--

(1) Hualapai water trust fund account.--There is authorized to be appropriated to the Secretary for deposit in the Hualapai Water Trust Fund Account \$312,000,000, to be available until expended, withdrawn, or reverted to the general fund of the Treasury.

(2) Hualapai water settlement implementation fund account.-- There is authorized to be appropriated to the Secretary for deposit in the Hualapai Water Settlement Implementation Fund account established by section 6(b)(1) \$5,000,000.

(3) Prohibition.--Notwithstanding any other provision of law, any amounts made available under paragraph (1) or (2) shall not be made available from the Reclamation Water Settlements Fund established by section 10501(a) of the Omnibus Public Land Management Act of 2009 ([43 U.S.C. 407\(a\)](#)).

(b) Fluctuation in Costs.--

(1) In general.-- The amount authorized to be appropriated under subsection (a)(1) shall be increased or decreased, as appropriate, by such amounts as may be justified by reason of ordinary fluctuations in costs occurring after the date of enactment of this Act, as indicated by the Bureau of Reclamation Construction Cost Index--Composite Trend.

(2) Construction costs adjustment.--The amount authorized to be appropriated under subsection (a)(1) shall be adjusted to address construction cost changes necessary to account for unforeseen market volatility that may not otherwise be captured by

engineering cost indices as determined by the Secretary, including repricing applicable to the types of construction and current industry standards involved.

(3) Repetition.--The adjustment process under this subsection shall be repeated for each subsequent amount appropriated until the amount authorized, as adjusted, has been appropriated.

(4) Period of indexing.--The period of indexing adjustment for any increment of funding shall end on the date on which the funds are deposited in the Hualapai Water Trust Fund Account.

Sec. 8. [Environmental Compliance.]--

(a) In General.--Effective beginning on the date of deposit of funds in the Hualapai Water Trust Fund Account, the Hualapai Tribe may commence any environmental, cultural, and historical compliance activities necessary to implement the Hualapai Tribe water rights settlement agreement and this Act, including activities necessary to comply with all applicable provisions of--

(1) the Endangered Species Act of 1973 ([16 U.S.C. 1531](#) et seq.);

(2) the National Environmental Policy Act of 1969 ([42 U.S.C. 4321](#) et seq.), including the implementing regulations of that Act; and

(3) all other applicable Federal environmental or historical and cultural protection laws and regulations.

(b) No Effect on Outcome.-- Nothing in this Act affects or directs the outcome of any analysis under the National Environmental Policy Act of 1969 ([42 U.S.C. 4321](#) et seq.) or any other applicable Federal environmental or historical and cultural protection law.

(c) Compliance Costs.-- Any costs associated with the performance of the compliance activities under subsection (a) shall be paid from funds deposited in the Hualapai Water Trust Fund Account, subject to the condition that any costs associated with the performance of Federal approval or other review of such compliance work or costs associated with inherently Federal functions shall remain the responsibility of the Secretary.

(d) Record of Decision.--Construction of the Hualapai Water Project shall not commence until the Secretary issues a record of decision after completion of an environmental impact statement for the Hualapai Water Project.

(e) Construction Costs.--Any costs of construction incurred by the Hualapai Tribe during the period beginning on the date on which the Secretary issues a record of decision and ending on the Enforceability Date shall be paid by the Hualapai Tribe and not from funds deposited in the Hualapai Water Trust Fund Account, subject to the condition that, pursuant to section 6(a)(7)(F), the Hualapai Tribe may be reimbursed after the Enforceability Date from the Hualapai Water Trust Fund Account for any such costs of construction incurred by the Hualapai Tribe prior to the Enforceability Date.

Sec 9. [Waivers, Releases, and Retentions of Claims.]--

(a) Waivers and Releases of Claims by the Hualapai Tribe.--

(1) Claims against the state and others.--

(A) In general.-- Except as provided in subparagraph (C), the Hualapai Tribe, on behalf of the Hualapai Tribe and the members of the Hualapai Tribe (but not members in the capacity of the members as allottees) and the United States, acting as trustee for the Hualapai Tribe and the members of the Hualapai Tribe (but not members in the capacity of the members as allottees), as part of the performance of the respective obligations of the Hualapai Tribe and the United States under the

Hualapai Tribe water rights settlement agreement and this Act, are authorized to execute a waiver and release of any claims against the State (or any agency or political subdivision of the State) and any other individual, entity, corporation, or municipal corporation under Federal, State, or other law for all--

- (i) past, present, and future claims for water rights, including rights to Colorado River water, for Hualapai land, arising from time immemorial and, thereafter, forever;
- (ii) past, present, and future claims for water rights, including rights to Colorado River water, arising from time immemorial and, thereafter, forever, that are based on the aboriginal occupancy of land by the Hualapai Tribe, the predecessors of the Hualapai Tribe, the members of the Hualapai Tribe, or predecessors of the members of the Hualapai Tribe;
- (iii) past and present claims for injury to water rights, including injury to rights to Colorado River water, for Hualapai land, arising from time immemorial through the Enforceability Date;
- (iv) past, present, and future claims for injury to water rights, including injury to rights to Colorado River water, arising from time immemorial and, thereafter, forever, that are based on the aboriginal occupancy of land by the Hualapai Tribe, the predecessors of the Hualapai Tribe, the members of the Hualapai Tribe, or predecessors of the members of the Hualapai Tribe;
- (v) claims for injury to water rights, including injury to rights to Colorado River water, arising after the Enforceability Date, for Hualapai land, resulting from the off-reservation diversion or use of surface water, Colorado River water, or effluent in a manner not in violation of the Hualapai Tribe water rights settlement agreement or State law;
- (vi) past, present, and future claims arising out of, Or relating in any manner to, the negotiation, execution, or adoption of the Hualapai Tribe water rights settlement agreement, any judgment or decree approving or incorporating the Hualapai Tribe water rights settlement agreement, or this Act;
- (vii) claims for water rights of the Hualapai Tribe or the United States, acting as trustee for the Hualapai Tribe and members of the Hualapai Tribe, with respect to Parcel 3, in excess of 300 AFY;
- (viii) claims for injury to water rights arising after the Enforceability Date for Hualapai land resulting from the off-reservation diversion or use of groundwater from--
 - (I) any well constructed outside of the Truxton Basin on or before the date of enactment of this Act;
 - (II) any well constructed outside of the Truxton Basin, and not more than 2 miles from the exterior boundaries of the Hualapai Reservation, after the date of enactment of this Act if--
 - (aa) the well was constructed to replace a well in existence on the date of enactment of this Act;
 - (bb) the replacement well was constructed within 660 feet of the well being replaced; and

- (cc) the pumping capacity and case diameter of the replacement well do not exceed the pumping capacity and case diameter of the well being replaced; or
- (III) any well constructed outside the Truxton Basin, and not less than 2 miles from the exterior boundaries of the Hualapai Reservation, after the date of enactment of this Act, subject to the condition that the authorizations and restrictions regarding the location, size, and operation of wells in the Bill Williams River watershed set forth in the Bill Williams agreements and the Bill Williams Act, and the waivers of claims in the Bill Williams agreements and the Bill Williams Act, shall continue to apply to the parties to the Bill Williams agreements, notwithstanding the provisions of this subsection; and
- (ix) claims for injury to water rights arising after the Enforceability Date, for Hualapai land, resulting from the off-reservation diversion or use of groundwater in the Truxton Basin from--
 - (I) any well constructed within the Truxton Basin for domestic purposes or stock watering--
 - (aa) on or before the date on which the Secretary provides written notice to the State pursuant to section 15(c)(2); or
 - (bb) after the date on which the Secretary provides written notice to the State pursuant to that section if--
 - (AA) the well was constructed to replace a well in existence on the date on which the notice was provided;
 - (BB) the replacement well was constructed within 660 feet of the well being replaced; and
 - (CC) the pumping capacity and case diameter of the replacement well do not exceed the pumping capacity and case diameter of the well being replaced; and
 - (II) any well constructed within the Truxton Basin for purposes other than domestic purposes or stock watering--
 - (aa) on or before the date of enactment of this Act;
 - (bb) after the date of enactment of this Act if the Secretary has not provided written notice to The State pursuant to section 15(c)(2); or
 - (cc) after the date of enactment of this Act if the Secretary has provided written notice to the State pursuant to section 15(c)(2) and if--
 - (AA) the well was constructed to replace a well in existence on the on which date the notice was provided;
 - (BB) the replacement well was constructed within 660 feet of the well being replaced; and
 - (CC) the pumping capacity and case diameter of the replacement well do not exceed the pumping capacity and case diameter of the well being replaced.
- (B) Effective date.--The waiver and release of claims described in subparagraph (A) shall take effect on the Enforceability Date.
- (C) Reservation of rights and retention of claims.-- Notwithstanding the waiver and release of claims described in subparagraph (A), the Hualapai Tribe, acting on

behalf of the Hualapai Tribe and the members of the Hualapai Tribe, and the United States, acting as trustee for the Hualapai Tribe and the members of the Hualapai Tribe (but not members in the capacity of the members as allottees), shall retain any right--

- (i) subject to subparagraph 12.7 of the Hualapai Tribe water rights settlement agreement, to assert claims for injuries to, and seek enforcement of, the rights of the Hualapai Tribe under the Hualapai Tribe water rights settlement agreement or this Act in any Federal or State court of competent jurisdiction;
- (ii) to assert claims for injuries to, and seek enforcement of, the rights of the Hualapai Tribe under any judgment or decree approving or incorporating the Hualapai Tribe water rights settlement agreement;
- (iii) to assert claims for water rights based on State law for land owned or acquired by the Hualapai Tribe in fee, under subparagraph 4.8 of the Hualapai Tribe water rights settlement agreement;
- (iv) to object to any claims for water rights or injury to water rights by or for any Indian Tribe or the United States, acting on behalf of any Indian Tribe;
- (v) to assert past, present, or future claims for injury to water rights against any Indian Tribe or the United States, acting on behalf of any Indian Tribe;
- (vi) to assert claims for injuries to, and seek enforcement of, the rights of the Hualapai Tribe under the Bill Williams agreements or the Bill Williams Act in any Federal or State court of competent jurisdiction;
- (vii) subject to paragraphs (1), (3), (4), and (5) of section 5(e), to assert the rights of the Hualapai Tribe under any Colorado River water entitlement purchased by or donated to the Hualapai Tribe; and
- (viii) to assert claims for injury to water rights arising after the Enforceability Date for Hualapai land resulting from any off-reservation diversion or use of groundwater, without regard to quantity, from--

(I) any well constructed after the date of enactment of this Act outside of the Truxton Basin and not more than 2 miles from the exterior boundaries of the Hualapai Reservation, except a replacement well described in subparagraph (A)(viii)(II), subject to the authorizations and restrictions regarding the location, size, and operation of wells in the Bill Williams River watershed, and the waivers of claims, set forth in the Bill Williams agreements and the Bill Williams Act;

(II) any well constructed within the Truxton Basin for domestic purposes or stock watering after the date on which the Secretary has provided written notice to the State pursuant to section 15(c)(2), except for a replacement well described in subparagraph (A)(ix)(I)(bb); and

(III) any well constructed within the Truxton Basin for purposes other than domestic purposes or stock watering after the date of enactment of this Act, if the Secretary has provided notice to the State pursuant to section 15(c)(2), except for a replacement well as described in subparagraph (A)(ix)(II)(cc).

(2) Claims against United States.--

(A) In general.--Except as provided in subparagraph (C), The Hualapai Tribe, acting on behalf of the Hualapai Tribe and the members of the Hualapai Tribe (but not members in

the capacity of the members as allottees) as part of the performance of the obligations of the Hualapai Tribe under the Hualapai Tribe water rights settlement agreement and this Act, is authorized to execute a waiver and release of all claims against the United States, including agencies, officials, and employees of the United States, under Federal, State, or other law for all--

- (i) past, present, and future claims for water rights, including rights to Colorado River water, for Hualapai land, arising from time immemorial and, thereafter, forever;
- (ii) past, present, and future claims for water rights, including rights to Colorado River water, arising from time immemorial and, thereafter, forever, that are based on the aboriginal occupancy of land by the Hualapai Tribe, the predecessors of the Hualapai Tribe, the members of the Hualapai Tribe, or predecessors of the members of the Hualapai Tribe;
- (iii) past and present claims relating in any manner to damages, losses, or injury to water rights (including injury to rights to Colorado River water), land, or other resources due to loss of water or water rights (including damages, losses, or injuries to hunting, fishing, gathering, or cultural rights due to loss of water or water rights, claims relating to interference with, diversion, or taking of water, or claims relating to the failure to protect, acquire, or develop water, water rights, or water infrastructure) within the State that first accrued at any time prior to the Enforceability Date;
- (iv) past and present claims for injury to water rights, including injury to rights to Colorado River water, for Hualapai land, arising from time immemorial through the Enforceability Date;
- (v) past, present, and future claims for injury to water rights, including injury to rights to Colorado River water, arising from time immemorial and, thereafter, forever, that are based on the aboriginal occupancy of land by the Hualapai Tribe, the predecessors of the Hualapai Tribe, the members of the Hualapai Tribe, or predecessors of the members of the Hualapai Tribe;
- (vi) claims for injury to water rights, including injury to rights to Colorado River water, arising after the Enforceability Date for Hualapai land, resulting from the off-reservation diversion or use of surface water, Colorado River water, or effluent in a manner not in violation of the Hualapai Tribe water rights settlement agreement or State law;
- (vii) past, present, and future claims arising out of, or relating in any manner to, the negotiation, execution, or adoption of the Hualapai Tribe water rights settlement agreement, any judgment or decree approving or incorporating the Hualapai Tribe water rights settlement agreement, or this Act;
- (viii) claims for injury to water rights arising after the Enforceability Date for Hualapai land resulting from the off-Reservation diversion or use of groundwater from--
 - (I) any well constructed on public domain land outside of the Truxton Basin on or before the date of enactment of this Act;
 - (II) any well constructed on public domain land outside of the Truxton Basin, and not more than 2 miles from the exterior boundaries of the Hualapai Reservation, after the date of enactment of this Act if--
 - (aa) the well was constructed to replace a well in existence on the date of enactment of this Act;

- (bb) the replacement well was constructed within 660 feet of the well being replaced; and
 - (cc) the pumping capacity and case diameter of the replacement well do not exceed the pumping capacity and case diameter of the well being replaced; or
- (III) any well constructed on public domain land outside of the Truxton Basin, and not less than 2 miles from the exterior boundaries of the Hualapai Reservation, after the date of enactment of this Act, subject to the condition that the authorizations and restrictions regarding the location, size, and operation of wells in the Bill Williams River watershed set forth in the Bill Williams agreements and the Bill Williams Act, and the waivers of claims in the Bill Williams agreements and the Bill Williams Act, shall continue to apply to the parties to the Bill Williams agreements, notwithstanding the provisions of this subsection; and
- (ix) claims for injury to water rights arising after the Enforceability Date for Hualapai land resulting from the off-reservation diversion or use of groundwater in the Truxton Basin from--
 - (I) any well constructed on public domain land within the Truxton Basin for domestic purposes or stock watering--
 - (aa) on or before the date on which the Secretary provides written notice to the State pursuant to section 15(c)(2); or
 - (bb) after the date on which the Secretary provides written notice to the State pursuant to that section if--
 - (AA) the well was constructed to replace a well in existence on the date on which the notice was provided;
 - (BB) the replacement well was constructed within 660 feet of the well being replaced; and
 - (CC) the pumping capacity and case diameter of the replacement well do not exceed the pumping capacity and case diameter of the well being replaced; and
 - (II) any well constructed on public domain land within the Truxton Basin for purposes other than domestic purposes or stock watering--
 - (aa) on or before the date of enactment of this Act;
 - (bb) after the date of enactment of this Act if the Secretary has not provided written notice to the State pursuant to section 15(c)(2); or
 - (cc) after the date of enactment of this Act if the Secretary has provided written notice to the State pursuant to section 15(c)(2) and if--
 - (AA) the well was constructed to replace a well in existence on the date on which the notice was provided;
 - (BB) the replacement well was constructed within 660 feet of the well being replaced; and
 - (CC) the pumping capacity and case diameter of the replacement well do not exceed the pumping capacity and case diameter of the well being replaced.
- (B) Effective date.--The waiver and release of claims described in subparagraph (A) shall take effect on the Enforceability Date.

(C) Retention of claims.--Notwithstanding the waiver and release of claims described in subparagraph (A), the Hualapai Tribe and the members of the Hualapai Tribe (but not members in the capacity of the members as allottees) shall retain any right--

- (i) subject to subparagraph 12.7 of the Hualapai Tribe water rights settlement agreement, to assert claims for injuries to, and seek enforcement of, the rights of the Hualapai Tribe under the Hualapai Tribe water rights settlement agreement or this Act in any Federal or State court of competent jurisdiction;
- (ii) to assert claims for injuries to, and seek enforcement of, the rights of the Hualapai Tribe under any judgment or decree approving or incorporating the Hualapai Tribe water rights settlement agreement;
- (iii) to assert claims for water rights based on State law for land owned or acquired by the Hualapai Tribe in fee under subparagraph 4.8 of the Hualapai Tribe water rights settlement agreement;
- (iv) to object to any claims for water rights or injury to water rights by or for any Indian Tribe or the United States, acting on behalf of any Indian Tribe;
- (v) to assert past, present, or future claims for injury to water rights against any Indian Tribe or the United States, acting on behalf of any Indian Tribe;
- (vi) to assert claims for injuries to, and seek enforcement of, the rights of the Hualapai Tribe under the Bill Williams agreements or the Bill Williams Act in any Federal or State court of competent jurisdiction;
- (vii) subject to paragraphs (1), (3), (4), and (5) of section 5(e), to assert the rights of the Hualapai Tribe under any Colorado River water entitlement purchased by or donated to the Hualapai Tribe; and
- (viii) to assert any claims for injury to water rights arising after the Enforceability Date for Hualapai land resulting from any off-reservation diversion or use of groundwater, without regard to quantity, from--

(I) any well constructed after the date of enactment of this Act on public domain land outside of the Truxton Basin and not more than 2 miles from the exterior boundaries of the Hualapai Reservation, except for a replacement well described in subparagraph (A)(viii)(II), subject to the authorizations and restrictions regarding the location, size, and operation of wells in the Bill Williams River watershed, and the waivers of claims, set forth in the Bill Williams agreements and the Bill Williams Act;

(II) any well constructed on public domain land within the Truxton Basin for domestic purposes or stock watering after the date on which the Secretary has provided written notice to the State pursuant to section 15(c)(2), except for a replacement well described in subparagraph (A)(ix)(I)(bb); and

(III) any well constructed on public domain land within the Truxton Basin for purposes other than domestic purposes or stock watering after the date of enactment of this Act, if the Secretary has provided notice to the State pursuant to section 15(c)(2), except for a replacement well as described in subparagraph (A)(ix)(II)(cc).

(b) Waivers and Releases of Claims by United States, Acting as Trustee for Allottees.--

(1) In general.--Except as provided in paragraph (3), the United States, acting as trustee for the allottees of the Hualapai Tribe, as part of the performance of the obligations of the United States under the Hualapai Tribe water rights settlement agreement and this Act, is

authorized to execute a waiver and release of any claims against the State (or any agency or political subdivision of the State), the Hualapai Tribe, and any other individual, entity, corporation, or municipal corporation under Federal, State, or other law, for all--

(A) past, present, and future claims for water rights, including rights to Colorado River water, for the allotments, arising from time immemorial and, thereafter, forever;

(B) past, present, and future claims for water rights, including rights to Colorado River water, arising from time immemorial and, thereafter, forever, that are based on the aboriginal occupancy of land by the allottees or predecessors of the allottees;

(C) past and present claims for injury to water rights, including injury to rights to Colorado River water, for the allotments, arising from time immemorial through the Enforceability Date;

(D) past, present, and future claims for injury to water rights, if any, including injury to rights to Colorado River water, arising from time immemorial and, thereafter, forever, that are based on the aboriginal occupancy of land by the allottees or predecessors of the allottees;

(E) claims for injury to water rights, including injury to rights to Colorado River water, arising after the Enforceability Date, for the allotments, resulting from the off-reservation diversion or use of water in a manner not in violation of the Hualapai Tribe water rights settlement agreement or State law;

(F) past, present, and future claims arising out of, or relating in any manner to, the negotiation, execution, or adoption of the Hualapai Tribe water rights settlement agreement, any judgment or decree approving or incorporating the Hualapai Tribe water rights settlement agreement, or this Act; and

(G) claims for any water rights of the allottees or the United States acting as trustee for the allottees with respect to--

(i) Parcel 1, in excess of 82 AFY; or

(ii) Parcel 2, in excess of 312 AFY.

(2) Effective date.--The waiver and release of claims under paragraph (1) shall take effect on the Enforceability Date.

(3) Retention of claims.-- Notwithstanding the waiver and release of claims described in paragraph (1), the United States, acting as trustee for the allottees of the Hualapai Tribe, shall retain any right--

(A) subject to subparagraph 12.7 of the Hualapai Tribe water rights settlement agreement, to assert claims for injuries to, and seek enforcement of, the rights of the allottees, if any, under the Hualapai Tribe water rights settlement agreement or this Act in any Federal or State court of competent jurisdiction;

(B) to assert claims for injuries to, and seek enforcement of, the rights of the allottees under any judgment or decree approving or incorporating the Hualapai Tribe water rights settlement agreement;

(C) to object to any claims for water rights or injury to water rights by or for--

(i) any Indian Tribe other than the Hualapai Tribe; or

(ii) the United States, acting on behalf of any Indian Tribe other than the Hualapai Tribe;

(D) to assert past, present, or future claims for injury to water rights against--

(i) any Indian Tribe other than the Hualapai Tribe; or

(ii) the United States, acting on behalf of any Indian Tribe other than the Hualapai Tribe; and

(E) to assert claims for injuries to, and seek enforcement of, the rights of the allottees under the Bill Williams agreements or the Bill Williams Act in any Federal or State court of competent jurisdiction.

(c) Waiver and Release of Claims by United States Against Hualapai Tribe.--

(1) In general.--Except as provided in paragraph (3), the United States, in all capacities (except as trustee for an Indian Tribe other than the Hualapai Tribe), as part of the performance of the obligations of the United States under the Hualapai Tribe water rights settlement agreement and this Act, is authorized to execute a waiver and release of all claims against the Hualapai Tribe, the members of the Hualapai Tribe, or any agency, official, or employee of the Hualapai Tribe, under Federal, State or any other law for all--

(A) past and present claims for injury to water rights, including injury to rights to Colorado River water, resulting from the diversion or use of water on Hualapai land arising from time immemorial through the Enforceability Date;

(B) claims for injury to water rights, including injury to rights to Colorado River water, arising after the Enforceability Date, resulting from the diversion or use of water on Hualapai land in a manner that is not in violation of the Hualapai Tribe water rights settlement agreement or State law; and

(C) past, present, and future claims arising out of, or related in any manner to, the negotiation, execution, or adoption of the Hualapai Tribe water rights settlement agreement, any judgment or decree approving or incorporating the Hualapai Tribe water rights settlement agreement, or this Act.

(2) Effective date.--The waiver and release of claims under paragraph (1) shall take effect on the Enforceability Date.

(3) Retention of claims.--Notwithstanding the waiver and release of claims described in paragraph (1), the United States shall retain any right to assert any claim not expressly waived in accordance with that paragraph, including any right to assert a claim for injury to, and seek enforcement of, any right of the United States under the Bill Williams agreements or the Bill Williams Act, in any Federal or State court of competent jurisdiction.

(d) Bill Williams River Phase 2 Water Rights Settlement Agreement Waiver, Release, and Retention of Claims.--

(1) Claims against freeport.--

(A) In general.-- Except as provided in subparagraph (C), the United States, acting solely on behalf of the Department of the Interior (including the Bureau of Land Management and the United States Fish and Wildlife Service), as part of the performance of the obligations of the United States under the Bill Williams River phase 2 water rights settlement agreement, is authorized to execute a waiver and release of all claims of the United States against Freeport under Federal, State, or any other law for--

(i) any past or present claim for injury to water rights resulting from--

(I) the diversion or use of water by Freeport pursuant to the water rights described in Exhibit 4.1(ii) to the Bill Williams River phase 2 water rights settlement agreement; and

(II) any other diversion or use of water for mining purposes authorized by the Bill Williams River phase 2 water rights settlement agreement;

(ii) any claim for injury to water rights arising after the Bill Williams River Phase 2 Enforceability Date resulting from--

(I) the diversion or use of water by Freeport pursuant to the water rights described in Exhibit 4.1(ii) to the Bill Williams River phase 2 water rights settlement agreement in a manner not in violation of the Bill Williams River phase 2 water rights settlement agreement;

(II) the diversion of up to 2,500 AFY of water by Freeport from Sycamore Creek as permitted by section 4.3(iv) of the Bill Williams River phase 2 water rights settlement agreement; and

(III) any other diversion or use of water by Freeport authorized by the Bill Williams River phase 2 water rights settlement agreement, subject to the condition that such a diversion and use of water is conducted in a manner not in violation of the Bill Williams River phase 2 water rights settlement agreement; and

(iii) any past, present, or future claim arising out of, or relating in any manner to, the negotiation or execution of the Bill Williams River phase 2 water rights settlement agreement, the Hualapai Tribe water rights settlement agreement, or this Act.

(B) Effective date.--The waiver and release of claims under subparagraph (A) shall take effect on the Bill Williams River Phase 2 Enforceability Date.

(C) Retention of claims.--The United States shall retain all rights not expressly waived in the waiver and release of claims under subparagraph (A), including, subject to section 6.4 of the Bill Williams River phase 2 water rights settlement agreement, the right to assert a claim for injury to, and seek enforcement of, the Bill Williams River phase 2 water rights settlement agreement or this Act, in any Federal or State court of competent jurisdiction (but not a Tribal court).

(2) No precedential effect.--

(A) Pending and future proceedings.--The Bill Williams River phase 2 water rights settlement agreement shall have no precedential effect in any other administrative or judicial proceeding, including--

(i) any pending or future general stream adjudication, or any other litigation involving Freeport or the United States, including any proceeding to establish or quantify a Federal reserved water right;

(ii) any pending or future administrative or judicial proceeding relating to an application--

(I) to appropriate water (for instream flow or other purposes);

(II) to sever and transfer a water right;

(III) to change a point of diversion; or

(IV) to change a place of use for any water right; and

(iii) any proceeding regarding water rights or a claim relating to any Federal land.

(B) No methodology or standard.--Nothing in the Bill Williams River phase 2 water rights settlement agreement establishes any standard or methodology to be used for the quantification of any claim to water rights (whether based on Federal or State

law) in any judicial or administrative proceeding, other than a proceeding to enforce the terms of the Bill Williams River phase 2 water rights settlement agreement.

Sec. 10. [Satisfaction of Water Rights and Other Benefits.]--

(a) Hualapai Tribe and Members.--

(1) In general.--The benefits realized by the Hualapai Tribe and the members of the Hualapai Tribe (but not members in the capacity of the members as allottees) under the Hualapai Tribe water rights settlement agreement, this Act, the Bill Williams agreements, and the Bill Williams Act shall be in full satisfaction of all claims of the Hualapai Tribe, the members of the Hualapai Tribe, and the United States, acting in the capacity of the United States as trustee for the Hualapai Tribe and the members of the Hualapai Tribe, for water rights and injury to water rights under Federal, State, or other law with respect to Hualapai land.

(2) Satisfaction.--Any entitlement to water of the Hualapai Tribe and the members of the Hualapai Tribe (but not members in the capacity of the members as allottees) or the United States, acting in the capacity of the United States as trustee for the Hualapai Tribe and the members of the Hualapai Tribe (but not members in the capacity of the members as allottees), for Hualapai land shall be satisfied out of the water resources and other benefits granted, confirmed, quantified, or recognized by the Hualapai Tribe water rights settlement agreement, this Act, the Bill Williams agreements, and the Bill Williams Act to or for the Hualapai Tribe, the members of the Hualapai Tribe (but not members in the capacity of the members as allottees), and the United States, acting in the capacity of the United States as trustee for the Hualapai Tribe and the members of the Hualapai Tribe (but not members in the capacity of the members as allottees).

(b) Allottee Water Claims.--

(1) In general.--The benefits realized by the allottees of the Hualapai Tribe under the Hualapai Tribe water rights settlement agreement, this Act, the Bill Williams agreements, and the Bill Williams Act shall be in complete replacement of and substitution for, and full satisfaction of, all claims with respect to allotments of the allottees and the United States, acting in the capacity of the United States as trustee for the allottees, for water rights and injury to water rights under Federal, State, or other law.

(2) Satisfaction.--Any entitlement to water of the allottees or the United States, acting in the capacity of the United States as trustee for the allottees, for allotments shall be satisfied out of the water resources and other benefits granted, confirmed, or recognized by the Hualapai Tribe water rights settlement agreement, this Act, the Bill Williams agreements, and the Bill Williams Act to or for the allottees and the United States, acting as trustee for the allottees.

(c) Effect.--Notwithstanding subsections (a) and (b), nothing in this Act or the Hualapai Tribe water rights settlement agreement--

(1) recognizes or establishes any right of a member of the Hualapai Tribe or an allottee to water on Hualapai land; or

(2) prohibits the Hualapai Tribe or an allottee from acquiring additional water rights by purchase of land, credits, or water rights.

Sec. 11. [Land Added to Hualapai Reservation.]-- The following land in the State is added to the Hualapai Reservation:

(1) [Public law 93-560](#).--The land held in trust by the United States for the Hualapai Tribe pursuant to the first section of [Public Law 93-560](#) (88 Stat. 1820).

- (2) 1947 judgment.--The land deeded to the United States in the capacity of the United States as trustee for the Hualapai Tribe pursuant to the 1947 judgment.
- (3) Truxton triangle.--That portion of the S $\frac{1}{2}$ sec. 3, lying south of the south boundary of the Hualapai Reservation and north of the north right-of-way boundary of Arizona Highway 66, and bounded by the west section line of that sec. 3 and the south section line of that sec. 3, T. 24 N., R. 12 W., Gila and Salt River Base and Meridian, Mohave County, Arizona.
- (4) Hunt parcel 4.--SW $\frac{1}{4}$ NE $\frac{1}{4}$ sec. 7, T. 25 N., R. 13 W., Gila and Salt River Base and Meridian, Mohave County, Arizona.
- (5) Hunt parcels 1 and 2.--In T. 26 N., R. 14 W., Gila and Salt River Base and Meridian, Mohave County, Arizona--
- (A) NE $\frac{1}{4}$ SW $\frac{1}{4}$ sec. 9; and
 - (B) NW $\frac{1}{4}$ SE $\frac{1}{4}$ sec. 27.
- (6) Hunt parcel 3.--SW $\frac{1}{4}$ NE $\frac{1}{4}$ sec. 25, T. 27 N., R. 15 W., Gila and Salt River Base and Meridian, Mohave County, Arizona.
- (7) Hunt parcel 5.--In sec. 1, T. 25 N., R. 14 W., Gila and Salt River Base and Meridian, Mohave County, Arizona--
- (A) SE $\frac{1}{4}$;
 - (B) E $\frac{1}{2}$ SW $\frac{1}{4}$; and
 - (C) SW $\frac{1}{4}$ SW $\frac{1}{4}$.
- (8) Valentine cemetery parcel.--W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ sec. 22, T. 23 N., R. 13 W., Gila and Salt River Base and Meridian, Mohave County, Arizona, excepting and reserving to the United States a right-of-way for ditches or canals constructed by the authority of the United States, pursuant to the Act of August 30, 1890 ([43 U.S.C. 945](#)).

Sec. 12. [Trust Land]--

(a) Land To Be Taken Into Trust.--

- (1) In general.--On the date of enactment of this Act, the Secretary is authorized and directed to take legal title to the land described in paragraph (2) and hold such land in trust for the benefit of the Hualapai Tribe.
- (2) Cholla canyon ranch parcels.--The land referred to in paragraph (1) is, in T. 16 N., R. 13 W., Gila and Salt River Base and Meridian, Mohave County, Arizona--
- (A) SW $\frac{1}{4}$ sec. 25; and
 - (B) NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ sec. 35.

(b) Reservation Status.--The land taken into trust under subsection (a) shall be part of the Hualapai Reservation and administered in accordance with the laws and regulations generally applicable to land held in trust by the United States for an Indian Tribe.

(c) Valid Existing Rights.--The land taken into trust under subsection (a) shall be subject to valid existing rights, including easements, rights-of-way, contracts, and management agreements.

(d) Limitations.--Nothing in subsection (a) affects--

- (1) any water right of the Hualapai Tribe in existence under State law before the date of enactment of this Act; or
- (2) any right or claim of the Hualapai Tribe to any land or interest in land in existence before the date of enactment of this Act.

(e) Future Trust Land.--

- (1) New statutory requirement.--Effective beginning on the date of enactment of this Act, and except as provided in subsection (a), any land located in the State outside the exterior

boundaries of the Hualapai Reservation may only be taken into trust by the United States for the benefit of the Hualapai Tribe by an Act of Congress--

(A) that specifically authorizes the transfer of the land for the benefit of the Hualapai Tribe; and

(B) the date of enactment of which is after the date of enactment of this Act.

(2) Water rights.--Any land taken into trust for the benefit of the Hualapai Tribe under paragraph (1)--

(A) shall include water rights only under State law; and

Sec. 13. [Reallocation of CAP NIA Priority Water; Firming; Water Delivery Contract; Colorado River Accounting.]—

(a) Reallocation to the Hualapai Tribe.--On the Enforceability Date, the Secretary shall reallocate to the Hualapai Tribe the Hualapai Tribe CAP water.

(b) Firming.--

(1) Hualapai tribe cap water.--Except as provided in subsection (c)(2)(H), the Hualapai Tribe CAP water shall be firming as follows:

(A) In accordance with section 105(b)(1)(B) of the Central Arizona Project Settlement Act of 2004 ([Public Law 108-451](#); 118 Stat. 3492), for the 100-year period beginning on January 1, 2008, the Secretary shall firm 557.50 AFY of the Hualapai Tribe CAP water to the equivalent of CAP M&I priority water.

(B) In accordance with section 105(b)(2)(B) of the Central Arizona Project Settlement Act of 2004 ([Public Law 108-451](#); 118 Stat. 3492), for the 100-year period beginning on January 1, 2008, the State shall firm 557.50 AFY of the Hualapai Tribe CAP water to the equivalent of CAP M&I priority water.

(2) Additional firming.--The Hualapai Tribe may, at the expense of the Hualapai Tribe, take additional actions to firm or supplement the Hualapai Tribe CAP water, including by entering into agreements for that purpose with the Central Arizona Water Conservation District, the Arizona Water Banking Authority, or any other lawful authority, in accordance with State law.

(c) Hualapai Tribe Water Delivery Contract.--

(1) In general.--In accordance with the Hualapai Tribe water rights settlement agreement and the requirements described in paragraph (2), the Secretary shall enter into the Hualapai Tribe water delivery contract.

(2) Requirements.--The requirements referred to in paragraph (1) are the following:

(A) In general.--The Hualapai Tribe water delivery contract shall--

(i) be for permanent service (as that term is used in section 5 of the Boulder Canyon Project Act ([43 U.S.C. 617d](#)));

(ii) take effect on the Enforceability Date; and

(iii) be without limit as to term.

(B) Hualapai tribe cap water.--

(i) In general.--The Hualapai Tribe CAP water may be delivered for use in the lower basin in the State through--

(I) the Hualapai Water Project; or

(II) the CAP system.

(ii) Method of delivery.--The Secretary shall authorize the delivery of Hualapai Tribe CAP water under this subparagraph to be effected by the diversion and use of water directly from the Colorado River in the State.

(C) Contractual delivery.--The Secretary shall deliver the Hualapai Tribe CAP water to the Hualapai Tribe in accordance with the terms and conditions of the Hualapai Tribe water delivery contract.

(D) Distribution of cap nia priority water.--

(i) In general.--Except as provided in clause (ii), if, for any year, the available CAP supply is insufficient to meet all demands under CAP contracts and CAP subcontracts for the delivery of CAP NIA priority water, the Secretary and the CAP operating agency shall prorate the available CAP NIA priority water among the CAP contractors and CAP subcontractors holding contractual entitlements to CAP NIA priority water on the basis of the quantity of CAP NIA priority water used by each such CAP contractor and CAP subcontractor in the last year in which the available CAP supply was sufficient to fill all orders for CAP NIA priority water.

(ii) Exception.--

(I) In general.--Notwithstanding clause (i), if the available CAP supply is insufficient to meet all demands under CAP contracts and CAP subcontracts for the delivery of CAP NIA priority water in the year following the year in which the Enforceability Date occurs, the Secretary shall assume that the Hualapai Tribe used the full volume of Hualapai Tribe CAP water in the last year in which the available CAP supply was sufficient to fill all orders for CAP NIA priority water.

(II) Continuation.--The assumption described in subclause (I) shall continue until the available CAP supply is sufficient to meet all demands under CAP contracts and CAP subcontracts for the delivery of CAP NIA priority water.

(III) Determination.--The Secretary shall determine the quantity of CAP NIA priority water used by the Gila River Indian Community and the Tohono O'odham Nation in the last year in which the available CAP supply was sufficient to fill all orders for CAP NIA priority water in a manner consistent with the settlement agreements with those Tribes.

(E) Leases and exchanges of hualapai tribe cap water.--On and after the date on which the Hualapai Tribe water delivery contract becomes effective, the Hualapai Tribe may, with the approval of the Secretary, enter into contracts or options to lease, or contracts or options to exchange, the Hualapai Tribe CAP water within the lower basin in the State, and not in Navajo, Apache, or Cochise Counties, providing for the temporary delivery to other persons of any portion of Hualapai Tribe CAP water.

(F) Term of leases and exchanges.--

(i) Leasing.--Contracts or options to lease under subparagraph (E) shall be for a term of not more than 100 years.

(ii) Exchanging.--Contracts or options to exchange under subparagraph (E) shall be for the term provided for in the contract or option, as applicable.

(iii) Renegotiation.--The Hualapai Tribe may, with the approval of the Secretary, renegotiate any lease described in subparagraph (E), at any time during the term of the lease, if the term of the renegotiated lease does not exceed 100 years.

(G) Prohibition on permanent alienation.--No Hualapai Tribe CAP water may be permanently alienated.

(H) No firming of leased water.--The firming obligations described in subsection (b)(1) shall not apply to any Hualapai Tribe CAP water leased by the Hualapai Tribe to another person.

- (I) Entitlement to lease and exchange funds; obligations of united states.--
- (i) Entitlement.--
- (I) In general.--The Hualapai Tribe shall be entitled to all consideration due to the Hualapai Tribe under any contract to lease, option to lease, contract to exchange, or option to exchange the Hualapai Tribe CAP water entered into by the Hualapai Tribe.
- (II) Exclusion.--The United States shall not, in any capacity, be entitled to the consideration described in subclause (I).
- (ii) Obligations of united states.--The United States shall not, in any capacity, have any trust or other obligation to monitor, administer, or account for, in any manner, any funds received by the Hualapai Tribe as consideration under any contract to lease, option to lease, contract to exchange, or option to exchange the Hualapai Tribe CAP water entered into by the Hualapai Tribe, except in a case in which the Hualapai Tribe deposits the proceeds of any lease, option to lease, contract to exchange, or option to exchange into an account held in trust for the Hualapai Tribe by the United States.
- (J) Water use and storage.--
- (i) In general.--The Hualapai Tribe may use the Hualapai Tribe CAP water on or off the Hualapai Reservation within the lower basin in the State for any purpose.
- (ii) Storage.--The Hualapai Tribe, in accordance with State law, may store the Hualapai Tribe CAP water at 1 or more underground storage facilities or groundwater savings facilities, subject to the condition that, if the Hualapai Tribe stores Hualapai Tribe CAP water that has been firmed pursuant to subsection (b)(1), the stored water may only be--
- (I) used by the Hualapai Tribe; or
- (II) exchanged by the Hualapai Tribe for water that will be used by the Hualapai Tribe.
- (iii) Assignment.--The Hualapai Tribe, in accordance with State law, may assign any long-term storage credit accrued as a result of storage described in clause (ii), subject to the condition that the Hualapai Tribe shall not assign any long-term storage credit accrued as a result of the storage of Hualapai Tribe CAP water that has been firmed pursuant to subsection (b)(1).
- (K) Use outside state.--The Hualapai Tribe may not use, lease, exchange, forbear, or otherwise transfer any Hualapai Tribe CAP water for use directly or indirectly outside of the lower basin in the State.
- (L) Cap fixed om&r charges.--
- (i) In general.--The CAP operating agency shall be paid the CAP fixed OM&R charges associated with the delivery of all Hualapai Tribe CAP water.
- (ii) Payment of charges.--Except as provided in subparagraph (O), all CAP fixed OM&R charges associated with the delivery of the Hualapai Tribe CAP water to the Hualapai Tribe shall be paid by--
- (I) the Secretary, pursuant to section 403(f)(2)(A) of the Colorado River Basin Project Act ([43 U.S.C. 1543](#)(f)(2)(A)), subject to the condition that funds for that payment are available in the Lower Colorado River Basin Development Fund; and

- (II) if the funds described in subclause (I) become unavailable, the Hualapai Tribe.
- (M) Cap pumping energy charges.--
- (i) In general.--The CAP operating agency shall be paid the CAP pumping energy charges associated with the delivery of Hualapai Tribe CAP water only in cases in which the CAP system is used for the delivery of that water.
- (ii) Payment of charges.--Except for CAP water not delivered through the CAP system, which does not incur a CAP pumping energy charge, or water delivered to other persons as described in subparagraph (O), any applicable CAP pumping energy charges associated with the delivery of the Hualapai Tribe CAP water shall be paid by the Hualapai Tribe.
- (N) Waiver of property tax equivalency payments.--No property tax or in-lieu property tax equivalency shall be due or payable by the Hualapai Tribe for the delivery of CAP water or for the storage of CAP water in an underground storage facility or groundwater savings facility.
- (O) Lessee responsibility for charges.--
- (i) In general.--Any lease or option to lease providing for the temporary delivery to other persons of any Hualapai Tribe CAP water shall require the lessee to pay the CAP operating agency all CAP fixed OM&R charges and all CAP pumping energy charges associated with the delivery of the leased water.
- (ii) No responsibility for payment.--Neither the Hualapai Tribe nor the United States in any capacity shall be responsible for the payment of any charges associated with the delivery of the Hualapai Tribe CAP water leased to other persons.
- (P) Advance payment.--No Hualapai Tribe CAP water shall be delivered unless the CAP fixed OM&R charges and any applicable CAP pumping energy charges associated with the delivery of that water have been paid in advance.
- (Q) Calculation.--The charges for delivery of the Hualapai Tribe CAP water pursuant to the Hualapai Tribe water delivery contract shall be calculated in accordance with the CAP repayment stipulation.
- (R) Cap repayment.--For purposes of determining the allocation and repayment of costs of any stages of the CAP system constructed after November 21, 2007, the costs associated with the delivery of the Hualapai Tribe CAP water, regardless of whether the Hualapai Tribe CAP water is delivered for use by the Hualapai Tribe or in accordance with any lease, option to lease, exchange, or option to exchange providing for the delivery to other persons of the Hualapai Tribe CAP water, shall be--
- (i) nonreimbursable; and
- (ii) excluded from the repayment obligation of the Central Arizona Water Conservation District.
- (S) Nonreimbursable cap construction costs.--
- (i) In general.--With respect to the costs associated with the construction of the CAP system allocable to the Hualapai Tribe--
- (I) the costs shall be nonreimbursable; and
- (II) the Hualapai Tribe shall have no repayment obligation for the costs.
- (ii) Capital charges.--No CAP water service capital charges shall be due or payable for the Hualapai Tribe CAP water, regardless of whether the Hualapai Tribe CAP water is delivered--

- (I) for use by the Hualapai Tribe; or
- (II) under any lease, option to lease, exchange, or option to exchange entered into by the Hualapai Tribe.

(d) Colorado River Accounting.--All Hualapai Tribe CAP water diverted directly from the Colorado River shall be accounted for as deliveries of CAP water within the State.

Sec. 14. [Enforceability Date].--

(a) In General.--Except as provided in subsection (d), the Hualapai Tribe water rights settlement agreement, including the waivers and releases of claims described in section 9, shall take effect and be fully enforceable on the date on which the Secretary publishes in the Federal Register a statement of findings that--

(1) to the extent the Hualapai Tribe water rights settlement agreement conflicts with this Act--

(A) the Hualapai Tribe water rights settlement agreement has been revised through an amendment to eliminate the conflict; and

(B) the revised Hualapai Tribe water rights settlement agreement, including any exhibits requiring execution by any party to the Hualapai Tribe water rights settlement agreement, has been executed by the required party;

(2) the waivers and releases of claims described in section 9 have been executed by the Hualapai Tribe and the United States;

(3) the abstracts referred to in subparagraphs 4.8.1.2, 4.8.2.1, and 4.8.2.2 of the Hualapai Tribe water rights settlement agreement have been completed by the Hualapai Tribe;

(4) the full amount described in section 7(a)(1), as adjusted by section 7(b), has been deposited in the Hualapai Water Trust Fund Account;

(5) the Gila River adjudication decree has been approved by the Gila River adjudication court substantially in the form of the judgment and decree attached to the Hualapai Tribe water rights settlement agreement as Exhibit 3.1.43, as amended to ensure consistency with this Act; and

(6) the Secretary has executed the Hualapai Tribe water delivery contract described in section 13(c).

(b) Repeal on Failure To Meet Enforceability Date.--

(1) In general.--Except as provided in paragraph (2), if the Secretary fails to publish in the Federal Register a statement of findings under subsection (a) by April 15, 2029, or such alternative later date as may be agreed to by the Hualapai Tribe, the Secretary, and the State--

(A) this Act is repealed;

(B) any action taken by the Secretary and any contract or agreement entered into pursuant to this Act shall be void; and

(C) any amounts appropriated under section 7, together with any investment earnings on those amounts, less any amounts expended under section 6(a)(4)(B), shall revert immediately to the general fund of the Treasury.

(2) Severability.--Notwithstanding paragraph (1), if the Secretary fails to publish in the Federal Register a statement of findings under subsection (a) by April 15, 2029, or such alternative later date as may be agreed to by the Hualapai Tribe, the Secretary, and the State, section 11 and subsections (a), (b), (c), and (d) of section 12 shall remain in effect.

(c) Right To Offset.--If the Secretary has not published in the Federal Register the statement of findings under subsection (a) by April 15, 2029, or such alternative later date as may be agreed

to by the Hualapai Tribe, the Secretary, and the State, the United States shall be entitled to offset any Federal amounts made available under section 6(a)(4)(B) that were used or authorized for any use under that section against any claim asserted by the Hualapai Tribe against the United States described in section 9(a)(2)(A).

(d) Bill Williams River Phase 2 Enforceability Date.-- Notwithstanding any other provision of this Act, the Bill Williams River phase 2 water rights settlement agreement (including the waivers and releases described in section 9(d) of this Act and section 5 of the Bill Williams River phase 2 water rights settlement agreement) shall take effect and become enforceable among the parties to the Bill Williams River phase 2 water rights settlement agreement on the date on which all of the following conditions have occurred:

(1) The Hualapai Tribe water rights settlement agreement becomes enforceable pursuant to subsection (a).

(2) Freeport has submitted to the Arizona Department of Water Resources a conditional withdrawal of any objection to the Bill Williams River watershed instream flow applications pursuant to section 4.4(i) of the Bill Williams River phase 2 water rights settlement agreement, which withdrawal shall take effect on the Bill Williams River Phase 2 Enforceability Date described in this subsection.

(3) Not later than the Enforceability Date, the Arizona Department of Water Resources has issued an appealable, conditional decision and order for the Bill Williams River watershed instream flow applications pursuant to section 4.4(iii) of the Bill Williams River phase 2 water rights settlement agreement, which order shall become nonconditional and effective on the Bill Williams River Phase 2 Enforceability Date described in this subsection.

(4) The conditional decision and order described in paragraph (3)--

(A) becomes final; and

(B) is not subject to any further appeal.

Sec. 15. [Administration.]--

(a) Limited Waiver of Sovereign Immunity.--

(1) Waiver.--

(A) In general.-- In any circumstance described in paragraph (2)--

(i) the United States or the Hualapai Tribe may be joined in the action described in the applicable subparagraph of that paragraph; and

(ii) subject to subparagraph (B), any claim by the United States or the Hualapai Tribe to sovereign immunity from the action is waived.

(B) Limitation.-- A waiver under subparagraph (A)(ii)--

(i) shall only be for the limited and sole purpose of the interpretation or enforcement of--

(I) this Act;

(II) the Hualapai Tribe water rights settlement agreement, as ratified by this Act; or

(III) the Bill Williams River phase 2 water right settlement agreement, as ratified by this Act; and

(ii) shall not include any award against the United States or the Hualapai Tribe for money damages, court costs, or attorney fees.

(2) Circumstances described.-- A circumstance referred to in paragraph (1)(A) is any of the following:

- (A) Any party to the Hualapai Tribe water rights settlement agreement--
 - (i) brings an action in any court of competent jurisdiction relating only and directly to the interpretation or enforcement of--
 - (I) this Act; or
 - (II) the Hualapai Tribe water rights settlement agreement; and
 - (ii) names the United States or the Hualapai Tribe as a party in that action.
 - (B) Any landowner or water user in the Verde River Watershed--
 - (i) brings an action in any court of competent jurisdiction relating only and directly to the interpretation or enforcement of--
 - (I) paragraph 10.0 of the Hualapai Tribe water rights settlement agreement;
 - (II) Exhibit 3.1.43 to the Hualapai Tribe water rights settlement agreement; or
 - (III) section 9; and
 - (ii) names the United States or the Hualapai Tribe as a party in that action.
 - (C) Any party to the Bill Williams River phase 2 settlement agreement--
 - (i) brings an action in any court of competent jurisdiction relating only and directly to the interpretation or enforcement of--
 - (I) this Act; or
 - (II) the Bill Williams River phase 2 settlement agreement; and
 - (ii) names the United States or the Hualapai Tribe as a party in that action.
- (b) Effect on Current Law.--Nothing in this section alters the law with respect to pre-enforcement review of Federal environmental or safety-related enforcement actions.
- (c) Basin Groundwater Withdrawal Estimates.--
- (1) Groundwater withdrawal estimates.--
 - (A) In general.--Not later than 1 year of the date of enactment of this Act, the Secretary, acting through the United States Geological Survey Water Use Program, shall issue an estimate for groundwater withdrawals in the Truxton Basin outside the boundaries of the Hualapai Reservation.
 - (B) Annual estimates.--Each year after publication of the initial estimate required by subparagraph (A), the Secretary, acting through the United States Geological Survey Water Use Program, shall issue an estimate for groundwater withdrawals in the Truxton Basin outside the boundaries of the Hualapai Reservation until such time as the Secretary, after consultation with the Hualapai Tribe, determines that annual estimates are not warranted.
 - (2) Notice to the state.--Based on the estimates under paragraph (1), the Secretary shall notify the State, in writing, if the total withdrawal of groundwater from the Truxton Basin outside the boundaries of the Hualapai Reservation exceeds the estimate prepared pursuant to that paragraph by 3,000 or more AFY, exclusive of any diversion or use of groundwater on Hualapai fee land and any land acquired by the Hualapai Tribe, including by a tribally owned corporation, in fee after the Enforceability Date.
- (d) Antideficiency.--Notwithstanding any authorization of appropriations to carry out this Act, the United States shall not be liable for any failure of the United States to carry out any

obligation or activity authorized by this Act (including all agreements or exhibits ratified or confirmed by this Act) if--

- (1) adequate appropriations are not provided expressly by Congress to carry out the purposes of this Act; or
- (2) there are not enough monies available to carry out this Act in the Lower Colorado River Basin Development Fund.

(e) Application of Reclamation Reform Act of 1982.--The [Reclamation Reform Act of 1982](#) ([43 U.S.C. 390aa](#) et seq.) and any other acreage limitation or full-cost pricing provision of Federal law shall not apply to any person, entity, or tract of land solely on the basis of--

- (1) receipt of any benefit under this Act;
- (2) execution or performance of this Act; or
- (3) the use, storage, delivery, lease, or exchange of CAP water.

(f) Effect.--

(1) No modification or preemption of other law.--Unless expressly provided in this Act, nothing in this Act modifies, conflicts with, preempts, or otherwise affects--

- (A) the Boulder Canyon Project Act ([43 U.S.C. 617](#) et seq.);
- (B) the Boulder Canyon Project Adjustment Act ([43 U.S.C. 618](#) et seq.);
- (C) the Act of April 11, 1956 (commonly known as the “Colorado River Storage Project Act”) ([43 U.S.C. 620](#) et seq.);
- (D) the Colorado River Basin Project Act ([Public Law 90-537](#); 82 Stat. 885);
- (E) the Treaty between the United States of America and Mexico respecting utilization of waters of the Colorado and Tijuana Rivers and of the Rio Grande, signed at Washington February 3, 1944 ([59 Stat. 1219](#));
- (F) the Colorado River Compact;
- (G) the Upper Colorado River Basin Compact;
- (H) the Omnibus Public Land Management Act of 2009 ([Public Law 111-11](#); 123 Stat. 991); or
- (I) case law concerning water rights in the Colorado River system other than any case to enforce the Hualapai Tribe water rights settlement agreement or this Act.

(2) Effect on agreements.--Nothing in this Act or the Hualapai Tribe water rights settlement agreement limits the right of the Hualapai Tribe to enter into any agreement for the storage or banking of water in accordance with State law with--

- (A) the Arizona Water Banking Authority (or a successor agency or entity); or
- (B) any other lawful authority.

(3) Effect of act.--Nothing in this Act--

- (A) quantifies or otherwise affects the water rights, claims, or entitlements to water of any Indian Tribe other than the Hualapai Tribe;
- (B) affects the ability of the United States to take action on behalf of any Indian Tribe other than the Hualapai Tribe, the members of the Hualapai Tribe, and the allottees; or
- (C) limits the right of the Hualapai Tribe to use any water of the Hualapai Tribe in any location on the Hualapai Reservation.

Approved January 5, 2023.

Explanatory Remarks

LEGISLATIVE HISTORY--S. 4104:

Senate Indian Affairs Committee Hearing, July 20, 2022, S. Hrg. [117-530](#).

Senate Report: No. [117-287](#) (Comm. on Indian Affairs).

CONGRESSIONAL RECORD, Vol. 168 (2022):

Dec. 19, considered and passed Senate.

[Dec. 21, 22](#), considered and passed House.

CONGRESSIONAL RESEARCH SERVICE, Indian Water Rights Settlements, [December 3](#), 2024.

AMEND THE WHITE MOUNTAIN APACHE TRIBE WATER RIGHTS QUANTIFICATION ACT

An Act to amend the White Mountain Apache Tribe Water Rights Quantification Act of 2010 to modify the enforceability date for certain provisions, and for other purposes. (An Act of January 5, 2023, Public Law [117-342](#), 136 Stat. 6182).

[Sec 1. White Mountain Apache Tribe Rural Water System.]—

(a) Extension of Enforceability Date.--

(1) In general.--Section 309(d)(2) of the White Mountain Apache Tribe Water Rights Quantification Act of 2010 ([Public Law 111-291](#); 124 Stat. 3088; 133 Stat. 2669) is amended--

(A) in the matter preceding subparagraph (A), by striking “April 30, 2023” and inserting “December 30, 2027”; and

(B) in subparagraph (A), by striking “May 1, 2023” and inserting “December 31, 2027”.

(2) Conforming amendment.--Section 3(b)(2) of the White Mountain Apache Tribe Rural Water System Loan Authorization Act ([Public Law 110-390](#); 122 Stat. 4191; 124 Stat. 3092) is amended by striking “beginning on” and all that follows through the period at the end and inserting “beginning on December 31, 2027.”.

(b) Cost Indexing.--Section 312(c) of the White Mountain Apache Tribe Water Rights Quantification Act of 2010 ([Public Law 111-291](#); 124 Stat. 3095) is amended by striking “All amounts made available under” and all that follows through the period at the end and inserting the following:

“(1) White mountain apache tribe water rights settlement subaccount.-- All amounts made available under subsection (a) shall be adjusted as necessary to reflect the changes since October 1, 2007, in the construction cost indices applicable to the types of construction involved in the construction of the WMAT rural water system and the maintenance of the WMAT rural water system.

“(2) WMAT settlement fund.--All amounts made available under subsection (b)(2) shall be adjusted annually to reflect the changes since October 1, 2007, in the construction cost indices applicable to the types of construction involved in the construction of the WMAT rural water system and the maintenance of the WMAT rural water system.

“(3) WMAT maintenance fund.--All amounts made available under subsection (b)(3) shall be adjusted on deposit to reflect changes since October 1, 2007, in the Consumer Price Index for All Urban Consumers West Urban 50,000 to 1,500,000 published by the Bureau of Labor Statistics.

“(4) WMAT cost overrun subaccount.--Of the amounts made available under subsection (e)(2)--

“(A) \$35,000,000 shall be adjusted as necessary to reflect the changes since October 1, 2007, in the construction cost indices applicable to the types of construction involved in the construction of the WMAT rural water system and the maintenance of the WMAT rural water system; and

“(B) additional funds, in excess of the amount referred to in subparagraph (A), shall be adjusted as necessary to reflect the changes since April 1, 2021, in the construction cost

indices applicable to the types of construction involved in the construction of the WMAT rural water system and the maintenance of the WMAT rural water system.

“(5) Construction costs adjustment.--The amounts made available under subsections (a), (b)(2), and (e)(2) shall be adjusted to address construction cost changes necessary to account for unforeseen market volatility that may not otherwise be captured by engineering cost indices, as determined by the Secretary, including repricing applicable to the types of construction and current industry standards involved.

“(6) Prohibition.--Notwithstanding any other provision of law, after the enforceability date, any increase in the amounts appropriated under subsections (a)(1), (b)(3)(B), and (e)(2)(A) because of cost indexing shall not be available from funds in the Treasury not otherwise appropriated.

“(7) Authorization of appropriations.--There are authorized to be appropriated funding for the purposes provided in this subsection.”.

(c) Funding for WMAT Cost Overrun Subaccount.--Section 312(e)(2)(B) of the White Mountain Apache Tribe Water Rights Quantification Act of 2010 ([Public Law 111-291](#); 124 Stat. 3095) is amended by striking “\$11,000,000” and inserting “\$541,000,000”.

(d) Return to Treasury.--

(1) In general.--Section 312(e)(4)(B) of the White Mountain Apache Tribe Water Rights Quantification Act of 2010 ([Public Law 111-291](#); 124 Stat. 3096) is amended, in the matter preceding clause (i), by striking “shall be--” and all that follows through the period at the end of clause (ii) and inserting “shall be returned to the general fund of the Treasury.”.

(2) Conforming amendment.--Section 312(b)(2) of the White Mountain Apache Tribe Water Rights Quantification Act of 2010 ([Public Law 111-291](#); 124 Stat. 3093; 132 Stat. 1626) is amended by striking subparagraph (B) and inserting the following:

“(B) <<NOTE: Appropriation authorization.>>

Transfers to fund.--There is authorized to be appropriated to the Secretary for deposit in the WMAT Settlement Fund \$78,500,000.”.

(e) Conveyance of Title to Tribe.--Section 307(d)(2)(E) of the White Mountain Apache Tribe Water Rights Quantification Act of 2010 ([Public Law 111-291](#); 124 Stat. 3082; 132 Stat. 1626) is amended, in the matter preceding clause (i), by striking “water system--” and all that follows through the period at the end of clause (ii)(II) and inserting “water system is substantially complete, as determined by the Secretary in accordance with subsection (k).”.

(f) Requirements for Determination of Substantial Completion of the WMAT Rural Water System.--Section 307 of the White Mountain Apache Tribe Water Rights Quantification Act of 2010 ([Public Law 111-291](#); 124 Stat. 3080; 132 Stat. 1626) is amended by adding at the end the following:

“(k) Requirements for Determination of Substantial Completion of the WMAT Rural Water System.--The WMAT rural water system shall be determined to be substantially complete if--

“(1) the infrastructure constructed is capable of storing, diverting, treating, transmitting, and distributing a supply of water as set forth in the final project design described in subsection (c); or

“(2) the Secretary--

“(A) expended all of the available funding provided to construct the WMAT rural water system; and

“(B) despite diligent efforts, cannot complete construction as described in the final project design described in subsection (c) due solely to the lack of additional authorized funding.”.

(g) Requirement.--Section 310(b) of the White Mountain Apache Tribe Water Rights Quantification Act of 2010 ([Public Law 111-291](#); 124 Stat. 3090) is amended by adding at the end the following:

“(3) Expenditures.--If, before the enforceability date, Federal funds are expended to carry out activities described in subparagraph (A) or (C) of paragraph (2) in excess of the amounts provided pursuant to the White Mountain Apache Tribe Rural Water System Loan Authorization Act ([Public Law 110-390](#); 122 Stat. 4191), such expenditures shall be accounted for as White Mountain Apache Tribe Water Rights Settlement Subaccount funds.”.

(h) Enforceability Date Effectiveness.--Section 309(d)(1) of the White Mountain Apache Tribe Water Rights Quantification Act of 2010 ([Public Law 111-291](#); 124 Stat. 3088; 133 Stat. 2669) is amended--

(1) by redesignating subparagraphs (D) through (G) as subparagraphs (E) through (H), respectively; and

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

“(D) such amount, up to the amount made available under section 312(e)(2), as the Secretary determines to be necessary to construct the WMAT rural water system that is capable of storing, diverting, treating, transmitting, and distributing a supply of water as set forth in the final project design described in section 307(c) has been deposited in the WMAT Cost Overrun Subaccount;”.

(i) Prohibition.--Section 312(e) of the White Mountain Apache Tribe Water Rights Quantification Act of 2010 ([Public Law 111-291](#); 124 Stat. 3095) is amended by adding at the end the following:

“(5) Prohibition.--Notwithstanding any other provision of law, any amounts made available under paragraph (2)(B) shall not be made available from--

“(A) the Indian Water Rights Settlement Completion Fund established by section 70101(a) of the Infrastructure Investment and Jobs Act ([25 U.S.C. 149\(a\)](#)); or

“(B) the Reclamation Water Settlements Fund established by section 10501(a) of the Omnibus Public Land Management Act of 2009 ([43 U.S.C. 407\(a\)](#)).”.

Rights Quantification Act of 2010 ([Public Law 111-291](#); 124 Stat. 3093) is amended by adding at the end the following:

“(h) Oversight and Accounting.--

“(1) In general.--Not later than 1 year after the date of enactment of this subsection and annually thereafter, the Director of the Bureau shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives an annual report that describes all expenditures, during the year covered by the report, from--

“(A) the WMAT Settlement Fund established by subsection (b)(2)(A) and the WMAT Maintenance Fund established by subsection (b)(3)(A) (referred to in this subsection as the ‘Funds’); and

“(B) the WMAT Cost Overrun Subaccount established by subsection (e)(1) (referred to in this subsection as the ‘Subaccount’).

“(2) Inclusions.-- Each report under paragraph (1) shall include, but not be limited to:

“(A) Progress and cost accounting on the planning, design and construction of the Miner Flat Dam and any additional water supply facilities resulting from expenditures from the Funds and the Subaccount.

“(B) A cost accounting of the administrative expenses related to activities resulting from expenditures from the Funds and the Subaccount.

“(C) A cost accounting of the environmental regulatory and economic process related to activities resulting from expenditures from the Funds and the Subaccount.

“(D) A projection of such costs described in subparagraphs (A), (B), and (C) for the next fiscal year and specific goals and objectives for the next fiscal year.

“(E) Whether those projections and specific goals and objectives have been met and any barriers encountered in the last fiscal year.”.

Approved January 5, 2023.

Explanatory Remarks

LEGISLATIVE HISTORY--S. 3168:

Senate Indian Affairs Committee Hearing, March 23, 2022. S. Hrg. [117-360](#).

Senate Report: No. [117-285](#) (Comm. on Indian Affairs).

CONGRESSIONAL RECORD, Vol. 168 (2022):

[Dec. 19](#), considered and passed Senate.

[Dec. 21](#), considered and passed House.

COLORADO RIVER INDIAN TRIBES WATER RESILIENCY ACT OF 2022

An Act to authorize the Colorado River Indian Tribes to enter into lease or exchange agreements and storage agreements relating to water of the Colorado River allocated to the Colorado River Indian Tribes, and for other purposes. (An Act of January 5, 2023, Public Law [117-343](#), 136 Stat. 343.)

[Section 1. Short Title.]-- This Act may be cited as the “Colorado River Indian Tribes Water Resiliency Act of 2022”.

Sec. 2. [Purposes.]-- The purposes of this Act are to authorize--

- (1) the CRIT to enter into lease or exchange agreements, storage agreements, and agreements for conserved water for the economic well-being of the CRIT; and
- (2) the Secretary to approve any lease or exchange agreements, storage agreements, or agreements for conserved water entered into by the CRIT.

Sec. 3. [Definitions.]-- In this Act:

- (1) Agreement for conserved water.-- The term “agreement for conserved water” means an agreement for the creation of system conservation, storage of conserved water in Lake Mead, or other mechanisms for voluntarily leaving a portion of the CRIT reduced consumptive use in Lake Mead.
- (2) Allottee.-- The term “allottee” means an individual who holds a beneficial real property interest in an allotment of Indian land that is--
 - (A) located within the exterior boundaries of the Reservation; and
 - (B) held in trust by the United States.
- (3) Consolidated decree.-- The term “Consolidated Decree” means the decree entered by the Supreme Court of the United States in *Arizona v. California*, [547 U.S. 150](#) (2006).
- (4) Consumptive use.-- The term “consumptive use” means a portion of the decreed allocation that has a recent history of use by the CRIT within the exterior boundary of the Reservation. Any verified reduction in consumptive use pursuant to a lease or exchange agreement, a storage agreement, or an agreement for conserved water shall be deemed to be a consumptive use in the year in which the reduction occurred, subject to the condition that the reduction is reflected in the Water Accounting Report.
- (5) CRIT.--The term “CRIT” means the Colorado River Indian Tribes, a federally recognized Indian Tribe.
- (6) Decreed allocation.-- The term “decreed allocation” means the volume of water of the mainstream of the Colorado River allocated to the CRIT that is accounted for as part of the apportionment for the State in part I-A of the Appendix of the Consolidated Decree.
- (7) Lower basin.--The term “Lower Basin” has the meaning given the term in article II(g) of the Colorado River Compact of 1922, as approved by Congress in section 13 of the Boulder Canyon Project Act ([43 U.S.C. 617l](#)) and by the Presidential Proclamation of June 25, 1929 (46 Stat. 3000).
- (8) Person.-- The term “person” means an individual, a public or private corporation, a company, a partnership, a joint venture, a firm, an association, a society, an estate or trust, a private organization or enterprise, the United States, an Indian Tribe, a governmental entity, or a political subdivision or municipal corporation organized under, or subject to, the constitution and laws of the State.

- (9) Reservation.-- The term "Reservation" means the portion of the reservation established for the CRIT that is located in the State.
- (10) Secretary.-- The term "Secretary" means the Secretary of the Interior.
- (11) State.-- Except for purposes of section 16, the term "State" means the State of Arizona.
- (12) Storage.-- The term "storage" means the underground storage, in accordance with State law, of a portion of the consumptive use off the Reservation within the Lower Basin in the State.
- (13) Water accounting report.-- The term "Water Accounting Report" means the annual report of the Bureau of Reclamation entitled the "Colorado River Accounting and Water Use Report: Arizona, California, and Nevada" which includes the compilation of records in accordance with article V of the Consolidated Decree.

Sec. 4. [Lease or Exchange Agreements.]--

(a) Authorization.--Notwithstanding section 2116 of the Revised Statutes (commonly known as the "Indian Trade and Intercourse Act") ([25 U.S.C. 177](#)) or any other provision of law, the CRIT is authorized, subject to the approval of the Secretary under section 7(a), and has the sole authority, to enter into, with any person, an agreement to lease or exchange, or an option to lease or exchange, a portion of the consumptive use for a use off the Reservation (referred to in this Act as a "lease or exchange agreement"), subject to the conditions that the use off the Reservation is located in the Lower Basin in the State and is not located in the counties of Navajo, Apache, or Cochise in the State.

(b) Term of Lease or Exchange Agreement.-- The term of any lease or exchange agreement entered into under subsection (a) shall be mutually agreed, except that the term shall not exceed 100 years.

(c) Modifications.-- Any lease or exchange agreement entered into under subsection (a) may be renegotiated or modified at any time during the term of the lease or exchange agreement, subject to the approval of the Secretary under section 7(a), subject to the condition that the term of the renegotiated lease or exchange agreement does not exceed 100 years.

(d) Applicable Law.-- Any person entering into a lease or exchange agreement with the CRIT under this section shall use the water received under the lease or exchange agreement in accordance with applicable Federal and State law.

Sec. 5. [Storage Agreements.]--

(a) Authorization.-- Notwithstanding section 2116 of the Revised Statutes (commonly known as the "Indian Trade and Intercourse Act") ([25 U.S.C. 177](#)) or any other provision of law, the CRIT is authorized, subject to the approval of the Secretary under section 7(a), and has the sole authority, to enter into an agreement, including with the Arizona Water Banking Authority (or a successor agency or entity), for the storage of a portion of the consumptive use, or the water received under an exchange pursuant to an exchange agreement under section 4, at 1 or more underground storage facilities or groundwater savings facilities off the Reservation (referred to in this Act as a "storage agreement"), subject to the conditions that the facility is located in the Lower Basin in the State and is not located in the counties of Navajo, Apache, or Cochise in the State.

(b) Modifications.-- Any storage agreement entered into under subsection (a) may be renegotiated or modified at any time during the term of the storage agreement, subject to the approval of the Secretary under section 7(a).

(c) Applicable Law.-- Any storage agreement entered into under subsection (a) shall be in accordance with applicable Federal and State law.

(d) Delegation of Rights.-- The CRIT may assign or sell any long-term storage credits accrued as a result of a storage agreement, subject to the condition that the assignment or sale is in accordance with applicable State law.

Sec. 6. [Agreements for Creation of Water for the Colorado River System for Storing Water in Lake Mead.]--

(a) Authorization.--Notwithstanding section 2116 of the Revised Statutes (commonly known as the "Indian Trade and Intercourse Act") ([25 U.S.C. 177](#)) or any other provision of law, the CRIT is authorized, subject to the approval of the Secretary under section 7(a), and has the sole authority, to enter into, with any person, an agreement for conserved water, subject to the conditions that if the conserved water is delivered, the delivery is to a location in the Lower Basin in the State and is not to a location in the counties of Navajo, Apache, or Cochise in the State.

(b) Term of an Agreement for Conserved Water.-- The term of any agreement for conserved water entered into under subsection (a) shall be mutually agreed, except that the term shall not exceed 100 years.

(c) Modifications.-- Any agreement for conserved water entered into under subsection (a) may be renegotiated or modified at any time during the term of the agreement for conserved water, subject to the approval of the Secretary under section 7(a).

(d) Applicable Law.-- Any agreement for conserved water entered into under subsection (a), and any use of conserved water, shall be in accordance with Federal law, including any program authorized by Federal law.

Sec. 7. [Secretarial Approval; Disapproval; Agreements.]--

(a) Authorization.-- The Secretary shall approve or disapprove any--

- (1) lease or exchange agreement;
- (2) modification to a lease or exchange agreement;
- (3) storage agreement;
- (4) modification to a storage agreement;
- (5) agreement for conserved water; or
- (6) modification to an agreement for conserved water.

(b) Secretarial Agreements.-- The Secretary is authorized to enter into a lease or exchange agreement, a storage agreement, or an agreement for conserved water with the CRIT, subject to the condition that the Secretary pays the fair market value for the CRIT reduced consumptive use.

(c) Requirements.--

(1) Lease or exchange agreements and storage agreements.-- The Secretary shall not approve any lease or exchange agreement, or any modification to a lease or exchange agreement, or any storage agreement, or any modification to a storage agreement, that is not in compliance with--

(A) this Act; and

(B) the agreement entered into between the CRIT, the State, and the Secretary under section 10(a).

(2) Agreements for conserved water.-- The Secretary shall not approve any agreement for conserved water, or any modification to an agreement for conserved water, that is not in compliance with--

- (A) this Act; and
- (B) other applicable Federal law, including any program authorized by Federal law.
- (3) Permanent alienation.-- The Secretary shall not approve any lease or exchange agreement, or any modification to a lease or exchange agreement, any storage agreement, or any modification to a storage agreement, or any agreement for conserved water, or any modification to an agreement for conserved water, that permanently alienates any portion of the CRIT decreed allocation.
- (d) Other Requirements.--The requirement for Secretarial approval under subsection (a) shall satisfy the requirements of section 2116 of the Revised Statutes (commonly known as the "Indian Trade and Intercourse Act") ([25 U.S.C. 177](#)).
- (e) Authority of the Secretary.-- Nothing in this Act, or any agreement entered into or approved by the Secretary under this Act, including any lease or exchange agreement, storage agreement, or agreement for conserved water, shall diminish or abrogate the authority of the Secretary to act under applicable Federal law or regulation, including the Consolidated Decree.

Sec. 8. [Responsibilities of the Secretary.]--

- (a) Compliance.-- When approving a lease or exchange agreement, a storage agreement, or an agreement for conserved water, the Secretary shall promptly comply with all aspects of the National Environmental Policy Act of 1969 ([42 U.S.C. 4321](#) et seq.), the Endangered Species Act of 1973 ([16 U.S.C. 1531](#) et seq.), and all other applicable environmental laws and regulations.
- (b) Documentation.-- The Secretary shall document any lease or exchange agreement, storage agreement, or agreement for conserved water in the Water Accounting Report.

Sec. 9. [Agreement Between the CRIT and the State.]—

- (a) In General.-- Before entering into the first lease or exchange agreement or storage agreement, the CRIT shall enter into an agreement with the State that outlines all notice, information sharing, and collaboration requirements that shall apply to any potential lease or exchange agreement or storage agreement the CRIT may enter into.
- (b) Requirement.-- The agreement required under subsection (a) shall include a provision that requires the CRIT to submit to the State all documents regarding a potential lease or exchange agreement or storage agreement.

Sec. 10. [Agreement Between the CRIT, the State, and the Secretary.]—

- (a) In General.-- Before approving the first lease or exchange agreement or storage agreement under section 7, the Secretary shall enter into an agreement with the State and the CRIT that describes the procedural, technical, and accounting methodologies for any lease or exchange agreement or storage agreement the CRIT may enter into, including quantification of the reduction in consumptive use and water accounting.
- (b) NEPA.--The execution of the agreement required under subsection (a) shall not constitute a major Federal action for purposes of the National Environmental Policy Act of 1969 ([42 U.S.C. 4321](#) et seq.).
- (c) Effect.-- Nothing in this Act prohibits the Secretary from agreeing with the CRIT and the State to a modification to an agreement entered into under subsection (a) (including an appendix or exhibit to the agreement) if the modification--
 - (1) is in compliance with this Act; and
 - (2) does not otherwise require congressional approval under section 2116 of the Revised Statutes (commonly known as the "Indian Trade and Intercourse Act") ([25 U.S.C. 177](#)) or any other provision of law.

Sec. 11. [No Effect on the CRIT Decreed Allocation.]--

(a) Temporary Use.-- A lease or exchange agreement, a storage agreement, or an agreement for conserved water--

(1) shall provide for the temporary use, storage, or conservation of a portion of the consumptive use off the Reservation; and

(2) shall not permanently alienate the decreed allocation.

(b) Priority Status.--

(1) In general.-- The lease or exchange of a portion of the consumptive use shall not cause that portion to lose or change its priority under the Consolidated Decree.

(2) Nonuse.-- Any nonuse by a person who is a party to any lease or exchange agreement or storage agreement with the CRIT shall not result in forfeiture, abandonment,

relinquishment, or other loss by the CRIT of all or any portion of the decreed allocation.

(c) Reservation of Rights.-- The lease, exchange, storage, or conservation of a portion of the consumptive use shall not reduce or limit the right of the CRIT to use the remaining portion of the decreed allocation on the Reservation.

(d) Storage Agreements.-- A storage agreement entered into under this Act shall account for the quantity of water in storage off the Reservation in accordance with applicable State law.

Sec. 12. [Allottee Use of Water.]—

(a) Interference.-- The lease, exchange, storage, or conservation of a portion of the consumptive use shall not directly or indirectly interfere with, or diminish, any entitlement to water for an allottee under Federal or Tribal law.

(b) Water Rights of Allottees.--The Secretary shall protect the rights of the allottees to a just and equitable distribution of water for irrigation purposes, pursuant to section 7 of the Act of February 8, 1887 (commonly known as the “Indian General Allotment Act”) (24 Stat. 390, chapter 119; [25 U.S.C. 381](#)) (referred to in this section as the “Act”).

(c) Relief Under Tribal Law.-- Prior to asserting any claim against the United States pursuant to the Act, or any other applicable law, an allottee shall exhaust all remedies available under applicable Tribal law.

(d) Relief Under the Indian General Allotment Act.-- Following an exhaustion of remedies available under applicable Tribal law, an allottee may seek relief under the Act or any other applicable law.

(e) Relief From the Secretary.-- Following exhaustion of remedies available under the Act, or any other applicable law, an allottee may petition the Secretary for relief.

Sec. 13. [Consideration Paid to the CRIT.]-- The CRIT, and not the United States in any capacity, shall be entitled to all consideration due to the CRIT under any lease or exchange agreement, storage agreement, or agreement for conserved water.

Sec. 14. [Liability of the United States.]--

(a) Limitation of Liability.-- The United States shall not be liable to the CRIT or to any party to a lease or exchange agreement, a storage agreement, or an agreement for conserved water in any claim relating to the negotiation, execution, or approval of any lease or exchange agreement, storage agreement, or agreement for conserved water, including any claim relating to the terms included in such an agreement, except for claims relating to the requirements of section 8(a).

(b) Obligations.--The United States shall have no trust obligation or other obligation to monitor, administer, or account for--

(1) any funds received by the CRIT as consideration under any lease or exchange agreement, storage agreement, or agreement for conserved water; or

(2) the expenditure of such funds.

Sec. 15. [Application.]--

(a) In General.-- This Act shall only apply to the portion of the decreed allocation that is available for use in the State.

(b) Requirement.-- The portion of the decreed allocation that is available for use in the State shall not be used, directly or indirectly outside the Lower Basin in the State or in the counties of Navajo, Apache, or Cochise in the State.

Sec. 16. [Rule of Construction.]-- Nothing in this Act establishes, or shall be considered to establish, a precedent in any litigation involving, or alters, affects, or quantifies, any water right with respect to--

- (1) the United States;
- (2) any other Indian Tribe, band, or community;
- (3) any State or political subdivision or district of a State; or
- (4) any person.

Approved January 5, 2022.

Explanatory Remarks

LEGISLATIVE HISTORY--S. 3308:

Senate Report: No. [117-286](#) (Comm. on Indian Affairs).

CONGRESSIONAL RECORD, Vol. 168 (2022):

[Dec. 19](#), considered and passed Senate.

[Dec. 21](#), considered and passed House.

CONTINUING APPROPRIATIONS ACT, 2024 AND OTHER EXTENSIONS ACT

[Extracts from] An Act making continuing appropriations for fiscal year 2024, and for other purposes. (An Act of September 30, 2023, Public Law [118-15](#), 137 Stat. 71.)

[Section 1. Short Title.]-- This Act may be cited as the “Continuing Appropriations Act, 2024 and Other Extensions Act”.

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DIVISION A – CONTINUING APPROPRIATIONS ACT, 2024

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The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2024, and for other purposes, namely:

SEC. 101. Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2023 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2023, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

* * * * *

(4) The Energy and Water Development and Related Agencies Appropriations Act, 2023 (division D of Public Law [117-328](#)), except the first proviso under the heading “SPR Petroleum Account”, and except the second paragraph under the heading “Title 17 Innovative Technology Loan Guarantee Program”, and including the matter under the heading “Energy Programs—Nuclear Energy” in title III of division M of Public Law [117-328](#) and the second paragraph under each of the headings “Corps of Engineers—Civil—Department of the Army—Construction” and “Corps of Engineers—Civil—Department of the Army—Operation and Maintenance” in title IV of division N of Public Law [117-328](#).

* * * * *

(7) The Department of the Interior, Environment, and Related Agencies Appropriations Act, 2023 (division G of Public Law [117-328](#)), except section 443, and including the second paragraph under each of the headings “Department of the Interior—Departmental Offices—Department-Wide Programs—Wildland Fire Management” and “Related Agencies—Department of Agriculture—Forest Service—Wildland Fire Management” in title VII of division N of Public Law [117-328](#).

Approved September 30, 2023

Explanatory Remarks

LEGISLATIVE HISTORY--S. 3308:

Senate Report: No. [117-286](#) (Comm. on Indian Affairs).

CONGRESSIONAL RECORD, Vol. 168 (2022):

Dec. 19, considered and passed Senate.

Dec. 21, considered and passed House.

CONSOLIDATED APPROPRIATIONS ACT, 2024

[Extracts from] An Act making consolidated appropriations for the fiscal year ending September 30, 2024, and for other purposes. (An Act of March 9, 2024, Public Law [118-42](#), 138 Stat. 71.)

[Section 1. Short Title.]-- This Act may be cited as the “Consolidated Appropriations Act, 2024”.

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Sec 2. Table of Contents

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DIVISION D—ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2024

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Title I—Department of the Interior

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Title IV—General Provision

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TITLE II DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, \$23,000,000, to remain available until expended, of which \$4,650,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission:

Provided, That of the amount provided under this heading, \$1,750,000 shall be available until September 30, 2025, for expenses necessary in carrying out related responsibilities of the Secretary of the Interior:

Provided further, That for fiscal year 2024, of the amount made available to the Commission under this Act or any other Act, the Commission may use an amount not to exceed \$1,990,000 for administrative expenses.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES (INCLUDING TRANSFERS OF FUNDS) For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, federally recognized Indian Tribes, and others, \$1,751,698,000, to remain available until expended, of which \$1,051,000 shall be available for transfer to the Upper Colorado River Basin Fund and \$7,584,000 shall be available for transfer to the Lower Colorado River Basin

Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund:

Provided, That \$500,000 shall be available for transfer into the Aging Infrastructure Account established by section 9603(d)(1) of the Omnibus Public Land Management Act of 2009, as amended ([43 U.S.C. 510b](#)(d)(1)):

Provided further, That such transfers, except for the transfer authorized by the preceding proviso, may be increased or decreased within the overall appropriation under this heading:

Provided further, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund, the Water Storage Enhancement Receipts account established by section 4011(e) of [Public Law 114–322](#), or the Bureau of Reclamation special fee account established by [16 U.S.C. 6806](#) shall be derived from that Fund or account:

Provided further, That funds contributed under [43 U.S.C. 395](#) are available until expended for the purposes for which the funds were contributed:

Provided further, That funds advanced under [43 U.S.C. 397a](#) shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: Provided further, That of the amounts made available under this heading, \$5,500,000 shall be deposited in the San Gabriel Basin Restoration Fund established by section 110 of title I of division B of appendix D of [Public Law 106–554](#):

Provided further, That of the amounts provided herein, funds may be used for high-priority projects which shall be carried out by the Youth Conservation Corps, as authorized by [16 U.S.C. 1706](#):

Provided further, That within available funds, \$250,000 shall be for grants and financial assistance for educational activities:

Provided further, That in accordance with section 4007 of [Public Law 114–322](#) and as recommended by the Secretary in a letter dated July 25, 2023, funding provided for such purpose in fiscal year 2023 and prior fiscal years shall be made available to the Sites Reservoir Project.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, such sums as may be collected in fiscal year 2024 in the Central Valley Project [Public Law 102– 575](#) Restoration Fund pursuant to sections 3407(d), 3404(c)(3), and 3405(f) of [Public Law 102– 575](#), to remain available until expended:

Provided, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of [Public Law 102–575](#):

Provided further, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

CALIFORNIA BAY-DELTA RESTORATION (INCLUDING TRANSFERS OF FUNDS)

For carrying out activities authorized by the Water Supply, Reliability, and Environmental Improvement Act, consistent with plans to be approved by the Secretary of the Interior, \$33,000,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes:

Provided, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management:

Provided further, That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program.

POLICY AND ADMINISTRATION

For expenses necessary for policy, administration, and related functions in the Office of the Commissioner, the Denver office, and offices in the six regions of the Bureau of Reclamation, to remain available until September 30, 2025, \$66,794,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in [43 U.S.C. 377](#), of which not to exceed \$5,000 may be used for official reception and representation expenses:

Provided, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase and replacement of not to exceed 30 motor vehicles, which are for replacement only.

GENERAL PROVISIONS—DEPARTMENT OF THE INTERIOR

SEC. 201. (a) None of the funds provided in title II of this Act for Water and Related Resources, or provided by previous or subsequent appropriations Acts to the agencies or entities funded in title II of this Act for Water and Related Resources that remain available for obligation or expenditure in fiscal year 2024, shall be available for obligation or expenditure through a reprogramming of funds that—

- (1) initiates or creates a new program, project, or activity;
- (2) eliminates a program, project, or activity;
- (3) increases funds for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the Committees on Appropriations of both Houses of Congress;
- (4) restarts or resumes any program, project or activity for which funds are not provided in this Act, unless prior approval is received from the Committees on Appropriations of both Houses of Congress;
- (5) transfers funds in excess of the following limits, unless prior approval is received from the Committees on Appropriations of both Houses of Congress:
 - (A) 15 percent for any program, project or activity for which \$2,000,000 or more is available at the beginning of the fiscal year; or
 - (B) \$400,000 for any program, project or activity for which less than \$2,000,000 is available at the beginning of the fiscal year;
- (6) transfers more than \$500,000 from either the Facilities Operation, Maintenance, and Rehabilitation category or the Resources Management and Development category to any program, project, or activity in the other category, unless prior approval is received from the Committees on Appropriations of both Houses of Congress; or
- (7) transfers, where necessary to discharge legal obligations of the Bureau of Reclamation, more than \$5,000,000 to provide adequate funds for settled contractor claims, increased contractor earnings due to accelerated rates of operations, and real estate deficiency judgments, unless prior approval is received from the Committees on Appropriations of both Houses of Congress.

(b) Subsection (a)(5) shall not apply to any transfer of funds within the Facilities Operation, Maintenance, and Rehabilitation category.

(c) For purposes of this section, the term “transfer” means any movement of funds into or out of a program, project, or activity.

(d) Except as provided in subsections (a) and (b), the amounts made available in this title under the heading “Bureau of Reclamation—Water and Related Resources” shall be expended for the programs, projects, and activities specified in the “Final Bill” columns in the “Water and Related Resources” table included under the heading “Title II—Department of the Interior” in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(e) The Bureau of Reclamation shall submit reports on a quarterly basis to the Committees on Appropriations of both Houses of Congress detailing all the funds reprogrammed between programs, projects, activities, or categories of funding. The first quarterly report shall be submitted not later than 60 days after the date of enactment of this Act.

SEC. 202. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the “Cleanup Program—Alternative Repayment Plan” and the “SJVDP—Alternative Repayment Plan” described in the report entitled “Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995”, prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

SEC. 203. Section 9504(e) of the Omnibus Public Land Management Act of 2009 ([42 U.S.C. 10364](#)(e)) is amended by striking “\$820,000,000” and inserting “\$920,000,000”.

SEC. 204. (a) Title I of [Public Law 108–361](#) (the CalFed BayDelta Authorization Act) (118 Stat. 1681), as amended by section 204 of division D of [Public Law 117–103](#), shall be applied by substituting “2024” for “2022” each place it appears. (b) Section 103(f)(4)(A) of [Public Law 108–361](#) (the CalFed BayDelta Authorization Act) is amended by striking “\$25,000,000” and inserting “\$30,000,000”.

SEC. 205. Section 9106(g)(2) of [Public Law 111–11](#) (Omnibus Public Land Management Act of 2009) shall be applied by substituting “2024” for “2022”.

SEC. 206. (a) Section 104(c) of the Reclamation States Emergency Drought Relief Act of 1991 ([43 U.S.C. 2214](#)(c)) shall be applied by substituting “2024” for “2022”. (b) Section 301 of the Reclamation States Emergency Drought Relief Act of 1991 ([43 U.S.C. 2241](#)) shall be applied by substituting “2024” for “2022” and by substituting “\$130,000,000” for “\$120,000,000”.

SEC. 207. Section 9503(f) of the Omnibus Public Land Management Act of 2009 ([42 U.S.C. 10363](#)(f)) shall be applied by substituting “2024” for “2023”.

Approved March 9, 2024

Explanatory Remarks

LEGISLATIVE HISTORY—H.R. 4366 (S. 2127):

Joint Explanatory Statement: Energy and Water Development and Related Agencies Appropriation Act, 2024, [March 9, 2024](#)

House Report: No. [118–580](#) (Comm. on Appropriations, Subcommittee on Energy and Water).

Senate Report: No. [118–205](#) (Comm. on Appropriations, Subcommittee on Energy and Water) accompanying S. 4927.

CONGRESSIONAL RECORD:

Vol. 169 (2023):	July 26, 27, considered and passed House. Sept. 14, 18–20, Oct. 25, 26, 31, Nov. 1, considered and passed Senate, amended.
Vol. 170 (2024):	Mar. 6, House concurred in Senate amendment with an amendment pursuant to H. Res. 1061. Senate considered concurring in House amendment. Mar. 8. Senate concurred in House amendment.

**SERVICEMEMBER QUALITY OF LIFE IMPROVEMENT AND
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2025**
(Reauthorization of Upper Colorado and San Juan River Basins Endangered Fish
and Threatened Fish Recovery Implementation Programs)

[Extracts from] An Act to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes. An Act of December 23, 2024, Public Law [118-159](#), 138 Stat. XXXX.)

[Section 1. Short Title.]

(a) In General.-- This Act may be cited as the “Servicemember Quality of Life Improvement and National Defense Authorization Act for Fiscal Year 2025”.

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Sec. 2. Organization of Act into Divisions, Table of Contents.

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(5) Division E--Other Matters.

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Subtitle B--Other Matters

Sec. 5311.]Reauthorization of Upper Colorado and San Juan River Basins Endangered Fish and Threatened Fish Recovery Implementation Programs.]

(a) Purpose.--Section 1 of Public Law [106-392](#) (114 Stat. 1602) is amended by inserting “and threatened” after “endangered”.

(b) Definitions.--Section 2 of Public Law [106-392](#) (114 Stat. 1602; 116 Stat. 3113) is amended--

(1) in paragraph (1), by striking “to implement the Recovery Implementation Program for the Endangered Fish Species in the Upper Colorado River dated September 29, 1987, and extended by the Extension of the Cooperative Agreement dated December 6, 2001, and the 1992 Cooperative Agreement to implement the San Juan River Recovery Implementation Program dated October 21, 1992, and as they may be amended” and inserting “for the Recovery Implementation Program for Endangered Species in the Upper Colorado River Basin dated September 29, 1987, and the 1992 Cooperative Agreement for the San Juan River Basin Recovery Implementation Program dated October 21, 1992, as the agreements may be amended and extended”;

(2) in paragraph (6)--

(A) by inserting “or threatened” after “endangered”; and

(B) by striking “removal or translocation” and inserting “control”;

(3) in paragraph (7), by striking “long-term” each place it appears;

(4) in paragraph (8), in the second sentence, by striking “1988 Cooperative Agreement and the 1992 Cooperative Agreement” and inserting “Recovery Implementation Programs”;

(5) in paragraph (9)--

(A) by striking “leases and agreements” and inserting “acquisitions”;

(B) by inserting “or threatened” after “endangered”; and

(C) by inserting “, as approved under the Recovery Implementation Programs” after “nonnative fishes”; and

(6) in paragraph (10), by inserting “pursuant to the Recovery Implementation Program for Endangered Species in the Upper Colorado River Basin” after “Service”.

(c) Authorization to Fund Recovery Programs.-- Section 3 of Public Law [106-392](#) (114 Stat. 1603; 116 Stat. 3113; 120 Stat. 290; 123 Stat. 1310; 126 Stat. 2444; 133 Stat. 809; 136 Stat. 5572) is amended--

(1) in subsection (a)--

(A) in paragraph (1), by striking “(1) There is hereby authorized to be appropriated to the Secretary, \$88,000,000 to undertake capital projects to carry out the purposes of this Act. Such funds” and inserting the following:

“(1) Authorization.--

“(A) In general.-- Subject to subparagraph (B), there is authorized to be appropriated to the Secretary for use by the Bureau of Reclamation to undertake capital projects to carry out the purposes of this Act \$50,000,000 for the period of fiscal years 2024 through 2031.

“(B) Annual adjustment.-- For each of fiscal years 2025 through 2031, the amount authorized to be appropriated under subparagraph (A) shall be annually adjusted to reflect widely available engineering cost indices applicable to relevant construction activities.

“(C) Nonreimbursable funds.-- Amounts made available pursuant to subparagraph (A)”;

(B) in paragraph (2), by striking “Program for Endangered Fish Species in the Upper Colorado River Basin shall expire in fiscal year 2024” and inserting “Programs shall expire in fiscal year 2031”; and

(C) by striking paragraph (3);

(2) by striking subsections (b) and (c) and inserting the following:

“(b) Non-Federal Contributions to Capital Projects.-- The Secretary, acting through the Bureau of Reclamation, may accept contributed funds, interests in land and water, or other contributions from the Upper Division States, political subdivisions of the Upper Division States, or individuals, entities, or organizations within the Upper Division States, pursuant to agreements that provide for the contributions to be used for capital projects costs.”;

(3) by redesignating subsections (d) through (j) as subsections (c) through (i), respectively;

(4) in subsection (c) (as so redesignated)--

(A) in paragraph (1)(A), by striking “\$10,000,000 for each of fiscal years 2020 through 2024” and inserting “\$92,040,000 for the period of fiscal years 2024 through 2031”;

(B) in paragraph (2)--

(i) in the first sentence, by striking “\$4,000,000 per year” and inserting “\$61,100,000 for the period of fiscal years 2024 through 2031”;

(ii) in the second sentence--

(I) by inserting “Basin” after “San Juan River”; and

(II) by striking “\$2,000,000 per year” and inserting “\$30,940,000 for the period of fiscal years 2024 through 2031”; and

(iii) in the third sentence, by striking “in fiscal years commencing after the enactment of this Act” and inserting “for fiscal year 2024 and each fiscal year thereafter”; and

(C) by striking paragraph (3) and inserting the following:

“(3) Federal contributions to annual base funding.--

“(A) In general.-- For each of fiscal years 2024 through 2031, the Secretary, acting through the Bureau of Reclamation, may accept funds from other Federal agencies, including power revenues collected pursuant to the Act of April 11, 1956 (commonly known as the “Colorado River Storage Project Act”)([43 U.S.C. 620](#) et seq.).

“(B) Availability of funds.-- Funds made available under subparagraph (A) shall be available for expenditure by the Secretary, as determined by the contributing agency in consultation with the Secretary.

“(C) Treatment of funds.-- Funds made available under subparagraph (A) shall be treated as nonreimbursable Federal expenditures.

“(D) Treatment of power revenues.-- Not more than \$499,000 in power revenues over the period of fiscal years 2024 through 2031 shall be accepted under subparagraph (A) and treated as having been repaid and returned to the general fund of the Treasury.

“(4) Non-federal contributions to annual base funding.-- The Secretary, acting through the Bureau of Reclamation, may accept contributed funds from the Upper Division States, political subdivisions of the Upper Division States, or individuals, entities, or organizations within the Upper Division States, pursuant to agreements that provide for the contributions to be used for annual base funding.

“(5) Replacement power.-- Contributions of funds made pursuant to this subsection shall not include the cost of replacement power purchased to offset modifications to the operation of the Colorado River Storage Project to benefit threatened or endangered fish species under the Recovery Implementation Programs.”;

(5) in subsection (f) (as so redesignated), in the first sentence, by inserting “or threatened” after “endangered”;

(6) in subsection (g) (as so redesignated), by striking “unless the time period for the respective Cooperative Agreement is extended to conform with this Act” and inserting “, as amended or extended”;

(7) in subsection (h) (as so redesignated), in the first sentence, by striking “Upper Colorado River Endangered Fish Recovery Program or the San Juan River Basin Recovery Implementation Program” and inserting “Recovery Implementation Programs”; and

(8) in subsection (i)(1) (as so redesignated)--

(A) by striking “2022” each place it appears and inserting “2030”;

(B) by striking “2024” each place it appears and inserting “2031”; and

(C) in subparagraph (C)(ii)(III), by striking “contributions by the States, power customers, Tribes, water users, and environmental organizations” and inserting “non-Federal contributions”.

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Approved December 23, 2024

Explanatory Remarks

LEGISLATIVE HISTORY—H.R. 5009:

House Report: No. [118-669](#) (to accompany [H.R. 4596](#))

House Debate on H.R. 4596, [Sept. 24, 2024](#)

Senate Report: No. [118-167](#) (to accompany [S. 2247](#))

JOINT EXPLANATORY STATEMENT: and text to accompany Public Law 118-159; Armed Services Committee
[Print No. 2](#)

CLARIFY JURISDICTION WITH RESPECT TO CERTAIN BUREAU OF RECLAMATION PUMPED STORAGE DEVELOPMENT

An Act to clarify jurisdiction with respect to certain Bureau of Reclamation pumped storage development, and for other purposes. (An Act of December 23, 2024, Public Law [118-162](#), 138 Stat. 2575.)

[Section 1. Land Withdrawal and Reservation.]--

(a) Definitions.—In this section:

(1) Agreement.— The term “Agreement” means the agreement between the United States and the Association dated September 6, 1917, as amended.

(2) Association.— The term “Association” means the Salt River Valley Water Users’ Association.

(3) Covered Land.—The term “covered land” means the portion of the National Forest System land located on the south side of the Salt River from the March 9, 1903, 1-mile withdrawal area for the Bureau of Reclamation purposes extending an additional 2 miles from the Salt River at Roosevelt Dam to 18.25 river miles downstream, in the State of Arizona, not including the Superstition Mountain Wilderness Area and the Tonto National Monument, as depicted on the Map.

(4) District.— The term “District” means the Salt River Project Agricultural Improvement and Power District.

(5) Map.— The term “Map” means the map prepared under subsection (e)(1).

(6) SRP.— The term “SRP” means—

(A) the District; and

(B) the Association.

(b) Reservation of Covered Land.— Subject to valid existing rights, the covered land is reserved to the United States, through the Secretary of the Interior, for the exclusive right to use the covered land and interests in the covered land for the development, generation, and transmission of electrical power and energy for the use and benefit of the Salt River Federal Reclamation Project pursuant to the Agreement.

(c) Withdrawal of Covered Land.— The covered land is permanently withdrawn from—

(1) all forms of entry, appropriation, and disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(d) Facilities.— With respect to facilities constructed by SRP on the covered land for the development, generation, and transmission of electrical power and energy—

(1) the design and specifications shall conform to Bureau of Reclamation standards, and final designs shall be subject to review and approval by the Secretary of the Interior;

(2) all construction work shall be subject to inspection and approval by the Secretary of the Interior;

(3) upon a determination of substantial completion of such facilities, the Secretary of the Interior shall accept title on behalf of the United States as part of the Salt River Federal Reclamation Project pursuant to—

(A) section 6 of the Act of June 17, 1902 (32 Stat. 389, chapter 1093; [43 U.S.C. 498](#)); and

- (B) the Agreement; and
- (4) SRP shall be responsible for the care, operation, and maintenance pursuant to the Agreement.
- (e) MAP.—
- (1) In General.—As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture shall prepare a map depicting the boundary of the covered land.
- (2) Availability.—The Map shall be on file and available for public inspection in the appropriate offices of the Forest Service and the Bureau of Reclamation.
- (f) Management of Covered Land.—Management of the covered lands shall be in accordance with the Management Memorandum among the District, United States Department of Agriculture, Forest Service, and the Bureau of Reclamation, dated April 27, 1979, as amended.
- (g) Relation to Other Law.—
- (1) Compliance with Environmental Laws.—The Secretary of the Interior is directed to carry out all necessary environmental compliance under the National Environmental Policy Act of 1969 ([42 U.S.C. 4321](#), et seq.), the Endangered Species Act of 1973 ([16 U.S.C. 1531](#), et seq.), and all other applicable environmental laws and regulations, prior to construction of facilities on the covered land for the development, generation, and transmission of electrical power and energy.
- (2) Lead Agency.—The Bureau of Reclamation shall be the lead agency with respect to environmental compliance.
- (3) Withdrawal Not Major Federal Action.—The withdrawal of the covered land shall not constitute a major Federal action under the National Environmental Policy Act of 1969 ([42 U.S.C. 4321](#), et seq.).
- (4) Antideficiency.—The United States shall not be liable for failure to carry out any obligation or activity authorized to be carried out under this title (including any such obligation or activity under the Agreement) if adequate appropriations are not provided by Congress expressly to carry out the purposes of this Act.

Approved December 23, 2024.

Explanatory Remarks

LEGISLATIVE HISTORY—H.R. 1607 (S. 739):

RECLAMATION TESTIMONY: House Natural Resources Committee, [June 14, 2023](#)

House Report: No. [118–264](#) (Comm. on Natural Resources).

CONGRESSIONAL RECORD:

Vol. 169 (2023): [Nov. 6](#), considered and passed House.

Vol. 170 (2024): [Dec. 17](#), considered and passed Senate.

GREAT SALT LAKE STEWARDSHIP ACT

An Act To amend the Central Utah Project Completion Act to authorize expenditures for the conduct of certain water conservation measures in the Great Salt Lake basin, and for other purposes. (An Act of December 23, 2024, Public Law [118-169](#), 138 Stat. 2588.)

[Section 1. Short Title.]

This Act may be cited as the “Great Salt Lake Stewardship Act”.

Sec. 2. [Water Conservation Measures in the Great Salt Lake Basin.]

Title II of the Central Utah Project Completion Act (Public Law [102-575](#); 106 Stat. 4605) is amended by adding at the end the following:

“SEC. 213. WATER CONSERVATION MEASURES IN THE GREAT SALT LAKE BASIN.

“(a) In General.-- The Secretary may use any unexpended budget authority provided under subsections (a)(2) and (c) of section 202 for the conduct of water conservation measures within the Great Salt Lake basin in accordance with section 207.

“(b) Compliance With Definite Plan Report.-- Any water conservation measure conducted under subsection (a) shall be considered to be compliant with the Definite Plan Report completed under section 205(a).”.

Approved December 23, 2024.

Explanatory Remarks

LEGISLATIVE HISTORY--H.R. 4094 (S. 1955):

House Report: No. [118-666](#) (Comm. on Natural Resources).

Senate Report: No. [118-166](#) (Comm. on Energy and Natural Resources) accompanying S. 1955.

CONGRESSIONAL RECORD, Vol. 170 (2024):

[Sept. 24](#), considered and passed House.

[Dec. 17](#), considered and passed Senate.

SWANSON AND HUGH BUTLER RESERVOIRS LAND CONVEYANCES ACT

An Act to provide for the conveyance of certain Federal land at Swanson Reservoir and Hugh Butler Reservoir in the State of Nebraska, and for other purposes. (An Act of December 23, 2024, Public Law [118-185](#), 138 Stat. 2629.)

[Section 1. Short Title.]

This Act may be cited as the “Swanson and Hugh Butler Reservoirs Land Conveyances Act”.

Sec. 2. [Definitions.]-- In this Act:

- (1) Fair market value.-- The term “fair market value”, with respect to a specified property right, means the most probable price, as of a specified date, in cash, terms equivalent to cash, or other precisely revealed terms, for which the specified property right should sell after reasonable exposure in a competitive market under all conditions requisite for a fair sale, with the buyer and seller each acting prudently, knowledgeably, and in the self-interest of the buyer or seller, as applicable, and assuming that the buyer and seller are not under undue duress.
- (2) Frontier county.-- The term “Frontier County” means Frontier County, Nebraska, acting through the Board of Commissioners of Frontier County.
- (3) Hitchcock county.-- The term “Hitchcock County” means Hitchcock County, Nebraska, acting through the Board of Commissioners of Hitchcock County.
- (4) Hugh butler reservoir.-- The term “Hugh Butler Reservoir” means the Hugh Butler Lake and Red Willow Dam constructed as part of the Pick-Sloan Missouri Basin Program, Frenchman-Cambridge Division, as authorized by section 9 of the Act of December 22, 1944 (commonly known as the “Flood Control Act of 1944”) ([58 Stat. 891](#), chapter 665).
- (5) Lakeview lodge management agreement.-- The term “Lakeview Lodge Management Agreement” means the management agreement entitled “Management Agreement between the Bureau of Reclamation, et al., for the Development, Operation, and Maintenance of a Concession Operation at Swanson Reservoir, Nebraska”, numbered 23-LM-60-4160, and dated November 1, 2023.
- (6) Lakeview lodge permitted concession land.-- The term “Lakeview Lodge Permitted Concession Land” means the approximately 21.5 acres of land and water for the operation of a public concession at Swanson Reservoir, as generally depicted on the map prepared by the Bureau of Reclamation entitled “Lakeview Lodge Concession Boundary” and dated August 2023.
- (7) Red willow management agreement.-- The term “Red Willow Management Agreement” means the management agreement entitled “Management Agreement between the Bureau of Reclamation, et al., for the Development, Management, Operation, and Maintenance of a Concession Operation at Hugh Butler Reservoir, Nebraska”, numbered 24-LM-60-5155, and dated March 7, 2024.
- (8) Red willow permitted cabin land.-- The term “Red Willow Permitted Cabin Land” means the approximately 6.5 acres of land encompassing the 8 permitted cabin lots at the Hugh Butler Reservoir, as generally depicted on the map prepared by the Bureau of Reclamation entitled “Red Willow Cabin Map” and dated March 2024.
- (9) Red willow permitted concession land.-- The term “Red Willow Permitted Concession Land” means the approximately 23 acres of land and water for the operation of a public service concession at the Hugh Butler Reservoir, as generally depicted on the map prepared by the Bureau of Reclamation entitled “Red Willow Concession Boundary” and dated August 2023.

(10) Requested federal land.-- The term "requested Federal land" means each of the following parcels of land, or any subset of those parcels, with respect to which a title transfer agreement is executed:

(A) The Lakeview Lodge Permitted Concession Land.

(B) The Red Willow Permitted Cabin Land.

(C) The Red Willow Permitted Concession Land.

(D) The Swanson Permitted Cabin Land.

(E) The Swanson Permitted Concession Land.

(11) Secretary.-- The term "Secretary" means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(12) State.--The term "State" means the State of Nebraska.

(13) Swanson management agreement.-- The term "Swanson Management Agreement" means the management agreement entitled "Management Agreement between the Bureau of Reclamation, et al., for the Development, Management, Operation, and Maintenance of a Concession Operation at Swanson Reservoir, Nebraska", numbered 24-LM-60-5154, and dated April 19, 2024.

(14) Swanson permitted cabin land.-- The term "Swanson Permitted Cabin Land" means the approximately 6.2 acres of land encompassing the 11 permitted cabin lots at the Swanson Reservoir, as generally depicted on the map prepared by the Bureau of Reclamation entitled "Swanson Cabin Map" and dated March 2024.

(15) Swanson permitted concession land.-- The term "Swanson Permitted Concession Land" means the approximately 20 acres of land and water for the operation of a public service concession at the Swanson Reservoir, as generally depicted on the map prepared by the Bureau of Reclamation entitled "Swanson Concession Boundary" and dated August 2023.

(16) Swanson reservoir.-- The term "Swanson Reservoir" means the Swanson Reservoir and Trenton Dam constructed as part of the Pick-Sloan Missouri Basin Program, Frenchman-Cambridge Division, as authorized by section 9 of the Act of December 22, 1944 (commonly known as the "Flood Control Act of 1944") ([58 Stat. 891](#), chapter 665).

(17) Title transfer agreement.-- The term "title transfer agreement" means a title transfer agreement entered into under section 3(a)(1) between the Secretary and Frontier County or Hitchcock County, as applicable, that establishes the legal, institutional, and financial terms for the conveyance of the applicable requested Federal land.

Sec. 3. [Conveyances of Federal Land to Hitchcock County and Frontier County, Nebraska.]

(a) Conveyances to Hitchcock County and Frontier County.--

(1) Title transfer agreement.-- Subject to paragraphs (2) and (5) and sections 4 and 5, not later than 3 years after the date of enactment of this Act, the Secretary shall make good faith efforts to enter into negotiations for, and enter into, title transfer agreements with each of Hitchcock County and Frontier County--

(A) under which the Secretary shall convey to Hitchcock County or Frontier County, as applicable, all requested right, title, and interest of the United States in and to the applicable requested Federal land;

(B) that provides that, as a condition of the conveyance, the applicable requested Federal land--

(i) shall be conveyed in whole; and

(ii) shall not be subdivided; and

- (C) that provides a plan for--
- (i) a demonstration of--
 - (I) the technical capability of Hitchcock County or Frontier County, as applicable, to operate and maintain the applicable requested Federal land permanently; and
 - (II) the ability of Hitchcock County or Frontier County, as applicable, to satisfy financial obligations relating to the applicable requested Federal land; and
 - (ii) the management by Hitchcock County or Frontier County, as applicable, of the applicable requested Federal land to be conveyed in accordance with the applicable title transfer agreement, including addressing any issues to ensure compliance with applicable State fire, safety, and health codes and standards not later than 2 years after the date of the applicable conveyance.
- (2) Requirement.-- Notwithstanding section 8002(3)(B) of the John D. Dingell, Jr. Conservation, Management, and Recreation Act ([43 U.S.C. 2902](#)(3)(B)), the Secretary shall negotiate the title transfer agreement under paragraph (1) in accordance with the criteria, terms, and conditions described in subtitle A of title VIII of that Act ([43 U.S.C. 2901](#) et seq.).
- (3) Offer to convey.-- As soon as practicable after the date on which a title transfer agreement is entered into pursuant to paragraph (1), the Secretary shall offer to convey to Hitchcock County or Frontier County, as applicable, all right, title, and interest of the United States in and to the applicable requested Federal land, in accordance with the terms and conditions described in the applicable title transfer agreement.
- (4) Costs.--
- (A) Consideration.--
 - (i) In general.-- As consideration for the conveyance of the applicable requested Federal land under paragraph (3), Hitchcock County or Frontier County, as applicable, shall pay to the Secretary, for use in accordance with clause (iii), an amount equal to the fair market value of the applicable requested Federal land, as determined by an appraisal conducted--
 - (I) in accordance with clause (ii);
 - (II) by a third-party appraiser approved by the Secretary; and
 - (III) subject to the management requirements under paragraph (5) and section 4.
 - (ii) Appraisal requirements.--
 - (I) In general.-- An appraisal under clause (i) shall be conducted in accordance with the Uniform Standards of Professional Appraisal Practice.
 - (II) Improvements.-- For purposes of clause (i), any improvements to the applicable requested Federal land made by a permit holder shall not be included in the appraised value of the applicable requested Federal land.
 - (III) Resolution of dispute.-- Any dispute over the fair market value of the applicable requested Federal land under an appraisal conducted under clause (i) shall be resolved in accordance with section 2201.4 of title 43, Code of Federal Regulations (or a successor regulation).
 - (IV) Consideration of revenues.-- An appraisal under clause (i) shall take into consideration any future income stream that the United States would have

derived from the applicable requested Federal land at the time of the conveyance, including revenues to the United States--

- (aa) from existing water service and repayment contracts;
- (bb) from known or reasonably foreseeable new contracts or renewals;
- (cc) as aid to irrigation; and
- (dd) from any other authorized source.

(iii) Use.-- Amounts paid under clause (i) shall be available to the Secretary, subject to further appropriation, for activities relating to the operation of the Hugh Butler Reservoir and Swanson Reservoir.

(B) Conveyance costs.-- As a condition of a conveyance under paragraph (3), Hitchcock County or Frontier County, as applicable, shall be responsible for paying, in advance of the conveyance of the applicable requested Federal land, all survey and other administrative costs, as determined to be necessary by the Secretary, for the preparation and completion of transfer of title to, the applicable requested Federal land.

(5) Management.-- Hitchcock County and Frontier County shall each manage the applicable requested Federal land conveyed to Hitchcock County or Frontier County, as applicable, under paragraph (3)--

(A) for substantially the same purposes for which the applicable requested Federal land is being used as of the date of enactment of this Act; or

(B) for--

- (i) recreation and public purposes consistent with the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (44 Stat. 741, chapter 578; [43 U.S.C. 869](#) et seq.);
- (ii) public access;
- (iii) fish and wildlife habitat; or
- (iv) the preservation of the natural character of the applicable requested Federal land.

(b) Subsequent Conveyance of Requested Federal Land.--

(1) In general.--Except as provided in paragraph (2), on completion of a conveyance to Hitchcock County or Frontier County, as applicable, of the applicable requested Federal land under subsection (a), Hitchcock County or Frontier County, as applicable, may not subsequently reconvey the applicable requested Federal land.

(2) Exceptions.-- Notwithstanding paragraph (1), Hitchcock County or Frontier County, as applicable, may subsequently convey the applicable requested Federal land if--

(A) the applicable requested Federal land is reconveyed, at no cost, to an entity located in the State that is recognized by the State as a publicly owned or governmental organization, including--

- (i) a State agency;
- (ii) a county, city, village, or township in, or political subdivision of, the State;
- (iii) a natural resource district; and
- (iv) an irrigation or reclamation district;

(B) Hitchcock County or Frontier County, as applicable, has demonstrated an impending adverse impact if the applicable requested Federal land is not reconveyed;

(C) the entity to which the applicable requested Federal land would be reconveyed has the capacity to continue to manage the applicable requested Federal land for the same

purposes for which the applicable requested Federal land has been managed as of the date of enactment of this Act; and

(D) the applicable requested Federal land to be reconveyed would continue to be available for public access.

(3) Future conveyances.-- A subsequent conveyance of requested Federal land shall be subject to the requirements of this subsection and subsection (a)(5).

Sec. 4. [Effect on Reservations, Easements, and Other Rights.]

(a) In General.--A conveyance under section 3(a) shall be subject to--

(1) valid existing rights;

(2) operational requirements of the Pick-Sloan Missouri River Basin Program authorized by section 9 of the Act of December 22, 1944 (commonly known as the "Flood Control Act of 1944") ([58 Stat. 891](#), chapter 665), including Swanson Reservoir and Hugh Butler Reservoir;

(3) any flowage easement reserved by the United States to allow full operation of the Swanson Reservoir and Hugh Butler Reservoir, as applicable, for authorized purposes;

(4) any applicable reservations described in the Lakeview Lodge Management Agreement, Red Willow Management Agreement, or Swanson Management Agreement, as applicable;

(5) oil, gas, and other mineral rights reserved of record, as of the date of enactment of this Act, by, or in favor of, the United States or a third party;

(6) any permit, license, lease, right-of-use, flowage easement, or right-of-way of record in, on, over, or across the applicable requested Federal land, whether owned by the United States or a third party, as of the date of enactment of this Act;

(7) as applicable, a deed restriction that prohibits building any new permanent structure on the applicable requested Federal land below an elevation of--

(A) 2,785 feet at Swanson Reservoir; or

(B) 2,628 feet at Hugh Butler Reservoir; and

(8) the granting of applicable easements for--

(A) vehicular access to the applicable requested Federal land; and

(B) access to, and use of, all docks, boathouses, ramps, retaining walls, and other improvements for which access is provided in a permit for the use of the applicable requested Federal land as of the date of enactment of this Act.

(b) Liability; Taking.--

(1) Liability.-- The United States shall not be liable for flood damage to a property, Hitchcock County, or Frontier County, or for damages arising out of any act, omission, or occurrence relating to a permit holder, Hitchcock County, or Frontier County, other than for damages caused by an act or omission of the United States or an employee, agent, or contractor of the United States before the date of enactment of this Act.

(2) Hold harmless.-- Hitchcock County, Frontier County, and any entity to which requested Federal land is subsequently conveyed pursuant to section 3(b)(2) shall agree to indemnify and hold harmless the United States for all claims by Hitchcock County, Frontier County, or others arising from--

(A) the design, construction, operation, maintenance, or replacement of Red Willow Dam, Hugh Butler Reservoir, Trenton Dam, or Swanson Reservoir;

(B) the survey of claims, description of claims, delineation of boundaries, conveyance documents, conveyance process, and recording of deeds associated with a conveyance under this Act; or

(C) any damages associated with a structure or land that may be displaced in a flood event.

(3) No additional liability.--Nothing in this Act increases the liability of the United States beyond the liability provided under [chapter 171 of title 28](#), United States Code (commonly known as the “Federal Tort Claims Act”).

(4) Taking.--Any temporary flooding or flood damage to a property, Hitchcock County, or Frontier County, shall not be considered to be a taking by the United States.

Sec. 5. [Interim Requirements.]

(a) In General.--During the period beginning on the date of enactment of this Act and ending on the date that is the later of the date that is 3 years after the date of enactment of this Act or the date of conveyance of the applicable requested Federal land under section 3(a), the provisions of the Lakeview Lodge Management Agreement, Red Willow Management Agreement, and Swanson Management Agreement, as applicable, and any applicable permits, shall remain in force and effect.

(b) Effect of Failure to Enter Into Title Transfer Agreement.-- If, by the date that is 3 years after the date of enactment of this Act, Hitchcock County or Frontier County, as applicable, have not entered into a title transfer agreement with the Secretary under section 3(a)(1), the Secretary shall manage any of the Lakeview Lodge Permitted Concession Land, the Red Willow Permitted Cabin Land, the Red Willow Permitted Concession Land, the Swanson Permitted Cabin Land, and the Swanson Permitted Concession Land, as applicable, that is not subject to a title transfer agreement in accordance with applicable law.

Approved December 23, 2024

Explanatory Remarks

LEGISLATIVE HISTORY--H.R. 8413 (S. 4347):

House Report: No. [118-735](#) (Comm. on Natural Resources).

CONGRESSIONAL RECORD, Vol. 170 (2024):

[Dec. 5](#), considered and passed House.

[Dec. 16](#), considered and passed Senate.

DROUGHT PREPAREDNESS ACT

An Act to extend authorization of the Reclamation States Emergency Drought Relief Act of 1991 (An Act of December 23, 2024, Public Law [118-170](#), 138 Stat. 2589.)

[Section 1. Short Title.]

This Act may be cited as the “Drought Preparedness Act”.

Sec. 2. [Extension of Authorization.]

(a) Drought Program.-- Section 104(c) of the Reclamation States Emergency Drought Relief Act of 1991 ([43 U.S.C. 2214](#)(c)) is amended by striking “2022” and inserting “2028”.

(b) Authorization of Appropriations.-- Section 301 of the Reclamation States Emergency Drought Relief Act of 1991 ([43 U.S.C. 2241](#)) is amended by striking “2022” and inserting “2028”.

Approved December 23, 2024.

Explanatory Remarks

LEGISLATIVE HISTORY--H.R. 4385 (S. 4242):

House Report: No. [118-365](#) (Comm. on Natural Resources).

CONGRESSIONAL RECORD, Vol. 170 (2024):

[Feb. 5](#), considered and passed House.

[Dec. 18](#), considered and passed Senate.

COLORADO RIVER SALINITY CONTROL FIX ACT

An Act to amend the Colorado River Basin Salinity Control Act to modify certain requirements applicable to salinity control units, and for other purposes.. (An Act of December 23, 2024, Public Law [118-183](#), 138 Stat. 2625.)

[Section 1. Short Title.]

This Act may be cited as the “Colorado River Salinity Control Fix Act”.

Sec. 2. [Salinity Control Units.]

Section 205 of the Colorado River Basin Salinity Control Act ([43 U.S.C. 1595](#)) is amended--
(1) by striking the section designation and all that follows through “(a) The Secretary” and inserting the following:

“SEC. 205. SALINITY CONTROL UNITS; AUTHORITY AND FUNCTIONS OF THE SECRETARY OF THE INTERIOR.

“(a) Allocation of Costs.-- The Secretary”;

(2) by striking paragraph (1) and inserting the following:

“(1) Nonreimbursable costs; reimbursable costs.--

“(A) Nonreimbursable costs.--

“(i) In general.-- In recognition of Federal responsibility for the Colorado River as an interstate stream and for international comity with Mexico, Federal ownership of the land of the Colorado River Basin from which most of the dissolved salts originate, and the policy established in the Federal Water Pollution Control Act ([33 U.S.C. 1251](#) et seq.) and except as provided in clause (ii), the following shall be nonreimbursable:

“(I) 75 percent of the total costs of construction and replacement of each unit or separable feature of a unit authorized by section 202(a)(1), including 90 percent of--

“(aa) the costs of operation and maintenance of each unit or separable feature of a unit authorized by that section; and

“(bb) the total costs of construction, operation, and maintenance of the associated measures to replace incidental fish and wildlife values foregone.

“(II) 75 percent of the total costs of construction and replacement of each unit or separable feature of a unit authorized by section 202(a)(2), including 100 percent of--

“(aa) the costs of operation and maintenance of each unit or separable feature of a unit authorized by that section; and

“(bb) the total costs of construction, operation, and maintenance of the associated measures to replace incidental fish and wildlife values foregone.

“(III) 75 percent of the total costs of construction, operation, maintenance, and replacement of each unit or separable feature of a unit authorized by section 202(a)(3), including 75 percent of the total costs of construction, operation, and maintenance of the

associated measures to replace incidental fish and wildlife values foregone.

“(IV) 70 percent of the total costs of construction, operation, maintenance, and replacement of each unit or separable feature of a unit authorized by paragraphs (4) and (6) of section 202(a), including 70 percent of the total costs of construction, operation, and maintenance of the associated measures to replace incidental fish and wildlife values foregone.

“(V) 70 percent of the total costs of construction and replacement of each unit or separable feature of a unit authorized by section 202(a)(5), including 100 percent of--

“(aa) the costs of operation and maintenance of each unit or separable feature of a unit authorized by that section; and

“(bb) the total costs of construction, operation, and maintenance of the associated measures to replace incidental fish and wildlife values foregone.

“(VI) 85 percent of the total costs of implementation of the on-farm measures authorized by section 202(c), including 85 percent of the total costs of the associated measures to replace incidental fish and wildlife values foregone.

“(ii) Special rule for nonreimbursable costs for fiscal years 2024 and 2025.-- Notwithstanding clause (i), for each of fiscal years 2024 and 2025, the following shall be nonreimbursable:

“(I) 75 percent of all costs described in clause (i)(I).

“(II) 75 percent of all costs described in clause (i)(II).

“(III) 70 percent of all costs described in clause (i)(V).

“(IV) The percentages of all costs described in subclauses (III), (IV), and (VI) of clause (i).

“(B) Reimbursable costs.-- The total costs remaining after the allocations under clauses (i) and (ii) of subparagraph (A) shall be reimbursable as provided for in paragraphs (2), (3), (4), and (5).”;

“(3) in subsection (b), by striking the subsection designation and all that follows through “Costs of construction” in paragraph (1) and inserting the following:

“(b) Costs Payable From Lower Colorado River Basin Development Fund.--

“(1) In general.-- Costs of construction”;

“(4) in subsection (c), by striking “(c) Costs of construction” and inserting the following:

“(c) Costs Payable From Upper Colorado River Basin Fund.-- Costs of construction”; and

(5) in subsection (e), by striking “(e) The Secretary is” and inserting the following:

“(e) Upward Adjustment of Rates for Electrical Energy.--The Secretary is”.

Approved December 23, 2024.

Explanatory Remarks

LEGISLATIVE HISTORY--H.R. 7872 (S. 2514):

House Report: No. [118-709](#) (Comm. on Natural Resources).

CONGRESSIONAL RECORD, Vol. 170 (2024):

[Dec. 3](#), considered and passed House.

[Dec. 10](#), considered and passed Senate.

EXPANDING PUBLIC LANDS OUTDOOR RECREATION EXPERIENCES ACT

An Act to improve recreation opportunities on, and facilitate greater access to, Federal public land, and for other purposes.. (An Act of December 23, 2024, Public Law [118-234](#), 138 Stat. 2836.)

[Section 1. Short Title; Table of Contents.]--

(a) Short Title.--This Act may be cited as the “Expanding Public Lands Outdoor Recreation Experiences Act” or the “EXPLORE Act”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I--OUTDOOR RECREATION AND INFRASTRUCTURE

Subtitle A--Outdoor Recreation Policy

Sec. 111. Congressional declaration of policy.

Sec. 112. Identifying opportunities for recreation.

Sec. 113. Federal Interagency Council on Outdoor Recreation.

Sec. 114. Recreation budget crosscut.

Subtitle B--Public Recreation on Federal Recreational Lands and Waters

Sec. 121. Biking on long-distance trails.

Sec. 122. Protecting America's rock climbing.

Sec. 123. Range access.

Sec. 124. Restoration of overnight campsites.

Sec. 125. Federal interior land media.

Sec. 126. Cape and antler preservation enhancement.

Sec. 127. Motorized and nonmotorized access.

Sec. 128. Aquatic resource activities assistance.

Subtitle C--Supporting Gateway Communities and Addressing Park Overcrowding

Sec. 131. Gateway communities.

Sec. 132. Improved recreation visitation data.

Sec. 133. Monitoring for improved recreation decision making.

Subtitle D--Broadband Connectivity on Federal Recreational Lands and Waters

Sec. 141. Connect Our Parks.

Sec. 142. Broadband internet connectivity at developed recreation sites.

Sec. 143. Public lands telecommunications cooperative agreements.

Subtitle E--Public-Private Parks Partnerships

Sec. 151. Authorization for lease of forest service administrative sites.

Sec. 152. Partnership agreements creating tangible savings.

Sec. 153. Partnership agreements to modernize federally owned campgrounds, resorts, cabins, and visitor centers on Federal recreational lands and waters.

Sec. 154. Parking and Restroom opportunities for Federal recreational lands and waters.

Sec. 155. Pay-for-performance projects.

Sec. 156. Outdoor recreation legacy partnership program.

Sec. 157. American battlefield protection program enhancement.

TITLE II--ACCESS AMERICA

Sec. 201. Definitions.

Subtitle A--Access for People With Disabilities

Sec. 211. Accessible recreation inventory.

Sec. 212. Trail inventory.

Sec. 213. Trail pilot program.

Sec. 214. Accessible trails.

Sec. 215. Accessible recreation opportunities.

Sec. 216. Assistive technology.

Sec. 217. Savings clause.

Subtitle B--Military and Veterans in Parks

Sec. 221. Promotion of outdoor recreation for military servicemembers and veterans.

Sec. 222. Military Veterans Outdoor Recreation Liaisons.

Sec. 223. Partnerships to promote military and veteran recreation.

Sec. 224. National strategy for military and veteran recreation.

Sec. 225. Recreation resource advisory committees.

Sec. 226. Career and volunteer opportunities for veterans.

Subtitle C--Youth Access

Sec. 231. Increasing youth recreation visits to Federal land.

Sec. 232. Every Kid Outdoors Act extension.

TITLE III--SIMPLIFYING OUTDOOR ACCESS FOR RECREATION

Sec. 301. Definitions.

Subtitle A--Modernizing Recreation Permitting

Sec. 311. Special recreation permit and fee.

Sec. 312. Permitting process improvements.

Sec. 313. Permit flexibility.

Sec. 314. Permit administration.

Sec. 315. Service First Initiative; Permits for multijurisdictional trips.

Sec. 316. Forest Service and Bureau of Land Management temporary special recreation permits for outfitting and guiding.

Sec. 317. Reviews for long-term permits.

Sec. 318. Adjustment of allocated visitor-use days.

Sec. 319. Liability.

Sec. 320. Cost recovery reform.

Sec. 321. Availability of Federal, State, and local recreation passes.

Sec. 322. Online purchases and establishment of a digital version of America the Beautiful--The National Parks and Federal Recreational Lands Passes.

Sec. 323. Savings provision.

Subtitle B--Making Recreation a Priority

Sec. 331. Extension of seasonal recreation opportunities.

Subtitle C--Maintenance of Public Land

Sec. 341. Volunteers in the National Forests and Public Lands Act.

January 4, 2025

EXPANDING PUBLIC LANDS OUTDOOR RECREATION EXPERIENCES ACT

Sec. 342. Reference.

Subtitle D--Recreation Not Red Tape

Sec. 351. Good neighbor authority for recreation.

Sec. 352. Permit relief for picnic areas.

Sec. 353. Interagency report on special recreation permits for underserved communities.

Sec. 354. Modernizing Access to Our Public Land Act amendments.

Sec. 355. Savings provision.

Sec. 2. [Definitions.]-- In this Act:

(1) Federal land management agency.--The term "Federal land management agency" has the meaning given the term in section 802 of the Federal Lands Recreation Enhancement Act ([16 U.S.C. 6801](#)).

(2) Federal recreational lands and waters.--The term "Federal recreational lands and waters" has the meaning given the term in section 802 of the Federal Lands Recreation Enhancement Act ([16 U.S.C. 6801](#)).

(3) Gateway community.-- The term "gateway community" means a community that serves as an entry point, or is adjacent, to a recreation destination on Federal recreational lands and waters or non-Federal land at which there is consistently high, in the determination of the Secretaries, seasonal or year-round visitation.

(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](#)).

(5) Land use plan.--The term "land use plan" means--

(A) a land use plan prepared by the Secretary pursuant to section 202 of the Federal Land Policy and Management Act of 1976 ([43 U.S.C. 1712](#)); and

(B) a land management plan prepared by the Forest Service for a unit of the National Forest Service pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 ([16 U.S.C. 1604](#)).

(6) Secretaries.-- The term "Secretaries" means each of--

(A) the Secretary; and

(B) the Secretary of Agriculture.

(7) Secretary.--The term "Secretary" means the Secretary of the Interior.

(8) Secretary concerned.-- The term "Secretary concerned" means--

(A) the Secretary, with respect to land under the jurisdiction of the Secretary; or

(B) the Secretary of Agriculture, with respect to land managed by the Forest Service.

(9) State.-- The term "State" means each of the several States, the District of Columbia, and each territory of the United States.

TITLE I--OUTDOOR RECREATION AND INFRASTRUCTURE

Subtitle A--Outdoor Recreation Policy

Sec. 111. [Congressional Declaration of Policy.]

Congress declares that it is the policy of the Federal Government to foster and encourage recreation on Federal recreational lands and waters, to the extent consistent with the laws applicable to specific areas of Federal recreational lands and waters, including multiple-use mandates and land management planning requirements.

Sec. 112. [Identifying Opportunities for Recreation.]

(a) Inventory and Assessments.--

(1) In general.-- The Secretary concerned shall--

(A) conduct an inventory and assessment of recreation resources for Federal recreational lands and waters;

(B) develop the inventory and assessment with support from public comment; and

- (C) update the inventory and assessment as the Secretary concerned determines appropriate.
- (2) Unique recreation values.-- An inventory and assessment conducted under paragraph (1) shall--
 - (A) recognize--
 - (i) any unique recreation values and recreation opportunities; and
 - (ii) areas of concentrated recreational use; and
 - (B) identify, list, and map recreation resources by--
 - (i) type of recreation opportunity and type of natural or artificial recreation infrastructure;
 - (ii) to the extent available, the level of use of the recreation resource as of the date of the inventory; and
 - (iii) identifying, to the extent practicable, any trend relating to recreation opportunities or use at a recreation resource identified under subparagraph (A).
- (3) Assessments.-- For any recreation resource inventoried under paragraph (1), the Secretary concerned shall assess--
 - (A) the maintenance needs of, and expenses necessary to administer, the recreation resource;
 - (B) the suitability for developing, expanding, or enhancing the recreation resource; and
 - (C) the adequacy of the current management of the recreation resource.
- (b) Existing Efforts.-- To the extent practicable, the Secretary concerned shall use or incorporate existing applicable research and planning decisions and processes in carrying out this section.
- (c) Conforming Amendments.-- [Section 200103 of title 54](#), United States Code, is amended--
 - (1) by striking subsection (d); and
 - (2) by redesignating subsections (e), (f), (g), (h), and (i) as subsections (d), (e), (f), (g), and (h), respectively.

Sec. 113. [Federal Interagency Council on Outdoor Recreation.]

- (a) Definitions.--[Section 200102 of title 54](#), United States Code, is amended--
 - (1) by redesignating paragraphs (1) and (2) as paragraphs (4) and (5) respectively; and
 - (2) by inserting before paragraph (4), as so redesignated, the following:
 - “(1) Council.-- The term ‘Council’ means the Federal Interagency Council on Outdoor Recreation established under section 200104.
 - “(2) Federal land and water management agency.-- The term ‘Federal land and water management agency’ means the National Park Service, Bureau of Land Management, United States Fish and Wildlife Service, Bureau of Indian Affairs, Bureau of Reclamation, Forest Service, Corps of Engineers, and the National Oceanic and Atmospheric Administration.
 - “(3) Federal recreational lands and waters.-- The term ‘Federal recreational lands and waters’ has the meaning given the term in section 802 of the Federal Lands Recreation Enhancement Act ([16 U.S.C. 6801](#)) and also includes Federal lands and waters managed by the Bureau of Indian Affairs, Corps of Engineers, or National Oceanic and Atmospheric Administration.”.
- (b) Establishment of Council.-- [Section 200104 of title 54](#), United States Code, is amended to read as follows:
 - “Sec. 200104. Federal interagency council on outdoor recreation

“(a) Establishment.--The Secretary shall establish an interagency council, to be known as the ‘Federal Interagency Council on Outdoor Recreation’.

“(b) Composition.--

“(1) In general.--The Council shall be composed of representatives of each of the following agencies, to be appointed by the head of the respective agency:

“(A) The National Park Service.

“(B) The Bureau of Land Management.

“(C) The United States Fish and Wildlife Service.

“(D) The Bureau of Indian Affairs.

“(E) The Bureau of Reclamation.

“(F) The Forest Service.

“(G) The Army Corps of Engineers.

“(H) The National Oceanic and Atmospheric Administration.

“(2) Additional participants.--In addition to the members of the Council appointed under paragraph (1), the Secretary may invite participation in the Council's meetings or other activities from representatives of the following:

“(A) The Council on Environmental Quality.

“(B) The Natural Resources Conservation Service.

“(C) Rural development programs of the Department of Agriculture.

“(D) The National Center for Chronic Disease Prevention and Health Promotion.

“(E) The Environmental Protection Agency.

“(F) The Department of Transportation, including the Federal Highway Administration.

“(G) The Tennessee Valley Authority.

“(H) The Department of Commerce, including—

“(i) the Bureau of Economic Analysis;

“(ii) the National Travel and Tourism Office; and

“(iii) the Economic Development Administration.

“(I) The Federal Energy Regulatory Commission.

“(J) An applicable State agency or office.

“(K) An applicable agency or office of a local government.

“(L) Other organizations or interests, as determined appropriate by the Secretary.

“(3) State coordination.--In determining additional participants under this subsection, the Secretary shall seek to ensure that States are invited and represented in the Council's meetings or other activities.

“(4) Leadership.-- The leadership of the Council shall rotate every 2 years among the Council members appointed under paragraph (1), or as otherwise determined by the Secretary in consultation with the Secretaries of Agriculture, Defense, and Commerce.

“(5) Funding.--Notwithstanding section 708 of title VII of division E of the Consolidated Appropriations Act, 2023 ([Public Law 117-328](#)), the

Council members appointed under paragraph (1) may enter into agreements to share the management and operational costs of the Council.

“(c) Coordination.--The Council shall meet as frequently as appropriate for the purposes of coordinating on issues related to outdoor recreation, including--

“(1) recreation programs and management policies across Federal land and water management agencies, including activities associated with the implementation of the Federal Lands Recreation Enhancement Act ([16 U.S.C. 6801](#) et seq.), as appropriate;

“(2) the response by Federal land and water management agencies to public health emergencies or other emergencies, including those that result in disruptions to, or closures of, Federal recreational lands and waters;

“(3) investments relating to outdoor recreation on Federal recreational lands and waters, including funds made available under section 40804(b)(7) of the Infrastructure Investment and Jobs Act ([16 U.S.C. 6592a\(b\)\(7\)](#));

“(4) management of emerging technologies on Federal recreational lands and waters;

“(5) research activities, including quantifying the economic impacts of recreation;

“(6) dissemination to the public of recreation-related information, in a manner that ensures the recreation-related information is easily accessible with modern communication devices;

“(7) the improvement of access to Federal recreational lands and waters; and

“(8) the identification and engagement of partners outside the Federal Government--

“(A) to promote outdoor recreation;

“(B) to facilitate collaborative management of outdoor recreation; and

“(C) to provide additional resources relating to enhancing outdoor recreation opportunities; and

“(9) any other outdoor recreation-related issues that the Council determines necessary.

“(d) Effect.-- Nothing in this section affects the authorities, regulations, or policies of any Federal agency described in paragraph (1) or (2) of subsection (b).”.

(c) Clerical Amendment.-- The table of sections for [chapter 2001 of title 54](#), United States Code, is amended by striking the item relating to section 200104 and inserting the following:

“200104. Federal Interagency Council on Outdoor Recreation”.

Sec. 114. [Recreation Budget Crosscut.]

Not later than 30 days after the end of each fiscal year, beginning with fiscal year 2025, the Director of the Office of Management and Budget shall submit to Congress and make public online a report that describes and itemizes the total amount of funding relating to outdoor recreation that was obligated in the preceding fiscal year in accounts in the Treasury for the Department of the Interior and the Department of Agriculture.

Subtitle B--Public Recreation on Federal Recreational Lands and Waters

Sec. 121. [Biking on Long-Distance Trails.]

(a) Identification of Long-Distance Trails.--

Not later than 18 months after the date of the enactment of this title, the Secretaries shall identify--

- (1) not fewer than 10 long-distance bike trails that make use of trails and roads in existence on the date of the enactment of this title; and
- (2) not fewer than 10 areas in which there is an opportunity to develop or complete a trail that would qualify as a long-distance bike trail.

(b) Public Comment.-- The Secretaries shall--

- (1) develop a process to allow members of the public to comment regarding the identification of trails and areas under subsection (a); and
- (2) consider the identification, development, and completion of long-distance bike trails in a geographically equitable manner.

(c) Maps, Signage, and Promotional Materials.-- For any long-distance bike trail identified under subsection (a), the Secretary concerned may--

- (1) publish and distribute maps, install signage, and issue promotional materials; and
- (2) coordinate with stakeholders to leverage any non-Federal resources necessary for the stewardship, development, or completion of trails.

(d) Report.-- Not later than 2 years after the date of the enactment of this title, the Secretaries, in partnership with interested organizations, shall prepare and publish a report that lists the trails identified under subsection (a), including a summary of public comments received in accordance with the process developed under subsection (b).

(e) Conflict Avoidance With Other Uses.-- Before identifying a long-distance bike trail under subsection (a), the Secretary concerned shall ensure the long-distance bike trail--

- (1) minimizes conflict with--
 - (A) the uses, before the date of the enactment of this title, of any trail or road that is part of that long-distance bike trail;
 - (B) multiple-use areas where biking, hiking, horseback riding, or use by pack and saddle stock are existing uses on the date of the enactment of this title;
 - (C) the purposes for which any trail was or is established under the National Trails System Act ([16 U.S.C. 1241](#) et seq.); and
 - (D) any area managed under the Wilderness Act ([16 U.S.C. 1131](#) et seq.); and
- (2) complies with land use and management plans of the Federal recreational lands and waters that are part of that long-distance bike trail.

(f) Eminent Domain or Condemnation.--In carrying out this section, the Secretaries may not use eminent domain or condemnation.

(g) Definitions.--In this section:

- (1) Long-distance bike trail.--The term "long-distance bike trail" means a continuous route, consisting of 1 or more trails or rights-of-way, that--
 - (A) is not less than 80 miles in length;
 - (B) primarily makes use of dirt or natural surface trails;
 - (C) may require connections along paved or other improved roads;
 - (D) does not include Federal recreational lands where mountain biking or related activities are not consistent with management requirements for those Federal recreational lands; and

(E) to the maximum extent practicable, makes use of trails and roads that were on Federal recreational lands on or before the date of the enactment of this title.

(2) Secretaries.--The term "Secretaries" means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

Sec. 122. [Protecting America's Rock Climbing.]

(a) In General.--Not later than 18 months after the date of the enactment of this title, each Secretary concerned shall issue guidance for recreational climbing activities on covered Federal land.

(b) Applicable Law.--The guidance issued under subsection (a) shall ensure that recreational climbing activities comply with the laws (including regulations) applicable to the covered Federal land.

(c) Wilderness Areas.--The guidance issued under subsection (a) shall recognize that recreational climbing (including the use, placement, and maintenance of fixed anchors) is an appropriate use within a component of the National Wilderness Preservation System, if undertaken—

(1) in accordance with the Wilderness Act ([16 U.S.C. 1131](#) et seq.) and other applicable laws (including regulations); and

(2) subject to any terms and conditions determined by the Secretary concerned to be appropriate.

(d) Authorization.-- The guidance issued under subsection (a) shall describe the requirements, if any, for the placement and maintenance of fixed anchors for recreational climbing in a component of the National Wilderness Preservation System, including any terms and conditions determined by the Secretary concerned to be appropriate, which may be issued programmatically or on a case-by-case basis.

(e) Existing Routes.-- The guidance issued under subsection (a) shall include direction providing for the continued use and maintenance of recreational climbing routes (including fixed anchors along the routes) in existence as of the date of the enactment of this title, in accordance with this Act.

(f) Public Comment.-- Before finalizing the guidance issued under subsection (a), the Secretary concerned shall provide opportunities for public comment with respect to the guidance.

(g) Covered Federal Land Defined.-- In this section, the term "covered Federal land"--

(1) means the lands described in subparagraphs (A) and (B) of paragraph (2); and

(2) includes components of the National Wilderness Preservation System.

Sec. 123. [Range Access.]

(a) Definition of Target Shooting Range.-- In this section, the term "target shooting range" means a developed and managed area that is authorized or operated by the Forest Service, a concessioner of the Forest Service, or the Bureau of Land Management (or their lessee) specifically for the purposeful discharge by the public of legal firearms, firearms training, archery, or other associated activities.

(b) Assessment; Identification of Target Shooting Range Locations.--

(1) Assessment.-- Not later than 1 year after the date of the enactment of this title, the Secretary concerned shall make available to the public a list that--

(A) identifies each National Forest and each Bureau of Land Management district that has a target shooting range that meets the requirements described in paragraph (3)(B);

(B) identifies each National Forest and each Bureau of Land Management district that does not have a target shooting range that meets the requirements described in paragraph (3)(B); and

(C) for each National Forest and each Bureau of Land Management district identified under subparagraph (B), provides a determination of whether applicable law or the applicable land use plan prevents the establishment of a target shooting range that meets the requirements described in paragraph (3)(B).

(2) Identification of target shooting range locations.--

(A) In general.-- The Secretary concerned shall identify at least 1 suitable location for a target shooting range that meets the requirements described in paragraph (3)(B) within each National Forest and each Bureau of Land Management district with respect to which the Secretary concerned has determined under paragraph (1)(C) that the establishment of a target shooting range is not prevented by applicable law or the applicable land use plan.

(B) Requirements.-- The Secretaries, in consultation with the entities described in subsection (d), shall, for purposes of identifying a suitable location for a target shooting range under subparagraph (A)--

- (i) consider the proximity of areas frequently used by recreational shooters;
- (ii) ensure that the target shooting range would not adversely impact a shooting range operated on non-Federal land; and
- (iii) consider other nearby recreational uses, including proximity to units of the National Park System, to minimize potential conflict and prioritize visitor safety.

(3) Establishment of new target shooting ranges.--

(A) In general.-- Not later than 5 years after the date of the enactment of this title, at 1 or more suitable locations identified on each eligible National Forest and Bureau of Land Management district under paragraph (2)(A), the Secretary concerned shall--

- (i) subject to the availability of appropriations for such purpose, construct a target shooting range that meets the requirements described in subparagraph (B) or modify an existing target shooting range to meet the requirements described in subparagraph (B); or
- (ii) enter into an agreement with an entity described in subsection (d)(1), under which the entity shall establish or maintain a target shooting range that meets the requirements described in subparagraph (B).

(B) Requirements.-- A target shooting range established under this paragraph--

- (i)(I) shall be able to accommodate rifles and pistols;
- (II) may include skeet, trap, or sporting clay infrastructure; and
- (III) may accommodate archery;
- (ii) shall include appropriate public safety designs and features, including--
 - (I) significantly modified landscapes, including berms, buffer distances, or other public safety designs or features; and
 - (II) a designated firing line; and
- (iii) may include--
 - (I) shade structures;
 - (II) trash containers;
 - (III) restrooms;
 - (IV) benches; and

(V) any other features that the Secretary concerned determines to be necessary.

(C) Recreation and public purposes act.-- For purposes of subparagraph (A), the Secretary concerned may consider a target shooting range that is located on land transferred or leased pursuant to the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (44 Stat. 741, chapter 578; [43 U.S.C. 869](#) et seq.), as a target shooting range that meets the requirements described in subparagraph (B).

(c) Restrictions.--

(1) Management.-- The management of a target shooting range shall be subject to such conditions as the Secretary concerned determines are necessary for the safe, responsible use of--

(A) the target shooting range; and

(B) the adjacent land and resources.

(2) Closures.--Except in emergency situations, the Secretary concerned shall seek to ensure that a target shooting range that meets the requirements described in subsection (b)(3)(B), or an equivalent shooting range adjacent to a National Forest or Bureau of and Management district, is available to the public prior to closing Federal recreational lands and waters administered by the Chief of the Forest Service or the Director of the Bureau of Land Management to recreational shooting, in accordance with section 4103 of the John D. Dingell, Jr. Conservation, Management, and Recreation Act ([16 U.S.C. 7913](#)).

(d) Coordination.--

(1) In general.-- In carrying out this section, the Secretaries shall coordinate with--

(A) State, Tribal, and local governments;

(B) nonprofit or nongovernmental organizations, including organizations that are signatories to the memorandum of understanding entitled "Federal Lands Hunting, Fishing, and Shooting Sports Roundtable Memorandum of Understanding" and signed by the Forest Service and the Bureau of Land Management on August 17, 2006;

(C) shooting clubs;

(D) Federal advisory councils relating to hunting and shooting sports; and

(E) individuals or entities with authorized leases or permits in an area under consideration for a target shooting range.

(2) Partnerships.--The Secretaries may--

(A) coordinate with an entity described in paragraph (1) to assist with the construction, modification, operation, or maintenance of a target shooting range; and

(B) explore opportunities to leverage funding to maximize non-Federal investment in the construction, modification, operation, or maintenance of a target shooting range.

(e) Annual Reports.-- Not later than 2 years after the date of the enactment of this title and annually thereafter through fiscal year 2033, the Secretaries shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report describing the progress made with respect to the implementation of this section.

(f) Savings Clause.--Nothing in this section affects the authority of the Secretary concerned to administer a target shooting range that is in addition to the target shooting ranges that meet the requirements described in subsection (b)(3)(B) on Federal recreational lands and waters administered by the Secretary concerned.

Sec. 124. [Restoration of Overnight Campsites.]

(a) Definitions.-- In this section:

- (1) Recreation area.-- The term "Recreation Area" means the recreation area and grounds associated with the recreation area on the map entitled "Ouachita National Forest Camping Restoration" and dated November 30, 2023, on file with the Forest Service.
- (2) Secretary.-- The term "Secretary" means the Secretary of Agriculture.

(b) In General.-- The Secretary shall--

- (1) not later than 6 months after the date of the enactment of this title, identify 54 areas within the Recreation Area that may be suitable for overnight camping; and
- (2) not later than 2 years after the date of the enactment of this title--
 - (A) review each area identified under paragraph (1); and
 - (B) from the areas so identified, select and establish at least 27 campsites and related facilities within the Recreation Area for public use.

(c) Requirements Related to Campsites and Related Facilities.--The Secretary shall--

- (1) ensure that at least 27 campsites are available under subsection (b), of which not less than 8 shall have electric and water hookups; and
- (2) ensure that each campsite and related facility identified or established under subsection (b) is located outside of the 1 percent annual exceedance probability flood elevation.

(d) Reopening of Certain Sites.-- Not later than 30 days after the date of the enactment of this title, the Secretary shall open each campsite within the Recreation Area that--

- (1) exists on the date of the enactment of this title;
- (2) is located outside of the 1 percent annual exceedance probability flood elevation;
- (3) was in operation on June 1, 2010; and
- (4) would not interfere with any current (as of the date of the enactment of this title) day use areas.

(e) Day Use Areas.-- Not later than 1 year after the date of the enactment of this title, the Secretary shall take such actions as are necessary to rehabilitate and make publicly accessible the areas in the Recreation Area identified for year-round day use, including the following:

- (1) Loop A.
- (2) Loop B.
- (3) The covered, large-group picnic pavilion in Loop D.
- (4) The parking lot in Loop D.

Sec. 125. [Federal Interior Land Media.]

(a) Filming in National Park System Units.--

- (1) In general.-- [Chapter 1009 of title 54](#), United States Code, is amended by striking section 100905 and inserting the following

“Sec. 100905. Filming and still photography in System units

“(a) Filming and Still Photography.--

“(1) In general.-- The Secretary shall ensure that a filming or still photography activity or similar project in a System unit (referred to in this section as a ‘filming or still photography activity’) and the authorizing or permitting of a filming or still photography activity are carried out consistent with--

“(A) the laws and policies applicable to the Service; and

“(B) an applicable general management plan.

“(2) No permits required.-- The Secretary shall not require an authorization or a permit or assess a fee, if a fee for a filming or still photography activity is not otherwise required by law, for a filming or still photography activity that--

“(A)(i) involves fewer than 6 individuals; and

“(ii) meets each of the requirements described in paragraph (5); or

“(B) is merely incidental to, or documenting, an activity or event that is allowed or authorized at the System unit, regardless of--

“(i) the number of individuals participating in the allowed or authorized activity or event; or

“(ii) whether any individual receives compensation for any products of the filming or still photography activity.

“(3) Filming and still photography authorizations for de minimis use.--

“(A) In general.-- The Secretary shall establish a de minimis use authorization for certain filming or still photography activities that meets the requirements described in subparagraph (F).

“(B) Policy.-- For a filming or still photography activity that meets the requirements described in subparagraph (F), the Secretary--

“(i) may require a de minimis use authorization; and

“(ii) shall not require a permit.

“(C) No fee.-- The Secretary shall not charge a fee for a de minimis use authorization under this paragraph.

“(D) Access.-- The Secretary shall enable members of the public to apply for and obtain a de minimis use authorization under this paragraph--

“(i) through the website of the Service; and

“(ii) in person at the field office of the applicable System unit.

“(E) Issuances.-- The Secretary shall--

“(i) establish a procedure--

“(I) to automate the approval of an application submitted through the website of the Service under subparagraph (D)(i); and

“(II) to issue a de minimis use authorization under this paragraph immediately on receipt of an application that is submitted in person at the field office of the applicable System unit under subparagraph (D)(ii); and

“(ii) if an application submitted under subparagraph (D) meets the requirements of this paragraph, immediately on receipt of the application issue a de minimis use authorization for the filming or still photography activity.

“(F) Requirements.-- The Secretary shall only issue a de minimis use authorization under this paragraph if the filming or still photography activity--

“(i) involves a group of not fewer than 6 individuals and not more than 8 individuals;

“(ii) meets each of the requirements described in paragraph (5); and

“(iii) is consistent with subsection (c).

“(G) Contents.-- A de minimis use authorization issued under this paragraph shall list the requirements described in subparagraph (F).

“(4) Required permits.--

“(A) In general.-- Except as provided in paragraph (2)(B), the Secretary may require a permit application and, if a permit is issued, assess a reasonable fee, as described in subsection (b)(1), for a filming or still photography activity that--

“(i) involves more than 8 individuals; or

“(ii) does not meet each of the requirements described in paragraph (5).

“(B) Wilderness act clarification.-- No provision of this subsection is intended to or shall be construed to conflict with the provisions of the Wilderness Act of 1964 ([16 U.S.C. 1131](#) et seq.).

“(5) Requirements for filming or still photography activity.-- The requirements referred to in paragraphs (2)(A)(ii), (3)(F)(ii), (4)(B), and (7)(C) are as follows:

“(A) A person conducts the filming or still photography activity in a manner that--

“(i) does not impede or intrude on the experience of other visitors to the applicable System unit;

“(ii) except as otherwise authorized, does not disturb or negatively impact--

“(I) a natural or cultural resource; or

“(II) an environmental or scenic value; and

“(iii) allows for equitable allocation or use of facilities of the applicable System unit.

“(B) The person conducts the filming or still photography activity at a location in which the public is allowed.

“(C) The person conducting the filming or still photography activity does not require the exclusive use of a site or area.

“(D) The person does not conduct the filming or still photography activity in a localized area that receives a very high volume of visitation.

“(E) The person conducting the filming or still photography activity does not use a set or staging equipment, subject to the limitation that handheld equipment (such as a tripod, monopod, and handheld lighting equipment) shall not be considered staging equipment for the purposes of this subparagraph.

“(F) The person conducting the filming or still photography activity complies with and adheres to visitor use policies, practices, and regulations applicable to the applicable System unit.

“(G) The filming or still photography activity is not likely to result in additional administrative costs being incurred by the Secretary with respect to the filming or still photography activity, as determined by the Secretary.

“(H) The person conducting the filming or still photography activity complies with other applicable Federal, State (as such term is defined in section 3 of the EXPLORE Act), and local laws (including regulations), including laws relating to the use of unmanned aerial equipment.

“(6) Content creation.-- Regardless of distribution platform, any video, still photograph, or audio recording for commercial or noncommercial content creation in a System unit shall be considered to be a filming or still photography activity under this subsection.

“(7) Effect.--

“(A) Permits requested though not required.-- On the request of a person intending to carry out a filming or still photography activity, the Secretary may

issue a permit for the filming or still photography activity, even if a permit for the filming or still photography activity is not required under this section.

“(B) No additional permits, commercial use authorizations, or fees for filming and still photography at authorized events.-- A filming or still photography activity at an activity or event that is allowed or authorized, including a wedding, engagement party, family reunion, or celebration of a graduate, shall be considered merely incidental for the purposes of paragraph (2)(B).

“(C) Monetary compensation.-- The receipt of monetary compensation by the person conducting the filming or still photography activity shall not affect the permissibility of the filming or still photography activity.

“(b) Fees and Recovery Costs.--

“(1) Fees.-- The reasonable fees referred to in subsection (a)(4) shall meet each of the following criteria:

“(A) The reasonable fee shall provide a fair return to the United States.

“(B) The reasonable fee shall be based on the following criteria:

“(i) The number of days of the filming or still photography activity.

“(ii) The size of the film or still photography crew present in the System unit.

“(iii) The quantity and type of film or still photography equipment present in the System unit.

“(iv) Any other factors that the Secretary determines to be necessary.

“(2) Recovery of costs.--

“(A) In general.-- The Secretary shall collect from the applicant for the applicable permit any costs incurred by the Secretary related to a filming or still photography activity subject to a permit under subsection (a)(4), including--

“(i) the costs of the review or issuance of the permit; and

“(ii) related administrative and personnel costs.

“(B) Effect on fees collected.-- All costs recovered under subparagraph (A) shall be in addition to the fee described in paragraph (1).

“(3) Use of proceeds.--

“(A) Fees.-- All fees collected under this section shall--

“(i) be available for expenditure by the Secretary, without further appropriation; and

“(ii) remain available until expended.

“(B) Costs.-- All costs recovered under paragraph (2)(A) shall--

“(i) be available for expenditure by the Secretary, without further appropriation, at the System unit at which the costs are collected; and

“(ii) remain available until expended.

“(c) Protection of Resources.-- The Secretary shall not allow a person to undertake a filming or still photography activity if the Secretary determines that--

“(1) there is a likelihood that the person would cause resource damage at the System unit, except as otherwise authorized;

“(2) the person would create an unreasonable disruption of the use and enjoyment by the public of the System unit; or

“(3) the filming or still photography activity poses a health or safety risk to the public.

“(d) Processing of Permit Applications.--

“(1) In general.-- The Secretary shall establish a process to ensure that the Secretary responds in a timely manner to an application for a permit for a filming or still photography activity required under subsection (a)(4).

“(2) Coordination.-- If a permit is required under this section for 2 or more Federal agencies or System units, the Secretary and the head of any other applicable Federal agency, as applicable, shall, to the maximum extent practicable, coordinate permit processing procedures, including through the use of identifying a lead agency or lead System unit--

“(A) to review the application for the permit;

“(B) to issue the permit; and

“(C) to collect any required fees.”.

(2) Clerical amendment.-- The table of sections for [chapter 1009 of title 54](#), United States Code, is amended by striking the item relating to section 100905 and inserting the following:

“100905. Filming and still photography in System units.”.

(b) Filming on Other Federal Land.-- Public Law [106-206](#) ([16 U.S.C. 460l](#)-6d) is amended by striking section 1 and inserting the following:

“SEC. 1. Filming and Still Photography.

(a) Filming and Still Photography.--

“(1) In general.-- The Secretary concerned shall ensure that a filming or still photography activity or similar project at a Federal land management unit (referred to in this section as a ‘filming or still photography activity’) and the authorizing or permitting of a filming or still photography activity are carried out consistent with--

“(A) the laws and policies applicable to the Secretary concerned; and

“(B) an applicable general management plan.

“(2) No permits required.-- The Secretary concerned shall not require an authorization or a permit or assess a fee, if a fee for a filming or still photography activity is not otherwise required by law, for a filming or still photography activity that—

“(A)(i) involves fewer than 6 individuals; and

“(ii) meets each of the requirements described in paragraph (5); or

“(B) is merely incidental to, or documenting, an activity or event that is allowed or authorized at the Federal land management unit, regardless of--

“(i) the number of individuals participating in the allowed or authorized activity or event; or

- “(ii) whether any individual receives compensation for any products of the filming or still photography activity.
- “(3) Filming and still photography authorizations for de minimis use.--
- “(A) In general.--The Secretary concerned shall establish a de minimis use authorization for certain filming or still photography activities that meets the requirements described in subparagraph (F).
- “(B) Policy.-- For a filming or still photography activity that meets the requirements described in subparagraph (F), the Secretary concerned--
- “(i) may require a de minimis use authorization; and
- “(ii) shall not require a permit.
- “(C) No fee.-- The Secretary concerned shall not charge a fee for a de minimis use authorization under this paragraph.
- “(D) Access.-- The Secretary concerned shall enable members of the public to apply for and obtain a de minimis use authorization under this paragraph--
- “(i) through the website of the Department of the Interior or the Forest Service, as applicable; and
- “(ii) in person at the field office for the Federal land management unit.
- “(E) Issuances.-- The Secretary concerned shall—
- “(i) establish a procedure--
- “(I) to automate the approval of an application submitted through the website of the Department of the Interior or the Forest Service, as applicable, under subparagraph (D)(i); and
- “(II) to issue a de minimis use authorization under this paragraph immediately on receipt of an application that is submitted in person at the field office for the Federal land management unit under subparagraph (D)(ii); and
- “(ii) if an application submitted under subparagraph (D) meets the requirements of this paragraph, immediately on receipt of the application issue a de minimis use authorization for the filming or still photography activity.
- “(F) Terms.-- The Secretary concerned shall only issue a de minimis use authorization under this paragraph if the filming or still photography activity--
- “(i) involves a group of not fewer than 6 individuals and not more than 8 individuals;
- “(ii) meets each of the requirements described in paragraph (5); and
- “(iii) is consistent with subsection (c).
- “(G) Contents.-- A de minimis use authorization issued under this paragraph shall list the requirements described in subparagraph (F).
- “(4) Required permits.--
- “(A) In general.-- Except as provided in paragraph (2)(B), the Secretary concerned may require a permit application and, if a permit is issued, assess a reasonable fee, as described in subsection (b)(1), for a filming or still photography activity that--
- “(i) involves more than 8 individuals; or

- “(ii) does not meet each of the requirements described in paragraph (5).
- “(B) Wilderness act clarification.--No provision of this subsection is intended to or shall be construed to conflict with the provisions of the Wilderness Act of 1964 ([16 U.S.C. 1131](#) et seq.).
- “(5) Requirements for filming or still photography activity.-- The requirements referred to in paragraphs (2)(A)(ii), (3)(F)(ii), (4)(B), and (7)(C) are as follows:
- “(A) A person conducts the filming or still photography activity in a manner that--
- “(i) does not impede or intrude on the experience of other visitors to the Federal land management unit;
 - “(ii) except as otherwise authorized, does not disturb or negatively impact--
 - “(I) a natural or cultural resource; or
 - “(II) an environmental or scenic value; and
 - “(iii) allows for equitable allocation or use of facilities of the Federal land management unit.
- “(B) The person conducts the filming or still photography activity at a location in which the public is allowed.
- “(C) The person conducting the filming or still photography activity does not require the exclusive use of a site or area.
- “(D) The person does not conduct the filming or still photography activity in a localized area that receives a very high volume of visitation.
- “(E) The person conducting the filming or still photography activity does not use a set or staging equipment, subject to the limitation that handheld equipment (such as a tripod, monopod, and handheld lighting equipment) shall not be considered staging equipment for the purposes of this subparagraph.
- “(F) The person conducting the filming or still photography activity complies with and adheres to visitor use policies, practices, and regulations applicable to the Federal land management unit.
- “(G) The filming or still photography activity is not likely to result in additional administrative costs being incurred by the Secretary concerned with respect to the filming or still photography activity, as determined by the Secretary concerned.
- “(H) The person conducting the filming or still photography activity complies with other applicable Federal, State (as such term is defined in section 3 of the EXPLORE Act), and local laws (including regulations), including laws relating to the use of unmanned aerial equipment.
- “(6) Content creation.-- Regardless of distribution platform, any video, still photograph, or audio recording for commercial or noncommercial content creation at a Federal land management unit shall be considered to be a filming or still photography activity under this subsection.
- “(7) Effect.--
- “(A) Permits requested though not required.-- On the request of a person intending to carry out a filming or still photography activity, the Secretary concerned may issue a permit for the filming or still photography activity,

even if a permit for the filming or still photography activity is not required under this section.

“(B) No additional permits, commercial use authorizations, or fees for filming and still photography at authorized events.-- A filming or still photography activity at an activity or event that is allowed or authorized, including a wedding, engagement party, family reunion, or celebration of a graduate, shall be considered merely incidental for the purposes of paragraph (2)(B).

“(C) Monetary compensation.-- The receipt of monetary compensation by the person engaged in the filming or still photography activity shall not affect the permissibility of the filming or still photography activity.

“(b) Fees and Recovery Costs.--

“(1) Fees.-- The reasonable fees referred to in subsection (a)(4) shall meet each of the following criteria:

“(A) The reasonable fee shall provide a fair return to the United States.

“(B) The reasonable fee shall be based on the following criteria:

“(i) The number of days of the filming or still photography activity.

“(ii) The size of the film or still photography crew present at the Federal land management unit

“(iii) The quantity and type of film or still photography equipment present at the Federal land management unit.

“(iv) Any other factors that the Secretary concerned determines to be necessary.

“(2) Recovery of costs.--

“(A) In general.-- The Secretary concerned shall collect from the applicant for the applicable permit any costs incurred by the Secretary concerned related to a filming or still photography activity subject to a permit under subsection (a)(4), including--

“(i) the costs of the review or issuance of the permit; and

“(ii) related administrative and personnel costs.

“(B) Effect on fees collected.-- All costs recovered under subparagraph (A) shall be in addition to the fee described in paragraph (1).

“(3) Use of proceeds.--

“(A) Fees.-- All fees collected under this section shall--

“(i) be available for expenditure by the Secretary concerned, without further appropriation; and

“(ii) remain available until expended.

“(B) Costs.-- All costs recovered under paragraph (2)(A) shall--

“(i) be available for expenditure by the Secretary concerned, without further appropriation, at the Federal land management unit at which the costs are collected; and

“(ii) remain available until expended.

“(c) Protection of Resources.-- The Secretary concerned shall not allow a person to undertake a filming or still photography activity if the Secretary concerned determines that--

- “(1) there is a likelihood that the person would cause resource damage at the Federal land management unit, except as otherwise authorized;
 - “(2) the person would create an unreasonable disruption of the use and enjoyment by the public of the Federal land management unit; or
 - “(3) the filming or still photography activity poses a health or safety risk to the public.
- “(d) Processing of Permit Applications.--
- “(1) In general.-- The Secretary concerned shall establish a process to ensure that the Secretary concerned responds in a timely manner to an application for a permit for a filming or still photography activity required under subsection (a)(4).
 - “(2) Coordination.-- If a permit is required under this section for 2 or more Federal agencies or Federal land management units, the Secretary concerned and the head of any other applicable Federal agency, as applicable, shall, to the maximum extent practicable, coordinate permit processing procedures, including through the use of identifying a lead agency or lead Federal land management unit--
 - “(A) to review the application for the permit;
 - “(B) to issue the permit; and
 - “(C) to collect any required fees.
- “(e) Definitions.-- In this section:
- “(1) Federal land management unit.-- The term ‘Federal land management unit’ means--
 - “(A) Federal land (other than National Park System land) under the jurisdiction of the Secretary of the Interior; and
 - “(B) National Forest System land.
 - “(2) Secretary concerned.-- The term ‘Secretary concerned’ means--
 - “(A) the Secretary of the Interior, with respect to land described in paragraph (1)(A); and
 - “(B) the Secretary of Agriculture, with respect to land described in paragraph (1)(B).”.

Sec. 126. [Cape and Antler Preservation Enhancement.]

[Section 104909\(c\) of title 54](#), United States Code, is amended by striking “meat from” and inserting “meat and any other part of an animal removed pursuant to”.

Sec. 127. [Motorized and Nonmotorized Access.]

(a) In General.-- The Secretary concerned shall seek to have, not later than 5 years after the date of the enactment of this title, in a printed and publicly available format that is compliant with the format for geographic information systems--

- (1) for each district administered by the Director of the Bureau of Land Management, a ground transportation linear feature map authorized for public use or administrative use; and
- (2) for each unit of the National Forest System, a motor vehicle use map, in accordance with existing law.

(b) Over-Snow Vehicle-Use Maps.--The Secretary concerned shall seek to have, not later than 10 years after the date of the enactment of this title, in a printed and publicly available format that is compliant with the format for geographic information systems, an over-snow vehicle-use map for each unit of Federal recreational lands and waters administered by the Chief of the Forest Service or Director of the Bureau of Land Management on which over-snow vehicle-use occurs, in accordance with existing law.

(c) Out-of-Date Maps.-- Not later than 20 years after the date on which the Secretary concerned adopted or reviewed, through public notice and comment, a map described in subsection (a) or (b), the Secretary concerned shall seek to review, through public notice and comment, and update, as necessary, the applicable map.

(d) Motorized and Nonmotorized Access.-- The Secretaries shall seek to create additional opportunities, as appropriate, and in accordance with existing law, for motorized and nonmotorized access and opportunities on Federal recreational lands and waters administered by the Chief of the Forest Service or the Director of the Bureau of Land Management.

(e) Savings Clause.-- Nothing in this section prohibits a lawful use, including authorized motorized or nonmotorized uses, on Federal recreational lands and waters administered by the Chief of the Forest Service or the Director of the Bureau of Land Management, if the Secretary concerned fails to meet a timeline established under this section.

Sec. 128. [Aquatic Resource Activities Assistance.]

(a) Definitions.-- In this section:

(1) Aquatic nuisance species task force.-- The term "Aquatic Nuisance Species Task Force" means the Aquatic Nuisance Species Task Force established by section 1201(a) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 ([16 U.S.C. 4721\(a\)](#)).

(2) Decontamination.-- The term "decontamination" means actions to remove aquatic nuisance species to prevent introduction or spread into new aquatic ecosystems.

(3) Federal land and water.-- The term "Federal land and water" means Federal land and water operated and maintained by the Bureau of Land Management, the U.S. Fish and Wildlife Service, the Bureau of Reclamation, the Forest Service, or the National Park Service, as applicable.

(4) Indian tribe.--The term "Indian Tribe" has the meaning given such term in section 4 of the Indian Self-Determination and Education Assistance Act ([25 U.S.C. 5304](#)).

(5) Inspection.-- The term "inspection" means actions to find aquatic nuisance species to prevent introduction or spread into new aquatic ecosystems.

(6) Partner.-- The term "partner" means--

- (A) a Reclamation State;
- (B) an Indian Tribe in a Reclamation State;
- (C) an applicable nonprofit organization in a Reclamation State;
- (D) a unit of local government in a Reclamation State; or
- (E) a private entity.

(7) Reclamation state.-- The term "Reclamation State" includes any of the following States:

- (A) Alaska.
- (B) Arizona.
- (C) California.
- (D) Colorado.
- (E) Idaho.
- (F) Kansas.
- (G) Montana.
- (H) Nebraska.
- (I) Nevada.
- (J) New Mexico.

- (K) North Dakota.
- (L) Oklahoma.
- (M) Oregon.
- (N) South Dakota.
- (O) Texas.
- (P) Utah.
- (Q) Washington.
- (R) Wyoming.

(8) Reclamation project.-- The term "reclamation project" has the meaning given such term in section 2803(3) of the Reclamation Projects Authorization and Adjustment Act of 1992 ([16 U.S.C. 4601-32\(3\)](#)).

(9) Secretaries.--The term "Secretaries" means each of the following:

(A) The Secretary, acting through the Director of the Bureau of Land Management, the Commissioner of Reclamation, and the Director of the National Park Service.

(B) The Secretary of Agriculture, acting through the Chief of the Forest Service.

(10) Vessel.-- The term "vessel" means any watercraft or other contrivance used or designed for transportation or navigation on, under, or immediately above, water.

(b) Authority of Bureau of Land Management, Bureau of Reclamation, National Park Service, and Forest Service With Respect to Certain Aquatic Resource Activities on Federal Land and Waters.--

(1) In general.-- The head of each Federal land management agency is authorized to carry out inspections and decontamination of vessels entering or leaving Federal land and waters under the jurisdiction of the respective Federal land management agency.

(2) Requirements.-- The Secretaries shall--

(A) in carrying out an inspection and decontamination under paragraph (1), coordinate with 1 or more partners;

(B) consult with the Aquatic Nuisance Species Task Force to identify potential improvements and efficiencies in the detection and management of aquatic nuisance species on Federal land and water; and

(C) to the maximum extent practicable, inspect and decontaminate vessels in a manner that minimizes disruptions to public access for boating and recreation in noncontaminated vessels.

(3) Partnerships.-- The Secretaries may enter into a partnership to lead, collaborate with, or provide technical assistance to a partner--

(A) to carry out an inspection or decontamination of vessels; or

(B) to establish an inspection and decontamination station for vessels.

(4) Limitation.-- The Secretaries shall not prohibit access to vessels due solely to the absence of a Federal, State, or partner's inspection program or station.

(5) Exceptions.--

(A) Authority to regulate vessels.-- Nothing in this section shall be construed to limit the authority of the Commandant of the Coast Guard to regulate vessels provided under any other provision of law.

(B) Applicability.-- Authorities granted in this subsection shall not apply at locations where inspection or decontamination activities would duplicate efforts by the Coast Guard.

(6) Data sharing.-- The Secretaries shall make available to a Reclamation State any relevant data gathered related to inspections or decontaminations carried out under this subsection in such State.

(c) Grant Program for Reclamation States for Vessel Inspection and Decontamination Stations.--

(1) Vessels inspections in reclamation states.-- Subject to the availability of appropriations, the Secretary, acting through the Commissioner of Reclamation, shall establish a competitive grant program to provide financial assistance to partners to conduct inspections and decontamination of vessels operating in Reclamation projects, including to purchase, establish, operate, or maintain a vessel inspection and decontamination station.

(2) Cost share.-- The Federal share of the cost of a grant under paragraph (1), including personnel costs, shall not exceed 75 percent.

(3) Standards.-- Before awarding a grant under paragraph (1), the Secretary shall determine that the project is technically and financially feasible.

(4) Coordination.-- In carrying out this subsection, the Secretary shall coordinate with--

(A) each of the Reclamation States;

(B) affected Indian Tribes; and

(C) the Aquatic Nuisance Species Task Force.

Subtitle C--Supporting Gateway Communities and Addressing Park Overcrowding

Sec. 131. [Gateway Communities.]

(a) Assessment of Impacts and Needs in Gateway Communities.-- The Secretaries--

(1) shall collaborate with State and local governments, Indian Tribes, housing authorities, applicable trade associations, nonprofit organizations, private entities, and other relevant stakeholders to identify needs and economic impacts in gateway communities, including--

(A) housing shortages;

(B) demands on existing municipal infrastructure;

(C) accommodation and management of sustainable visitation; and

(D) the expansion and diversification of visitor experiences by bolstering the visitation at--

(i) existing developed locations that are underutilized on nearby Federal recreational lands and waters that are suitable for developing, expanding, or enhancing recreation use, as identified by the Secretaries; or

(ii) existing developed and suitable lesser-known recreation sites, as identified under section 5(b)(1)(B), on nearby land managed by a State agency or a local agency; and

(2) may address a need identified under paragraph (1) by--

(A) providing financial or technical assistance to a gateway community under an existing program;

(B) entering into an agreement, right-of-way, or easement, in accordance with applicable laws; or

(C) issuing an entity referred to in paragraph (1) a special use permit (other than a special recreation permit (as defined in section 802 of the Federal Lands Recreation Enhancement Act ([16 U.S.C. 6801](#)))), in accordance with applicable laws.

(b) Technical and Financial Assistance to Businesses.--

(1) In general.-- The Secretary of Agriculture (acting through the Administrator of the Rural Business-Cooperative Service), in coordination with the Secretary and the Secretary of Commerce, shall provide to businesses in gateway communities the assistance described in paragraph (2) to establish, operate, or expand infrastructure to accommodate and manage sustainable visitation, including hotels, campgrounds, and restaurants.

(2) Assistance.-- The Secretary of Agriculture may provide assistance under paragraph (1) through the use of existing, or the establishment of new, entrepreneur and vocational training programs, technical assistance programs, low-interest business loan programs, and loan guarantee programs.

(c) Partnerships.-- In carrying out this section, the Secretaries may, in accordance with applicable laws, enter into a public-private partnership, cooperative agreement, memorandum of understanding, or similar agreement with a gateway community or a business in a gateway community.

Sec. 132. [Improved Recreation Visitation Data.]

(a) Consistent Visitation Data.--

(1) Annual visitation data.-- The Secretaries shall establish a single visitation data reporting system to report accurate annual visitation data, in a consistent manner, for--

(A) each unit of Federal recreational lands and waters; and

(B) land held in trust for an Indian Tribe, on request of the Indian Tribe.

(2) Categories of use.-- Within the visitation data reporting system established under paragraph (1), the Secretaries shall--

(A) establish multiple categories of different recreation activities that are reported consistently across agencies; and

(B) provide an estimate of the number of visitors for each applicable category established under subparagraph (A) for each unit of Federal recreational lands and waters.

(b) Real-Time Data Pilot Program.--

(1) In general.-- Not later than 5 years after the date of the enactment of this title, using existing funds available to the Secretaries, the Secretaries shall carry out a pilot program, to be known as the "Real-Time Data Pilot Program" (referred to in this section as the "Pilot Program"), to make available to the public, for each unit of Federal recreational lands and waters selected for participation in the Pilot Program under paragraph (2)--

(A) real-time or predictive data on visitation (including data and resources publicly available from existing nongovernmental platforms) at--

(i) the unit of Federal recreational lands and waters;

(ii) to the extent practicable, areas within the unit of Federal recreational lands and waters; and

(iii) to the extent practicable, recreation sites managed by any other Federal agency, a State agency, or a local agency that are located near the unit of Federal recreational lands and waters; and

(B) through multiple media platforms, information about lesser-known recreation sites located near the unit of Federal recreational lands and waters (including recreation sites managed by any other Federal agency, a State agency, or a local agency), in an effort to encourage visitation among recreational sites.

(2) Locations.--

(A) Initial number of units.-- On establishment of the Pilot Program, the Secretaries shall select for participation in the Pilot Program--

- (i) 10 units of Federal recreational lands and waters managed by the Secretary;
- (ii) 5 units of Federal recreational lands and waters managed by the Secretary of Agriculture (acting through the Chief of the Forest Service);
- (iii) 1 unit of Federal recreational lands and waters managed by the Secretary of Commerce (acting through the Administrator of the National Oceanic and Atmospheric Administration); and
- (iv) 1 unit of Federal recreational lands and waters managed by the Assistant Secretary of Army for Civil Works.

(B) Report.-- Not later than 6 years after the date of the enactment of this title, the Secretaries shall submit a report to Congress regarding the implementation of the pilot program, including policy recommendations to expand the pilot program to additional units managed by the Secretaries.

(C) Feedback; support of gateway communities.-- The Secretaries shall--

- (i) solicit feedback regarding participation in the Pilot Program from communities adjacent to units of Federal recreational lands and waters and the public; and
- (ii) in carrying out subparagraphs (A) and (B), select a unit of Federal recreation lands and waters to participate in the Pilot Program only if the community adjacent to the unit of Federal recreational lands and waters is supportive of the participation of the unit of Federal recreational lands and waters in the Pilot Program.

(3) Dissemination of information.-- The Secretaries may disseminate the information described in paragraph (1) directly or through an entity or organization referred to in subsection (c).

(4) Inclusion of current assessments.-- In carrying out the Pilot Program, the Secretaries may, to the extent practicable, rely on assessments completed or data gathered prior to the date of enactment of this title.

(c) Community Partners and Third-Party Providers.-- For purposes of carrying out this section, the Secretary concerned may--

(1) coordinate and partner with--

- (A) communities adjacent to units of Federal recreational lands and waters;
- (B) State and local outdoor recreation and tourism offices;
- (C) local governments;
- (D) Indian Tribes;
- (E) trade associations;
- (F) local outdoor recreation marketing organizations;
- (G) permitted facilitated recreation providers; or
- (H) other relevant stakeholders; and

(2) coordinate or enter into agreements, as appropriate, with private sector and nonprofit partners, including--

- (A) technology companies;
- (B) geospatial data companies;
- (C) experts in data science, analytics, and operations research; or

- (D) data companies.
- (d) Existing Programs.-- The Secretaries may use existing programs or products of the Secretaries to carry out this section.
- (e) Privacy Clauses.-- Nothing in this section provides authority to the Secretaries--
 - (1) to monitor or record the movements of a visitor to a unit of Federal recreational lands and waters;
 - (2) to restrict, interfere with, or monitor a private communication of a visitor to a unit of Federal recreational lands and waters; or
 - (3) to collect--
 - (A) information from owners of land adjacent to a unit of Federal recreational lands and waters; or
 - (B) information on non-Federal land.
- (f) Reports.-- Not later than 1 year after the date of the enactment of this title, and annually thereafter, the Secretaries shall publish on a website of the Secretaries a report that describes the annual visitation of each unit of Federal recreational lands and waters, including, to the maximum extent practicable, visitation categorized by recreational activity.
- (g) Definitions.--In this section--
 - (1) Federal recreational lands and waters.-- The term “Federal recreational lands and waters”--
 - (A) has the meaning given the term in section 802 of the Federal Lands Recreation Enhancement Act ([16 U.S.C. 6801](#)); and
 - (B) includes Federal lands and waters managed by the National Oceanic and Atmospheric Administration and the U.S. Army Corps of Engineers.
 - (2) Secretaries.-- The term “Secretaries” means--
 - (A) the Secretary, with respect to lands under the jurisdiction of the Secretary;
 - (B) the Secretary of Agriculture, acting through the Chief of the Forest Service, with respect to lands under the jurisdiction of the Forest Service;
 - (C) the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, with respect to Federal waters under the jurisdiction of the National Oceanic and Atmospheric Administration; and
 - (D) the Assistant Secretary of Army for Civil Works, with respect to lakes and reservoirs under the jurisdiction of the U.S. Army Corps of Engineers.

Sec. 133. [Monitoring for Improved Recreation Decision Making.]

- (a) In General.-- The Secretaries shall seek to capture comprehensive recreation use data to better understand and inform decision making by the Secretaries.
- (b) Pilot Protocols.-- Not later than 1 year after the date of the enactment of this title, and after public notice and comment, the Secretaries shall establish pilot protocols at not fewer than 10 land management units under the jurisdiction of each of the Secretaries to model recreation use patterns (including low-use recreation activities and dispersed recreation activities) that may not be effectively measured by existing general and opportunistic survey and monitoring protocols.
- (c) Secretaries Defined.-- In this section, the term “Secretaries” means--
 - (1) the Secretary, with respect to lands under the jurisdiction of the Secretary;
 - (2) the Secretary of Agriculture, acting through the Chief of the Forest Service, with respect to lands under the jurisdiction of the Forest Service;

- (3) the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, with respect to Federal waters under the jurisdiction of the National Oceanic and Atmospheric Administration; and
- (4) the Assistant Secretary of Army for Civil Works, with respect to lakes and reservoirs under the jurisdiction of the U.S. Army Corps of Engineers.

Subtitle D--Broadband Connectivity on Federal Recreational Lands and Waters

Sec. 141. [Connect Our Parks.]

(a) Definitions.--In this section:

- (1) Appropriate committees of congress.-- The term “appropriate committees of Congress” means--
 - (A) the Committee on Energy and Natural Resources of the Senate;
 - (B) the Committee on Commerce, Science, and Transportation of the Senate;
 - (C) the Committee on Natural Resources of the House of Representatives; and
 - (D) the Committee on Energy and Commerce of the House of Representatives.
- (2) Broadband internet access service.-- The term “broadband internet access service” has the meaning given the term in section 8.1(b) of title 47, Code of Federal Regulations (or a successor regulation).
- (3) Cellular service.-- The term “cellular service” has the meaning given the term in section 22.99 of title 47, Code of Federal Regulations (or a successor regulation).
- (4) National park.-- The term “National Park” means a unit of the National Park System.
- (5) Secretary.-- The term “Secretary” means the Secretary of the Interior, acting through the Director of the National Park Service.

(b) Assessment.--

- (1) In general.-- Not later than 1 year after the date of the enactment of this title, the Secretary shall complete an assessment of National Parks to identify--
 - (A) locations in National Parks in which there is the greatest need for broadband internet access service, based on the considerations described in paragraph (2)(A); and
 - (B) areas in National Parks in which there is the greatest need for cellular service, based on the considerations described in paragraph (2)(B).

(2) Considerations.--

- (A) Broadband internet access service.-- For purposes of identifying locations in National Parks under paragraph (1)(A), the Secretary shall consider, with respect to each National Park, the availability of broadband internet access service in--
 - (i) housing;
 - (ii) administrative facilities and related structures;
 - (iii) lodging;
 - (iv) developed campgrounds; and
 - (v) any other location within the National Park in which broadband internet access service is determined to be necessary by the superintendent of the National Park.
- (B) Cellular service.-- For purposes of identifying areas in National Parks under paragraph (1)(B), the Secretary shall consider, with respect to each National Park, the availability of cellular service in any developed area within the National Park that would increase--

- (i) the access of the public to emergency services and traveler information technologies; or
 - (ii) the communications capabilities of National Park Service employees.
- (3) Report.-- On completion of the assessment under paragraph (1), the Secretary shall submit to the appropriate committees of Congress, and make available on the website of the Department of the Interior, a report describing the results of the assessment.
- (c) Plan.--
 - (1) In general.-- Not later than 3 years after the date of the enactment of this title, the Secretary shall develop a plan, based on the results of the assessment completed under subsection (b) and subject to paragraph (4)--
 - (A) to install broadband internet access service infrastructure in certain locations in National Parks; and
 - (B) to install cellular service equipment and infrastructure in certain areas of National Parks.
 - (2) Consultation.-- In developing the plan under paragraph (1), the Secretary shall consult with--
 - (A) affected Indian Tribes; and
 - (B) local stakeholders that the superintendent of the applicable National Park determines to be appropriate.
 - (3) Requirements.-- The plan developed under paragraph (1) shall--
 - (A) provide for avoiding or minimizing impacts to--
 - (i) National Park viewsheds;
 - (ii) cultural and natural resources;
 - (iii) the visitor experience;
 - (iv) historic properties and the viewsheds of historic properties; and
 - (v) other resources or values of the National Park.
 - (B) provide for infrastructure providing broadband internet access service or cellular service to be located in--
 - (i) previously disturbed or developed areas; or
 - (ii) areas zoned for uses that would support the infrastructure;
 - (C) provide for the use of public-private partnerships--
 - (i) to install broadband internet access service or cellular service equipment; and
 - (ii) to provide broadband internet access service or cellular service;
 - (D) be technology neutral; and
 - (E) in the case of broadband internet access service, provide for broadband internet access service of at least--
 - (i) a 100-Mbps downstream transmission capacity; and
 - (ii) a 20-Mbps upstream transmission capacity.
 - (4) Limitation.-- Notwithstanding paragraph (1), a plan developed under that paragraph shall not be required to address broadband internet access service or cellular service in any National Park with respect to which the superintendent of the National Park determines that there is adequate access to broadband internet access service or cellular service, as applicable.

Sec. 142. [Broadband Internet Connectivity at Developed Recreation Sites.]

(a) In General.-- The Secretary and the Chief of the Forest Service shall enter into an agreement with the Secretary of Commerce to foster the installation or construction of broadband internet infrastructure at developed recreation sites on Federal recreational lands and waters to establish broadband internet connectivity--

- (1) subject to the availability of appropriations; and
- (2) in accordance with applicable law.

(b) Identification.-- Not later than 3 years after the date of the enactment of this title, and annually thereafter through fiscal year 2031, the Secretary and the Chief of the Forest Service, in coordination with States and local communities, shall make publicly available--

- (1) a list of the highest priority developed recreation sites, as determined under subsection (c), on Federal recreational lands and waters that lack broadband internet;
- (2) to the extent practicable, an estimate of--
 - (A) the cost to equip each of those sites with broadband internet infrastructure; and
 - (B) the annual cost to operate that infrastructure; and
- (3) a list of potential--
 - (A) barriers to operating the infrastructure described in paragraph (2)(A); and
 - (B) methods to recover the costs of that operation.

(c) Priorities.-- In selecting developed recreation sites for the list described in subsection (b)(1), the Secretary and the Chief of the Forest Service shall give priority to developed recreation sites--

- (1) at which broadband internet infrastructure has not been constructed due to--
 - (A) geographic challenges; or
 - (B) the location having an insufficient number of nearby permanent residents, despite high seasonal or daily visitation levels; or
- (2) that are located in an economically distressed county that could benefit significantly from developing the outdoor recreation economy of the county.

Sec. 143. [Public Lands Telecommunications Cooperative Agreements.]

(a) Cooperative Agreements for the Department of the Interior.-- The Secretary may enter into cooperative agreements to carry out activities related to communications sites on lands managed by Federal land management agencies, including--

- (1) administering communications use authorizations;
- (2) preparing needs assessments or other programmatic analyses necessary to establish communications sites and authorize communications uses on or adjacent to Federal recreational lands and waters managed by a Federal land management agency;
- (3) developing management plans for communications sites on or adjacent to Federal recreational lands and waters managed by a Federal land management agency on a competitively neutral, technology neutral, nondiscriminatory basis;
- (4) training for management of communications sites on or adjacent to Federal recreational lands and waters managed by a Federal land management agency;
- (5) obtaining, improving access to, or establishing communications sites on or adjacent to Federal recreational lands and waters managed by a Federal land management agency; and
- (6) any combination of purposes described in subparagraphs (1) through (5).

(b) Clarification of Cooperative Agreement Authority for the Forest Service.-- Section 8705(f) of the Agriculture Improvement Act of 2018 ([43 U.S.C. 1761a\(f\)](#)) is amended by adding at the end the following:

“(6) Cooperative agreement authority.-- Subject to the availability of appropriations made in advance for such purposes, the Secretary may enter into cooperative agreements to carry out the activities described in subparagraphs (A) through (D) of paragraph (4).”.

(c) Assessment of Rental Fee Retention Authority.-- Not later than 1 year after the date of the enactment of this title, the Secretary shall conduct a comprehensive assessment to evaluate the potential benefits of rental fee retention whereby any fee collected for the occupancy and use of Federal lands and waters authorized by a communications use authorization would be deposited into a special account and used solely for activities related to communications sites on lands and waters managed by the Secretary.

Subtitle E--Public-Private Parks Partnerships

Sec. 151. [Authorization for Lease of Forest Service Administrative Sites.]

Section 8623 of the Agriculture Improvement Act of 2018 ([16 U.S.C. 580d](#) note; Public Law [115-334](#)) is amended--

(1) in subsection (a)(2)(D), by striking “dwelling;” and inserting “dwelling or multiunit dwelling;”;

(2) in subsection (c), by striking “Secretary” in the middle of the sentence and inserting “Chief of the Forest Service, or their designee”;

(3) in subsection (e)--

(A) in paragraph (3)(B)(ii)--

(i) in subclause (I), by inserting “such as housing,” after “improvements,”;

(ii) in subclause (II), by striking “and” at the end;

(iii) in subclause (III), by striking “or” at the end and inserting “and”; and

(iv) by adding at the end the following:

“(IV) services occurring off the administrative site that--

“(aa) occur at another administrative site in the same unit in which the administrative site is located or a different unit of the National Forest System;

“(bb) benefit the National Forest System; and

“(cc) support activities occurring within the unit of the National Forest System in which the administrative site is located; or”; and

(B) by adding at the end the following:

“(6) Lease term.--

“(A) In general.-- The term of a lease of an administrative site under this section shall be not more than 100 years.

“(B) Reauthorization of use.-- A lease of an administrative site under this section shall include a provision for reauthorization of the use if the--

“(i) use of the administrative site, at the time of reauthorization, is still being used for the purposes authorized;

“(ii) use to be authorized under the new lease is consistent with the applicable land management plan; and

“(iii) lessee is in compliance with all the terms of the existing lease.”

“(C) Savings.-- A reauthorization of use under subparagraph (B) may include new terms in the use, as determined by the Chief of the Forest Service, or their designee.”;

(4) in subsection (g), by--

(A) striking “to a leaseholder” after “payments”; and

(B) inserting “or constructed” after “improved”; and

(5) in subsection (i), by striking “2023” each place it appears and inserting “2028”.

Sec. 152. [Partnership Agreements Creating Tangible Savings.]

[Section 101703 of title 54](#), United States Code, is amended to read as follows:

“Sec. 101703. Cooperative management agreements

“(a) In General.--To facilitate the administration of the System, the Secretary, under such terms and conditions as the Secretary considers advisable, may enter into an agreement with an eligible entity managing lands and waters located near a System unit to provide for cooperative management of either a System unit or the lands and waters located near a System unit to promote more effective and efficient management of a System unit. The Secretary may not transfer administration responsibilities for any System unit under this paragraph.

“(b) Provision of Goods and Services.--

“(1) In general.-- Under a cooperative management agreement, the Secretary may acquire by purchase, donation, or exchange from and provide to an eligible entity on a reimbursable basis

goods and services to be used by the Secretary or the eligible entity in the cooperative management of land and waters.

“(2) Retention of funds.-- Reimbursements received under this section may be credited to the appropriation current at the time reimbursements are received.

“(c) Co-location.-- Under the cooperative management agreement, the Secretary and an eligible entity may co-locate in offices and facilities owned or leased by either party.

“(d) Employees.--

“(1) Assignment of employee.--The Secretary may arrange an assignment under section 3372 of title 5 of a Federal employee or an employee of an eligible entity as mutually agreed upon, for work on any Federal, State, local, or Tribal land.

“(2) Extension of assignment.--

The assignment provided in paragraph (1) may be extended for any period of time determined by the Secretary and the eligible entity to be mutually beneficial.

“(e) Definitions.--In this section--

“(1) Eligible entity.--The term ‘eligible entity’ means a State or local entity or any political subdivision thereof, or an Indian Tribe or Tribal organization.

“(2) Indian tribe.--The term ‘Indian Tribe’ has the meaning given the term in section 4(e) of the Indian Self-Determination and Education Assistance Act ([25 U.S.C. 5304\(e\)](#)).

“(3) State.--The term ‘State’ means each of the several States, the District of Columbia, and each territory of the United States.

“(4) Tribal organization.--The term ‘Tribal organization’ has the meaning given the term in section 4(l) of the Indian Self-Determination and Education Assistance Act ([25 U.S.C. 5304\(1\)](#)).”.

Sec. 153. [Partnership Agreements to Modernize Federally Owned Campgrounds, Resorts, Cabins, and Visitor Centers on Federal Recreational Lands and Waters.]

(a) Definitions.-- In this section:

- (1) Covered activity.-- The term "covered activity" means--
 - (A) a capital improvement, including the construction, reconstruction, and nonroutine maintenance of any structure, infrastructure, or improvement, relating to the operation of, or access to, a covered recreation facility; and
 - (B) any activity necessary to operate or maintain a covered recreation facility.
- (2) Covered recreation facility.-- The term "covered recreation facility" means a federally owned campground, resort, cabin, or visitor center that is--
 - (A) in existence on the date of the enactment of this title; and
 - (B) located on Federal recreational lands and waters administered by--
 - (i) the Chief of the Forest Service; or
 - (ii) the Director of the Bureau of Land Management.
- (3) Eligible entity.-- The term "eligible entity" means--
 - (A) a unit of State, Tribal, or local government;
 - (B) a nonprofit organization; and
 - (C) a private entity.

(b) Pilot Program.--The Secretaries shall establish a pilot program under which the Secretary concerned may enter into an agreement with, or issue or amend a land use authorization to, an eligible entity to allow the eligible entity to carry out covered activities relating to a covered recreation facility, subject to the requirements of this section and the terms of any relevant land use authorization, regardless of whether the eligible entity holds, on the date of the enactment of this title, an authorization to be a concessionaire for the covered recreation facility.

(c) Minimum Number of Agreements or Land Use Authorizations. --Not later than 3 years after the date of the enactment of this title, the Secretary concerned shall enter into at least 1 agreement or land use authorization under subsection (b) in--

- (1) a unit of the National Forest System in each region of the National Forest System; and
- (2) Federal recreational lands and waters administered by the Director of the Bureau of Land Management in not fewer than 5 States in which the Bureau of Land Management administers Federal recreational lands and waters.

(d) Requirements.--

- (1) Development plans.-- Before entering into an agreement or issuing a land use authorization under subsection (b), an eligible entity shall submit to the Secretary concerned a development plan that--
 - (A) describes investments in the covered recreation facility to be made by the eligible entity during the first 3 years of the agreement or land use authorization;
 - (B) describes annual maintenance spending to be made by the eligible entity for each year of the agreement or land use authorization; and
 - (C) includes any other terms and conditions determined to be necessary or appropriate by the Secretary concerned.
- (2) Agreements and land use authorizations.--An agreement or land use authorization under subsection (b) shall--
 - (A) be for a term of not more than 30 years, commensurate with the level of investment;

- (B) require that, not later than 3 years after the date on which the Secretary concerned enters into the agreement or issues or amends the land use authorization, the applicable eligible entity shall expend, place in an escrow account for the eligible entity to expend, or deposit in a special account in the Treasury for expenditure by the Secretary concerned, without further appropriation, for covered activities relating to the applicable covered recreation facility, an amount or specified percentage, as determined by the Secretary concerned, which shall be equal to not less than \$500,000, of the anticipated receipts for the term of the agreement or land use authorization;
- (C) require the eligible entity to operate and maintain the covered recreation facility and any associated infrastructure designated by the Secretary concerned in a manner acceptable to the Secretary concerned and the eligible entity;
- (D) include any terms and conditions that the Secretary concerned determines to be necessary for a special use permit issued under section 7 of the Act of April 24, 1950 (commonly known as the "Granger-Thye Act") (64 Stat. 84, chapter 97; [16 U.S.C. 580d](#)), including the payment described in subparagraph (E) or the Federal Land Policy and Management Act of 1976 ([43 U.S.C. 1701](#) et seq.), as applicable;
- (E) provide for payment to the Federal Government of a fee or a sharing of revenue--
- (i) consistent with--
 - (I) the land use fee for a special use permit authorized under section 7 of the Act of April 24, 1950 (commonly known as the "Granger-Thye Act") (64 Stat. 84, chapter 97; [16 U.S.C. 580d](#)); or
 - (II) the value to the eligible entity of the rights provided by the agreement or land use authorization, taking into account the capital invested by, and obligations of, the eligible entity under the agreement or land use authorization; and
 - (ii) all or part of which may be offset by the work to be performed at the expense of the eligible entity that is separate from the routine costs of operating and maintaining the applicable covered recreation facility and any associated infrastructure designated by the Secretary concerned, as determined to be appropriate by the Secretary concerned;
- (F) include provisions stating that--
- (i) the eligible entity shall obtain no property interest in the covered recreation facility pursuant to the expenditures of the eligible entity, as required by the agreement or land use authorization;
 - (ii) all structures and other improvements constructed, reconstructed, or nonroutinely maintained by that entity under the agreement or land use authorization on land owned by the United States shall be the property of the United States; and
 - (iii) the eligible entity shall be solely responsible for any cost associated with the decommissioning or removal of a capital improvement, if needed, at the conclusion of the agreement or land use authorization; and
- (G) be subject to any other terms and conditions determined to be necessary or appropriate by the Secretary concerned.

(e) Land Use Fee Retention.--A land use fee paid or revenue shared with the Secretary concerned under an agreement or land use authorization under this section shall be available for expenditure by the Secretary concerned for recreation-related purposes on the unit or area of Federal recreational lands and waters at which the land use fee or revenue is collected, without further appropriation.

Sec. 154. [Parking and Restroom Opportunities for Federal Recreational Lands and Waters.]

(a) Parking Opportunities.--

(1) In general.-- The Secretaries shall seek to increase and improve parking opportunities for persons recreating on Federal recreational lands and waters--

(A) in accordance with existing laws and applicable land use plans;

(B) in a manner that minimizes any increase in maintenance obligations on Federal recreational lands and waters; and

(C) in a manner that does not impact wildlife habitat that is critical to the mission of a Federal agency responsible for managing Federal recreational lands and waters.

(2) Authority.-- To supplement the quantity of parking spaces available at units of Federal recreational lands and waters on the date of the enactment of this title, the Secretaries may--

(A) enter into a public-private partnership for parking opportunities on non-Federal land;

(B) enter into contracts or agreements with State, Tribal, or local governments for parking opportunities using non-Federal lands and resources; or

(C) provide alternative transportation systems for a unit of Federal recreational lands and waters.

(b) Restroom Opportunities.--

(1) In general.-- The Secretaries shall seek to increase and improve the function, cleanliness, and availability of restroom facilities for persons recreating on Federal recreational lands and waters, including by entering into partnerships with non-Federal partners, including State, Tribal, and local governments and volunteer organizations.

(2) Report.-- Not later than 2 years after the date of enactment of this Act, the Secretaries shall submit a report to Congress that identifies--

(A) challenges to maintaining or improving the function, cleanliness, and availability of restroom facilities on Federal recreational lands and waters;

(B) the current state of restroom facilities on Federal recreational lands and waters and the effect restroom facilities have on visitor experiences; and

(C) policy recommendations that suggest innovative new models or partnerships to increase or improve the function, cleanliness, and availability of restroom facilities for persons recreating on Federal recreational lands and waters.

Sec. 155. Pay-For-Performance Projects.

(a) Definitions.-- In this section:

(1) Independent evaluator.-- The term “independent evaluator” means an individual or entity, including an institution of higher education, that is selected by the pay-for-performance beneficiary and pay-for-performance investor, as applicable, or by the pay-for-performance project developer, in consultation with the Secretary of Agriculture, to make the determinations and prepare the reports required under subsection (e).

- (2) National forest system land.--The term "National Forest System land" means land in the National Forest System (as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 ([16 U.S.C. 1609\(a\)](#))).
- (3) Pay-for-performance agreement.--The term "pay-for-performance agreement" means a mutual benefit agreement (excluding a procurement contract, grant agreement, or cooperative agreement described in [chapter 63 of title 31](#), United States Code) for a pay-for-performance project--
- (A) with a term of--
 - (i) not less than 1 year; and
 - (ii) not more than 20 years; and
 - (B) that is executed, in accordance with applicable law, by--
 - (i) the Secretary of Agriculture; and
 - (ii) a pay-for-performance beneficiary or pay-for-performance project developer.
- (4) Pay-for-performance beneficiary.--The term "pay-for-performance beneficiary" means a State or local government, an Indian Tribe, or a nonprofit or for-profit organization that--
- (A) repays capital loaned upfront by a pay-for-performance investor, based on a project outcome specified in a pay-for-performance agreement; or
 - (B) provides capital directly for costs associated with a pay-for-performance project.
- (5) Pay-for-performance investor.-- The term "pay-for-performance investor" means a State or local government, an Indian Tribe, or a nonprofit or for-profit organization that provides upfront loaned capital for a pay-for-performance project with the expectation of a financial return dependent on a project outcome.
- (6) Pay-for-performance project.-- The term "pay-for-performance project" means a project that--
- (A) would provide or enhance a recreational opportunity;
 - (B) is conducted on--
 - (i) National Forest System land; or
 - (ii) other land, if the activities would benefit National Forest System land (including a recreational use of National Forest System land); and
 - (C) would use an innovative funding or financing model that leverages--
 - (i) loaned capital from a pay-for-performance investor to cover upfront costs associated with a pay-for-performance project, with the loaned capital repaid by a pay-for-performance beneficiary at a rate of return dependent on a project outcome, as measured by an independent evaluator; or
 - (ii) capital directly from a pay-for-performance beneficiary to support costs associated with a pay-for-performance project in an amount based on an anticipated project outcome.
- (7) Pay-for-performance project developer.-- The term "pay-for-performance project developer" means a nonprofit or for-profit organization that serves as an intermediary to assist in developing or implementing a pay-for-performance agreement or a pay-for-performance project.
- (8) Project outcome.-- The term "project outcome" means a measurable, beneficial result (whether economic, environmental, or social) that is attributable to a pay-for-performance project and described in a pay-for-performance agreement.

(b) Establishment of Pilot Program.-- The Secretary of Agriculture shall establish a pilot program in accordance with this section to carry out 1 or more pay-for-performance projects.

(c) Pay-for-Performance Projects.--

(1) In general.-- Using funds made available through a pay-for-performance agreement or appropriations, all or any portion of a pay-for-performance project may be implemented by--

(A) the Secretary of Agriculture; or

(B) a pay-for-performance project developer or a third party, subject to the conditions that--

(i) the Secretary of Agriculture shall approve the implementation by the pay-for-performance project developer or third party; and

(ii) the implementation is in accordance with applicable law.

(2) Relation to land management plans.-- A pay-for-performance project carried out under this section shall be consistent with any applicable land management plan developed under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 ([16 U.S.C. 1604](#)).

(3) Ownership.--

(A) New improvements.-- The United States shall have title to any improvements installed on National Forest System land as part of a pay-for-performance project.

(B) Existing improvements.-- Investing in, conducting, or completing a pay-for-performance project on National Forest System land shall not affect the title of the United States to--

(i) any federally owned improvements involved in the pay-for-performance project; or

(ii) the underlying land.

(4) Savings clause.-- The carrying out of any action for a pay-for-performance project does not provide any right to any party to a pay-for-performance agreement.

(5) Potential conflicts.-- Before approving a pay-for-performance project under this section, the Secretary of Agriculture shall consider and seek to avoid potential conflicts (including economic competition) with any existing written authorized use.

(d) Project Agreements.--

(1) In general.-- Notwithstanding the Act of June 30, 1914 (38 Stat. 430, chapter 131; [16 U.S.C. 498](#)), or subtitle C of title XX of the Social Security Act ([42 U.S.C. 1397n](#) et seq.), in carrying out the pilot program under this section, the Secretary of Agriculture may enter into a pay-for-performance agreement under which a pay-for-performance beneficiary, pay-for-performance investor, or pay-for-performance project developer agrees to pay for or finance all or part of a pay-for-performance project.

(2) Size limitation.-- The Secretary of Agriculture may not enter into a pay-for-performance agreement under the pilot program under this section for a pay-for-performance project valued at more than \$15,000,000.

(3) Financing.--

(A) In general.-- A pay-for-performance agreement shall specify the amounts that a pay-for-performance beneficiary or a pay-for-performance project developer agrees to pay to a pay-for-performance investor or a pay-for-performance project developer, as appropriate, in the event of an independent evaluator determining pursuant to subsection (e) the degree to which a project outcome has been achieved.

- (B) Eligible payments.-- An amount described in subparagraph (A) shall be--
- (i) based on--
 - (I) the respective contributions of the parties under the pay-for-performance agreement; and
 - (II) the economic, environmental, or social benefits derived from the project outcomes; and
 - (ii)(I) a percentage of the estimated value of a project outcome;
 - (II) a percentage of the estimated cost savings to the pay-for-performance beneficiary or the Secretary of Agriculture derived from a project outcome;
 - (III) a percentage of the enhanced revenue to the pay-for-performance beneficiary or the Secretary of Agriculture derived from a project outcome; or
 - (IV) a percentage of the cost of the pay-for-performance project.
- (C) Forest service financial assistance.-- Subject to the availability of appropriations, the Secretary of Agriculture may contribute funding for a pay-for-performance project only if--
- (i) the Secretary of Agriculture demonstrates that--
 - (I) the pay-for-performance project would provide a cost savings to the United States;
 - (II) the funding would accelerate the pace of implementation of an activity previously planned to be completed by the Secretary of Agriculture; or
 - (III) the funding would accelerate the scale of implementation of an activity previously planned to be completed by the Secretary of Agriculture; and
 - (ii) the contribution of the Secretary of Agriculture has a value that is not more than 50 percent of the total cost of the pay-for-performance project.
- (D) Special account.-- Any funds received by the Secretary of Agriculture under subsection (c)(1)--
- (i) shall be retained in a separate fund in the Treasury to be used solely for pay-for-performance projects; and
 - (ii) shall remain available until expended and without further appropriation.
- (4) Maintenance and decommissioning of pay-for-performance project improvements.-- A pay-for-performance agreement shall--
- (A) include a plan for maintaining any capital improvement constructed as part of a pay-for-performance project after the date on which the pay-for-performance project is completed; and
 - (B) specify the party that will be responsible for decommissioning the improvements associated with the pay-for-performance project--
 - (i) at the end of the useful life of the improvements;
 - (ii) if the improvements no longer serve the purpose for which the improvements were developed; or
 - (iii) if the pay-for-performance project fails.
- (5) Termination of pay-for-performance project agreements.-- The Secretary of Agriculture may unilaterally terminate a pay-for-performance agreement, in whole or in part, for any program year beginning after the program year during which the Secretary of Agriculture provides to each party to the pay-for-performance agreement a notice of the termination.
- (e) Independent Evaluations.--

(1) Progress reports.-- An independent evaluator shall submit to the Secretary of Agriculture and each party to the applicable pay-for-performance agreement--
(A) by not later than 2 years after the date on which the pay-for-performance agreement is executed, and at least once every 2 years thereafter, a written report that summarizes the progress that has been made in achieving each project outcome; and
(B) before the first scheduled date for a payment described in subsection (d)(3)(A), and each subsequent date for payment, a written report that--

- (i) summarizes the results of the evaluation conducted by the independent evaluator to determine whether a payment should be made pursuant to the pay-for-performance agreement; and
- (ii) analyzes the reasons why a project outcome was achieved or was not achieved.

(2) Final reports.-- Not later than 180 days after the date on which a pay-for-performance project is completed, the independent evaluator shall submit to the Secretary of Agriculture and each party to the pay-for-performance agreement a written report that includes, with respect to the period covered by the report--

- (A) an evaluation of the effects of the pay-for-performance project with respect to each project outcome;
- (B) a determination of whether the pay-for-performance project has met each project outcome; and
- (C) the amount of the payments made for the pay-for-performance project pursuant to subsection (d)(3)(A).

(f) Additional Forest Service-Provided Assistance.--

(1) Technical assistance.-- The Secretary of Agriculture may provide technical assistance to facilitate pay-for-performance project development, such as planning, permitting, site preparation, and design work.

(2) Consultants.-- Subject to the availability of appropriations, the Secretary of Agriculture may hire a contractor--

- (A) to conduct a feasibility analysis of a proposed pay-for-performance project;
- (B) to assist in the development, implementation, or evaluation of a proposed pay-for-performance project or a pay-for-performance agreement; or
- (C) to assist with an environmental analysis of a proposed pay-for-performance project.

(g) Savings Clause.-- The Secretary of Agriculture shall approve a record of decision, decision notice, or decision memo for any activities to be carried out on National Forest System land as part of a pay-for-performance project before the Secretary of Agriculture may enter into a pay-for-performance agreement involving the applicable pay-for-performance project.

(h) Duration of Pilot Program.--

(1) Sunset.-- The authority to enter into a pay-for-performance agreement under this section terminates on the date that is 7 years after the date of the enactment of this title.

(2) Savings clause.-- Nothing in paragraph (1) affects any pay-for-performance project agreement entered into by the Secretary of Agriculture under this section before the date described in that paragraph.

Sec. 156. [Outdoor Recreation Legacy Partnership Program.]

(a) Definitions.--In this section:

(1) Eligible entity.-- The term "eligible entity" means an entity or combination of entities that represents or otherwise serves a qualifying area.

(2) Eligible nonprofit organization.-- The term "eligible nonprofit organization" means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

(3) Entity.-- The term "entity" means--

(A) a State;

(B) a political subdivision of a State, including--

(i) a city;

(ii) a county; or

(iii) a special purpose district that manages open space, including a park district; and

(C) an Indian Tribe, urban Indian organization, or Alaska Native or Native Hawaiian community or organization.

(4) Low-income community.-- The term "low-income community" has the same meaning given that term in [26 U.S.C. 45D](#)(e)(1).

(5) Outdoor recreation legacy partnership program.-- The term "Outdoor Recreation Legacy Partnership Program" means the program codified under subsection (b)(1).

(6) Qualifying area.-- The term "qualifying area" means--

(A) an urbanized area or urban cluster that has a population of 25,000 or more in the most recent census;

(B) 2 or more adjacent urban clusters with a combined population of 25,000 or more in the most recent census; or

(C) an area administered by an Indian Tribe or an Alaska Native or Native Hawaiian community organization.

(b) Grants Authorized.--

(1) Codification of program.--

(A) In general.-- There is established an existing program, to be known as the "Outdoor Recreation Legacy Partnership Program", under which the Secretary may award grants to eligible entities for projects--

(i) to acquire land and water for parks and other outdoor recreation purposes in qualifying areas; and

(ii) to develop new or renovate existing outdoor recreation facilities that provide outdoor recreation opportunities to the public in qualifying areas.

(B) Priority.-- In awarding grants to eligible entities under subparagraph (A), the Secretary shall give priority to projects that--

(i) create or significantly enhance access to park and recreational opportunities in a qualifying area;

(ii) engage and empower low-income communities and youth;

(iii) provide employment or job training opportunities for youth or low-income communities;

(iv) establish or expand public-private partnerships, with a focus on leveraging resources; and

(v) take advantage of coordination among various levels of government.

(2) Matching requirement.--

(A) In general.-- As a condition of receiving a grant under paragraph (1), an eligible entity shall provide matching funds in the form of cash or an in-kind contribution in an

amount equal to not less than 100 percent of the amounts made available under the grant.

(B) Administrative expenses.-- Not more than 7 percent of funds provided to an eligible entity under a grant awarded under paragraph (1) may be used for administrative expenses.

(3) Considerations.-- In awarding grants to eligible entities under paragraph (1), the Secretary shall consider the extent to which a project would--

(A) provide recreation opportunities in low-income communities in which access to parks is not adequate to meet local needs;

(B) provide opportunities for outdoor recreation and public land volunteerism;

(C) support innovative or cost-effective ways to enhance parks and other recreation--

(i) opportunities; or

(ii) delivery of services;

(D) support park and recreation programming provided by local governments, including cooperative agreements with community-based eligible nonprofit organizations;

(E) develop Native American event sites and cultural gathering spaces;

(F) provide benefits such as community resilience, reduction of urban heat islands, enhanced water or air quality, or habitat for fish or wildlife; and

(G) facilitate any combination of purposes listed in subparagraphs (A) through (F).

(4) Eligible uses.--

(A) In general.-- Subject to subparagraph (B), an eligible entity may use a grant awarded under paragraph (1) for a project described in subparagraph (A) or (B) of that paragraph.

(B) Limitations on use.-- An eligible entity may not use grant funds for--

(i) incidental costs related to land acquisition, including appraisal and titling;

(ii) operation and maintenance activities;

(iii) facilities that support semiprofessional or professional athletics;

(iv) indoor facilities, such as recreation centers or facilities that support primarily nonoutdoor purposes; or

(v) acquisition of land or interests in land that restrict public access.

(C) Conversion to other than public outdoor recreation use.--

(i) In general.-- No property acquired or developed with assistance under this section shall, without the approval of the Secretary, be converted to other than public outdoor recreation use.

(ii) Condition for approval.-- The Secretary shall approve a conversion only if the Secretary finds it to be in accordance with the then-existing comprehensive Statewide outdoor recreation plan and only on such conditions as the Secretary considers necessary to ensure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location.

(iii) Wetland areas and interests therein.-- Wetland areas and interests therein as identified in the wetlands provisions of the comprehensive plan and proposed to be acquired as suitable replacement property within the same State that is otherwise acceptable to the Secretary, acting through the Director of the National Park Service, shall be deemed to be of reasonably equivalent usefulness with the property proposed for conversion.

(c) Review and Evaluation Requirements.-- In carrying out the Outdoor Recreation Legacy Partnership Program, the Secretary shall--

- (1) conduct an initial screening and technical review of applications received;
- (2) evaluate and score all qualifying applications; and
- (3) provide culturally and linguistically appropriate information to eligible entities (including low-income communities and eligible entities serving low-income communities) on--
 - (A) the opportunity to apply for grants under this section;
 - (B) the application procedures by which eligible entities may apply for grants under this section; and
 - (C) eligible uses for grants under this section.

(d) Reporting.--

- (1) Annual reports.-- Not later than 30 days after the last day of each report period, each State-lead agency that receives a grant under this section shall annually submit to the Secretary performance and financial reports that--
 - (A) summarize project activities conducted during the report period; and
 - (B) provide the status of the project.
- (2) Final reports.-- Not later than 90 days after the earlier of the date of expiration of a project period or the completion of a project, each State-lead agency that receives a grant under this section shall submit to the Secretary a final report containing such information as the Secretary may require.

Sec. 157. [American Battlefield Protection Program Enhancement.]

(a) Definitions.-- [Section 308101 of title 54](#), United States Code, is amended to read as follows:

“Sec. 308101. Definitions

“In this chapter:

- “(1) Secretary.-- The term ‘Secretary’ means the Secretary, acting through the American Battlefield Protection Program.
- “(2) Battlefield reports.--The term ‘Battlefield Reports’ means, collectively--
 - “(A) the document entitled ‘Report on the Nation’s Civil War Battlefields’, prepared by the Civil War Sites Advisory Commission, and dated July 1993; and
 - “(B) the document entitled ‘Report to Congress on the Historic Preservation of Revolutionary War and War of 1812 Sites in the United States’, prepared by the National Park Service, and dated September 2007.”.

(b) Preservation Assistance.-- Section [308102\(a\) of title 54](#), United States Code, is amended by striking “Federal” and all that follows through “organizations” and inserting “Federal agencies, States, Tribes, local governments, other public entities, educational institutions, and nonprofit organizations”.

(c) Battlefield Land Acquisition Grants Improvements.-- [Section 308103 of title 54](#), United States Code, is amended--

(1) by amending subsection (a) to read as follows:

“(a) Eligible Site Defined.--In this section, the term ‘eligible site’--

“(1) means a site that--

“(A) is not within the exterior boundaries of a unit of the National Park System; and

“(B) is identified in the Battlefield Reports as a battlefield; and

“(2) excludes sites identified in the Battlefield Reports as associated historic sites.”;

- (2) in subsection (b), by striking "State and local governments" and inserting "States, Tribes, local governments, and nonprofit organizations";
- (3) in subsection (c), by striking "State or local government" and inserting "State, Tribe, or local government"; and
- (4) in subsection (e), by striking "under this section" and inserting "under this section, including by States, Tribes, local governments, and nonprofit organizations,".
- (d) Battlefield Restoration Grants Improvements.-- [Section 308105 of title 54](#), United States Code, is amended--
- (1) by amending subsection (a) to read as follows:
- “(a) Establishment.-- The Secretary shall establish a battlefield restoration grant program referred to in this section as the ‘program’) under which the Secretary may provide grants to States, Tribes, local governments, and nonprofit organizations for projects that restore day-of-battle conditions on--
- “(1) land preserved and protected under the battlefield acquisition grant program established under section 308103(b); or
- “(2) battlefield land that is--
- “(A) owned by a State, Tribe, local government, or nonprofit organization; and
- “(B) referred to in the Battlefield Reports.”; and
- (2) by striking subsection (b) and inserting the following:
- “(b) Eligible Sites.-- The Secretary may make grants under this section for Revolutionary War, War of 1812, and Civil War battlefield sites--
- “(1) eligible for assistance under the battlefield acquisition grant program established under section 308103(b); or
- “(2) on battlefield land that is--
- “(A) owned by a State, Tribe, local government, or nonprofit organization; and
- “(B) referred to in battlefield reports.”.
- (e) Updates and Improvements.-- [Chapter 3081 of title 54](#), United States Code, is amended by adding at the end the following:
- “Sec. 308106. Updates and improvements to Battlefield Reports
- “Not later than 2 years after the date of the enactment of this section, and every 10 years hereafter, the Secretary shall submit to Congress a report that updates the Battlefield Reports to reflect--
- “(1) preservation activities carried out at the battlefields in the period since the publication of the most recent Battlefield Reports update;
- “(2) changes in the condition, including core and study areas, of the battlefields during that period; and
- “(3) any other relevant developments relating to the battlefields during that period.”.
- (f) Clerical Amendment.--The table of sections for [chapter 3081 of title 54](#), United States Code, is amended as follows:
- (1) By amending the item relating to section 308101 to read as follows: “308101. Definitions.”.
- (2) By adding at the end the following: “308106. Updates and improvements to Battlefield Reports.”.

TITLE II--ACCESS AMERICA

Sec. 201. [Definitions.] In this title:

- (1) Accessible trail.-- The term “accessible trail” means a trail that meets the requirements for a trail under the Architectural Barriers Act accessibility guidelines.
- (2) Architectural barriers act accessibility guidelines.-- The term “Architectural Barriers Act accessibility guidelines” means the accessibility guidelines set forth in appendices C and D to part 1191 of title 36, Code of Federal Regulations (or successor regulations).
- (3) Assistive technology.-- The term “assistive technology” means any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities, particularly with participating in outdoor recreation activities.
- (4) Gold star family member.-- The term “Gold Star Family member” means an individual described in section 3.3 of Department of Defense Instruction 1348.36.
- (5) Outdoor constructed feature.-- The term “outdoor constructed feature” has the meaning given such term in appendix C to part 1191 of title 36, Code of Federal Regulations (or successor regulations).
- (6) Veterans organization.-- The term “veterans organization” means a service provider with outdoor recreation experience that serves members of the Armed Forces, veterans, or Gold Star Family members.

Subtitle A--Access for People With Disabilities

Sec. 211. [Accessible Recreation Inventory.]

(a) Assessment.-- Not later than 5 years after the date of the enactment of this title, the Secretary concerned shall--

(1) carry out a comprehensive assessment of outdoor recreation facilities on Federal recreational lands and waters under the jurisdiction of the respective Secretary concerned to determine the accessibility of such outdoor recreation facilities, consistent with the Architectural Barriers Act of 1968 ([42 U.S.C. 4151](#) et seq.) and section 504 of the Rehabilitation Act ([29 U.S.C. 794](#)), including--

- (A) camp shelters, camping facilities, and camping units;
 - (B) boat launch ramps;
 - (C) hunting, fishing, shooting, or archery ranges or locations;
 - (D) outdoor constructed features;
 - (E) picnic facilities and picnic units; and
 - (F) any other outdoor recreation facilities, as determined by the Secretary concerned;
- and

(2) make information about such opportunities available (including through the use of prominently displayed links) on public websites of--

- (A) each of the Federal land management agencies; and
- (B) each relevant unit and subunit of the Federal land management agencies.

(b) Inclusion of Current Assessments.-- As part of the comprehensive assessment required under subsection (a)(1), to the extent practicable, the Secretary concerned may rely on assessments completed or data gathered prior to the date of the enactment of this title.

(c) Public Information.--Not later than 7 years after the date of the enactment of this title, the Secretary concerned shall identify opportunities to create, update, or replace signage and other publicly available information, including web page information, related to accessibility and consistent with the Architectural Barriers Act of 1968 ([42 U.S.C. 4151](#) et seq.) and section 504

of the Rehabilitation Act ([29 U.S.C. 794](#)) at outdoor recreation facilities covered by the assessment required under subsection (a)(1).

Sec. 212. [Inventory.]

(a) Assessment.-- Not later than 7 years after the date of the enactment of this title, the Secretary concerned shall--

(1) conduct a comprehensive assessment of high-priority trails, in accordance with subsection (b), on Federal recreational lands and waters under the jurisdiction of the respective Secretary concerned, including measuring each trail's--

- (A) average and minimum tread width;
- (B) average and maximum running slope;
- (C) average and maximum cross slope;
- (D) tread type; and
- (E) length; and

(2) make information about such high-priority trails available (including through the use of prominently displayed links) on public websites of--

- (A) each of the Federal land management agencies; and
- (B) each relevant unit and subunit of the Federal land management agencies.

(b) Selection.-- The Secretary concerned shall select high-priority trails to be assessed under subsection (a)(1)--

(1) in consultation with stakeholders, including veterans organizations and organizations with expertise or experience providing outdoor recreation opportunities to individuals with disabilities;

(2) in a geographically equitable manner; and

(3) in no fewer than 15 units or subunits managed by the Secretary concerned.

(c) Inclusion of Current Assessments.-- As part of the assessment required under subsection (a)(1), the Secretary concerned may, to the extent practicable, rely on assessments completed or data gathered prior to the date of the enactment of this title.

(d) Public Information.--

(1) In general.--Not later than 7 years after the date of the enactment of this title, the Secretary concerned shall identify opportunities to replace signage and other publicly available information, including web page information, related to such high-priority trails and consistent with the Architectural Barriers Act of 1968 ([42 U.S.C. 4151](#) et seq.) and section 504 of the Rehabilitation Act ([29 U.S.C. 794](#)) at high-priority trails covered by the assessment required under subsection (a)(1).

(2) Tread obstacles.--As part of the assessment required under subsection (a)(1), the Secretary may, to the extent practicable, include photographs or descriptions of tread obstacles and barriers.

(e) Assistive Technology Specification.-- In publishing information about each trail under this subsection, the Secretary concerned shall make public information about trails that do not meet the Architectural Barriers Act accessibility guidelines but could otherwise provide outdoor recreation opportunities to individuals with disabilities through the use of certain assistive technology.

Sec. 213. [Trail Pilot Program.]

(a) In General.-- Not later than 2 years after the date of the enactment of this title, the Secretary concerned shall carry out a pilot program to enter into partnerships with eligible entities to--

- (1) measure high-priority trails as part of the assessment required under section 212;

(2) develop accessible trails under section 214; and
(3) make minor modifications to existing trails to enhance recreational experiences for individuals with disabilities using assistive technology--

(A) in compliance with all applicable land use and management plans of the Federal recreational lands and waters on which the accessible trail is located; and

(B) in consultation with stakeholders, including veterans organizations and organizations with expertise or experience providing outdoor recreation opportunities to individuals with disabilities.

(b) Locations.--

(1) In general.-- The Secretary concerned shall select no fewer than 5 units or subunits under the jurisdiction of the respective Secretary concerned to carry out the pilot program established under subsection (a).

(2) Special rule of construction for the department of the interior.-- In selecting the locations of the pilot program, the Secretary shall ensure that the pilot program is carried out in at least one unit managed by the--

(A) National Park Service;

(B) Bureau of Land Management; and

(C) United States Fish and Wildlife Service.

(c) Sunset.-- The pilot program established under this subsection shall terminate on the date that is 7 years after the date of the enactment of this title.

Sec. 214. [Accessible Trails.]

(a) In General.-- Not later than 1 year after the date of the enactment of this title, the Secretary concerned shall select a location or locations to develop at least 3 new accessible trails--

(1) on National Forest System lands in each region of the Forest Service;

(2) on land managed by the National Park Service in each region of the National Park Service;

(3) on land managed by the Bureau of Land Management in each region of the Bureau of Land Management; and

(4) on land managed by the United States Fish and Wildlife Service in each region of the United States Fish and Wildlife Service.

(b) Development.-- In developing an accessible trail under subsection (a), the Secretary concerned--

(1) may--

(A) create a new accessible trail;

(B) modify an existing trail into an accessible trail; or

(C) create an accessible trail from a combination of new and existing trails; and

(2) shall--

(A) consult with stakeholders with respect to the feasibility and resources necessary for completing the accessible trail;

(B) ensure the accessible trail complies with the Architectural Barriers Act of 1968 ([42 U.S.C. 4151](#) et seq.) and section 504 of the Rehabilitation Act ([29 U.S.C. 794](#)); and

(C) to the extent practicable, ensure that outdoor constructed features supporting the accessible trail, including trail bridges, parking spaces, and restroom facilities, meet the requirements of the Architectural Barriers Act of 1968 ([42 U.S.C. 4151](#) et seq.) and section 504 of the Rehabilitation Act ([29 U.S.C. 794](#)).

(c) Completion.-- Not later than 7 years after the date of the enactment of this title, the Secretary concerned, in coordination with stakeholders described under subsection (b)(2), shall complete each accessible trail developed under subsection (a).

(d) Maps, Signage, and Promotional Materials.-- For each accessible trail developed under subsection (a), the Secretary concerned shall--

(1) publish and distribute maps and install signage, consistent with Architectural Barriers Act of 1968 accessibility guidelines and section 508 of the Rehabilitation Act ([29 U.S.C. 794d](#)); and

(2) coordinate with stakeholders to leverage any non-Federal resources necessary for the development, stewardship, completion, or promotion of the accessible trail.

(e) Conflict Avoidance With Other Uses.-- In developing each accessible trail under subsection (a), the Secretary concerned shall ensure that the accessible trail--

(1) minimizes conflict with--

(A) the uses in effect before the date of the enactment of this title with respect to any trail that is part of that accessible trail;

(B) multiple-use areas where biking, hiking, horseback riding, off-highway vehicle recreation, or use by pack and saddle stock are existing uses on the date of the enactment of this title; or

(C) the purposes for which any trail is established under the National Trails System Act ([16 U.S.C. 1241](#) et seq.); and

(2) complies with all applicable land use and management plans of the Federal recreational lands and waters on which the accessible trail is located.

(f) Reports.--

(1) Interim report.-- Not later than 3 years after the date of the enactment of this title, the Secretary concerned, in coordination with stakeholders and other interested organizations, shall prepare and publish an interim report that lists the accessible trails developed under this section during the previous 3 years.

(2) Final report.-- Not later than 7 years after the date of the enactment of this title, the Secretary concerned, in coordination with stakeholders and other interested organizations, shall prepare and publish a final report that lists the accessible trails developed under this section.

Sec. 215. [Accessible Recreation Opportunities.]

(a) In General.-- Not later than 1 year after the date of the enactment of this title, the Secretary concerned shall select a location to develop at least 2 new accessible recreation opportunities--

(1) on National Forest System lands in each region of the Forest Service;

(2) on land managed by the National Park Service in each region of the National Park Service;

(3) on land managed by the Bureau of Land Management in each region of the Bureau of Land Management; and

(4) on land managed by the United States Fish and Wildlife Service in each region of the United States Fish and Wildlife Service.

(b) Development.-- In developing an accessible recreation opportunity under subsection (a), the Secretary concerned--

(1) may--

(A) create a new accessible recreation opportunity; or

- (B) modify an existing recreation opportunity into an accessible recreation opportunity; and
- (2) shall--
 - (A) consult with stakeholders with respect to the feasibility and resources necessary for completing the accessible recreation opportunity;
 - (B) ensure the accessible recreation opportunity complies with the Architectural Barriers Act of 1968 ([42 U.S.C. 4151](#) et seq.) and section 504 of the Rehabilitation Act ([29 U.S.C. 794](#)); and
 - (C) to the extent practicable, ensure that outdoor constructed features supporting the accessible recreation opportunity, including trail bridges, parking spaces and restroom facilities, meet the requirements of the Architectural Barriers Act of 1968 and section 504 of the Rehabilitation Act ([29 U.S.C. 794](#)).
- (c) Accessible Recreation Opportunities.-- The accessible recreation opportunities developed under subsection (a) may include improving accessibility or access to--
 - (1) camp shelters, camping facilities, and camping units;
 - (2) hunting, fishing, shooting, or archery ranges or locations;
 - (3) snow activities, including skiing and snowboarding;
 - (4) water activities, including kayaking, paddling, canoeing, and boat launch ramps;
 - (5) rock climbing;
 - (6) biking;
 - (7) off-highway vehicle recreation;
 - (8) picnic facilities and picnic units;
 - (9) outdoor constructed features; and
 - (10) any other new or existing recreation opportunities identified in consultation with stakeholders under subsection (b)(2) and consistent with the applicable land management plan.
- (d) Completion.-- Not later than 7 years after the date of the enactment of this title, the Secretary concerned, in coordination with stakeholders consulted with under subsection (b)(2), shall complete each accessible recreation opportunity developed under subsection (a).
- (e) Maps, Signage, and Promotional Materials.-- For each accessible recreation opportunity developed under subsection (a), the Secretary concerned shall--
 - (1) publish and distribute maps and install signage, consistent with Architectural Barriers Act accessibility guidelines and section 508 of the Rehabilitation Act ([29 U.S.C. 794d](#)); and
 - (2) coordinate with stakeholders to leverage any non-Federal resources necessary for the development, stewardship, completion, or promotion of the accessible trail.
- (f) Conflict Avoidance With Other Uses.-- In developing each accessible recreation opportunity under subsection (a), the Secretary concerned shall ensure that the accessible recreation opportunity--
 - (1) minimizes conflict with--
 - (A) the uses in effect before the date of the enactment of this title with respect to any Federal recreational lands and waters on which the accessible recreation opportunity is located; or
 - (B) multiple-use areas in existence on the date of the enactment of this title; and
 - (2) complies with all applicable land use and management plans of the Federal recreational lands and waters on which the accessible recreational opportunity is located.

(g) Reports.--

(1) Interim report.-- Not later than 3 years after the date of the enactment of this title, the Secretary concerned, in coordination with stakeholders and other interested organizations, shall prepare and publish an interim report that lists the accessible recreation opportunities developed under this section during the previous 3 years.

(2) Final report.-- Not later than 7 years after the date of the enactment of this title, the Secretary concerned, in coordination with stakeholders and other interested organizations, shall prepare and publish a final report that lists the accessible recreation opportunities developed under this section.

Sec. 216. Assistive Technology.

In carrying out this subtitle, the Secretary concerned may enter into partnerships, contracts, or agreements with other Federal, State, Tribal, local, or private entities, including existing outfitting and guiding services, to make assistive technology available on Federal recreational lands and waters.

Sec. 217. Savings Clause.

Nothing in the subtitle shall be construed to create any conflicting standards with the Architectural Barriers Act of 1968 ([42 U.S.C. 4151](#) et seq.) and section 504 of the Rehabilitation Act ([29 U.S.C. 794](#)).

Subtitle B--Military and Veterans in Parks

Sec. 221. [Promotion of Outdoor Recreation for Military Servicemembers and Veterans.]

Not later than 2 years after the date of the enactment of this title, the Secretary concerned, in coordination with the Secretary of Veterans Affairs and the Secretary of Defense, shall develop educational and public awareness materials to disseminate to members of the Armed Forces and veterans, including through preseparation counseling of the Transition Assistance Program under chapter 1142 of title 10, United States Code, on--

(1) opportunities for members of the Armed Forces and veterans to access Federal recreational lands and waters free of charge under section 805 of the Federal Lands Recreation Enhancement Act ([16 U.S.C. 6804](#));

(2) the availability and location of accessible trails, including new accessible trails developed and completed under section 214;

(3) the availability and location of accessible recreation opportunities, including new accessible recreation opportunities developed and completed under section 215;

(4) access to, and assistance with, assistive technology;

(5) outdoor-related volunteer and wellness programs;

(6) the benefits of outdoor recreation for physical and mental health;

(7) resources to access guided outdoor trips and other outdoor programs connected to the Department of Defense, the Department of Veterans Affairs, the Department of the Interior, or the Department of Agriculture; and

(8) programs and jobs focused on continuing national service such as Public Land Corps, AmeriCorps, and conservation corps programs.

Sec. 222. [Military Veterans Outdoor Recreation Liaisons.]

(a) In General.-- Not later than 1 year after the date of the enactment of this title, the Secretaries and the Secretary of Veterans Affairs shall each establish within their Departments the position of Military Veterans Outdoor Recreation Liaison.

(b) Duties.— The Military Veterans Outdoor Recreation Liaison shall--

(1) coordinate the implementation of this subtitle;

(2) implement recommendations identified by the Task Force on Outdoor Recreation for Veterans established under section 203 of the Veterans Comprehensive Prevention, Access to Care, and Treatment Act of 2020 ([Public Law 116-214](#)), including recommendations related to--

- (A) identifying new opportunities to formalize coordination between the Department of Veterans Affairs, Department of Agriculture, Department of the Interior, and partner organizations regarding the use of Federal recreational lands and waters for facilitating health and wellness for veterans;
 - (B) addressing identified barriers that exist to providing veterans with opportunities to augment the delivery of services for health and wellness through the use of outdoor recreation on Federal recreational lands and waters; and
 - (C) facilitating the use of Federal recreational lands and waters for promoting wellness and facilitating the delivery of health care and therapeutic interventions for veterans;
- (3) coordinate with Military Veterans Outdoor Recreation Liaisons at other Federal agencies and veterans organizations; and
- (4) promote outdoor recreation experiences for veterans on Federal recreational lands and waters through new and innovative approaches.

Sec. 223. Partnerships to Promote Military and Veteran Recreation.

- (a) In General.-- The Secretary concerned shall seek to enter into partnerships or agreements with State, Tribal, local, or private entities with expertise in outdoor recreation, volunteer, accessibility, and health and wellness programs for members of the Armed Forces or veterans.
- (b) Partnerships.-- As part of a partnership or agreement entered into under subsection (a), the Secretary concerned may host events on Federal recreational lands and waters designed to promote outdoor recreation among members of the Armed Forces and veterans.
- (c) Financial and Technical Assistance.-- Under a partnership or agreement entered into pursuant to subsection (a), the Secretary concerned may provide financial or technical assistance to the entity with which the respective Secretary concerned has entered into the partnership or agreement to assist with--
- (1) the planning, development, and execution of events, activities, or programs designed to promote outdoor recreation for members of the Armed Forces or veterans; or
 - (2) the acquisition of assistive technology to facilitate improved outdoor recreation opportunities for members of the Armed Forces or veterans.

Sec. 224. [National Strategy for Military and Veteran Recreation.]

- (a) Strategy.-- Not later than 1 year after the date of the enactment of this title, the Federal Interagency Council on Outdoor Recreation established under section 113 shall develop and make public a strategy to increase visits to Federal recreational lands and waters by members of the Armed Forces, veterans, and Gold Star Family members.
- (b) Requirements.-- A strategy developed under subsection (a)--
- (1) shall--
 - (A) establish objectives and quantifiable targets for increasing visits to Federal recreational lands and waters by members of the Armed Forces, veterans, and Gold Star Family members;
 - (B) include an opportunity for public notice and comment;
 - (C) emphasize increased recreation opportunities on Federal recreational lands and waters for members of the Armed Forces, veterans, and Gold Star Family members;
 - and

- (D) provide the anticipated costs to achieve the objectives and meet the targets established under subparagraph (A); and
- (2) shall not establish any preference between similar recreation facilitated by noncommercial or commercial entities.
- (c) Update to Strategy.-- Not later than 5 years after the date of the publication of the strategy required under subsection (a), and every 5 years thereafter, the Federal Interagency Council on

Sec. 225. [Recreation Resource Advisory Committees.]

Section 804(d) of the Federal Lands Recreation Enhancement Act ([16 U.S.C. 6803\(d\)](#)), is amended--

- (1) in paragraph (5)(A), by striking “11” and inserting “12”; and
- (2) in paragraph (5)(D)(ii)--
 - (A) by striking “Three” and inserting “Four”; and
 - (B) after subclause (III), by inserting the following:

“(IV) Veterans organizations, as such term is defined in section 201 of the EXPLORE Act.”; and
- (3) in paragraph (8) by striking “Eight” and inserting “Six”.

Sec. 226. [Career and Volunteer Opportunities for Veterans.]

(a) Veteran Hiring.-- The Secretaries are strongly encouraged to hire veterans in all positions related to the management of Federal recreational lands and waters.

(b) Pilot Program.--

- (1) Establishment.-- The Secretary, in consultation with the Assistant Secretary of Labor for Veterans' Employment and Training and the Secretary of Veterans Affairs, shall establish a pilot program under which veterans are employed by the Federal Government in positions that relate to the conservation and resource management activities of the Department of the Interior.
- (2) Positions.-- The Secretary shall--
 - (A) identify vacant positions in the Department of the Interior that are appropriate to fill using the pilot program; and
 - (B) to the extent practicable, fill such positions using the pilot program.
- (3) Application of civil service laws.--A veteran employed under the pilot program shall be treated as an employee as defined by [section 2105 of title 5](#), United States Code.
- (4) Briefings and report.--
 - (A) Initial briefing.-- Not later than 60 days after the date of the enactment of this title, the Secretary and the Assistant Secretary of Labor for Veterans' Employment and Training shall jointly provide to the appropriate congressional committees a briefing on the pilot program under this subsection, which shall include--
 - (i) a description of how the pilot program will be carried out in a manner to reduce the unemployment of veterans; and
 - (ii) any recommendations for legislative actions to improve the pilot program.
 - (B) Implementation briefing.-- Not later than 1 year after the date on which the pilot program under subsection (a) commences, the Secretary and the Assistant Secretary of Labor for Veterans' Employment and Training shall jointly provide to the appropriate congressional committees a briefing on the implementation of the pilot program.

(C) Final report.-- Not later than 30 days after the date on which the pilot program under subsection (a) terminates under paragraph (5), the Secretary and the Assistant Secretary of Labor for Veterans' Employment and Training shall jointly submit to the appropriate congressional committees a report on the pilot program that includes the following:

- (i) The number of veterans who applied to participate in the pilot program.
- (ii) The number of such veterans employed under the pilot program.
- (iii) The number of veterans identified in clause (ii) who transitioned to full-time positions with the Federal Government after participating in the pilot program.
- (iv) Any other information the Secretary and the Assistant Secretary of Labor for Veterans' Employment and Training determine appropriate with respect to measuring the effectiveness of the pilot program.

(5) Duration.-- The authority to carry out the pilot program under this subsection shall terminate on the date that is 2 years after the date on which the pilot program commences.

(c) Appropriate Congressional Committees Defined.-- In this section, the term "appropriate congressional committees" means--

- (1) the Committee on Veterans' Affairs and the Committee on Natural Resources of the House of Representatives; and
- (2) the Committee on Veterans' Affairs and the Committee on Energy and Natural Resources of the Senate.

(d) Outdoor Recreation Program Attendance.-- Each Secretary of a military department is encouraged to allow members of the Armed Forces on active duty status to participate in programs related to environmental stewardship or guided outdoor recreation.

Subtitle C--Youth Access

Sec. 231. [Increasing Youth Recreation Visits to Federal Land.]

(a) Strategy.-- Not later than 2 years after the date of the enactment of this title, the Secretaries, acting jointly, shall develop and make public a strategy to increase the number of youth recreation visits to Federal recreational lands and waters.

(b) Requirements.-- A strategy developed under subsection (a)--

- (1) shall--
 - (A) emphasize increased recreation opportunities on Federal recreational lands and waters for underserved youth;
 - (B) establish objectives and quantifiable targets for increasing youth recreation visits; and
 - (C) provide the anticipated costs to achieve the objectives and meet the targets established under subparagraph (B); and
- (2) shall not establish any preference between similar recreation facilitated by noncommercial or commercial entities.

(c) Update to Strategy.-- Not later than 5 years after the date of the publication of the strategy required under subsection (a), and every 5 years thereafter, the Secretaries shall update the strategy and make public the update.

(d) Agreements.-- The Secretaries may enter into contracts or cost-share agreements (including contracts or agreements for the acquisition of vehicles) to carry out this section.

Sec. 232. Every Kid Outdoors Act Extension.

Section 9001(b) of the John D. Dingell, Jr. Conservation, Management, and Recreation Act ([Public Law 116-9](#)) is amended--

- (1) in paragraph (2)(B), by striking “during the period beginning on September 1 and ending on August 31 of the following year” and inserting “for a 12-month period that begins on a date determined by the Secretaries”; and
- (2) in paragraph (5), by striking “the date that is 7 years after the date of enactment of this Act” and inserting “September 30, 2031”.

TITLE III--SIMPLIFYING OUTDOOR ACCESS FOR RECREATION

Sec. 301. [Definitions.] In this title:

- (1) Commercial use authorization.-- The term “commercial use authorization” means a commercial use authorization to provide services to visitors to units of the National Park System under subchapter II of [chapter 1019 of title 54](#), United States Code.
- (2) Multijurisdictional trip.-- The term “multijurisdictional trip” means a trip that--
 - (A) uses 2 or more units of Federal recreational lands and waters; and
 - (B) is under the jurisdiction of 2 or more Federal land management agencies.
- (3) Recreation service provider.--The term “recreation service provider” has the meaning given the term in section 802 of the Federal Lands Recreation Enhancement Act ([16 U.S.C. 6801](#)) (as amended by section 311).
- (4) Special recreation permit.--The term “special recreation permit” has the meaning given the term in section 802 of the Federal Lands Recreation Enhancement Act ([16 U.S.C. 6801](#)) (as amended by section 311).
- (5) Visitor-use day.-- The term “visitor-use day” means a visitor-use day, user day, launch, or other metric used by the Secretary concerned for purposes of authorizing use under a special recreation permit.

Subtitle A--Modernizing Recreation Permitting

Sec. 311. [Special Recreation Permit and Fee.]

(a) Definitions.--Section 802 of the Federal Lands Recreation Enhancement Act ([16 U.S.C. 6801](#)) is amended--

- (1) in the matter preceding paragraph (1), by striking “this Act” and inserting “this title”;
- (2) in paragraph (1), by striking “section 3(f)” and inserting “section 803(f)”;
- (3) in paragraph (2), by striking “section 3(g)” and inserting “section 803(g)”;
- (4) in paragraph (6), by striking “section 5” and inserting “section 805”;
- (5) in paragraph (9), by striking “section 5” and inserting “section 805”;
- (6) in paragraph (12), by striking “section 7” and inserting “section 807”;
- (7) in paragraph (13), by striking “section 3(h)” and inserting “section 803(h)(2)”;
- (8) by redesignating paragraphs (1), (3), (4), (5), (6), (7), (8), (9), (10), (11), and (13) as paragraphs (15), (1), (3), (4), (5), (6), (7), (8), (11), (10), and (14), respectively, and arranging the paragraphs (as so redesignated) to appear in numerical order;
- (9) by inserting after paragraph (8) (as so redesignated) the following:

“(9) Recreation service provider.--The term ‘recreation service provider’ means a person that provides recreational services to the public under a special recreation permit under clause (iii) or (iv) of paragraph (13)(A).”;
- (10) by inserting after paragraph (12) the following:

“(13) Special recreation permit.--

“(A) In general.— The term ‘special recreation permit’ means a permit issued by a Federal land management agency for the use of Federal recreational lands and waters--

“(i) for a specialized recreational use not described in clause (ii), (iii), or (iv), such as--

“(I) an organizational camp;

“(II) a single event that does not require an entry or participation fee that is not strictly a sharing of expenses for the purposes of the event; and

“(III) participation by the public in a recreation activity or recreation use of a specific area of Federal recreational lands and waters in which use by the public is allocated;

“(ii) for a large-group activity or event of 75 participants or more;

“(iii) for--

“(I) at the discretion of the Secretary, a single organized group recreation activity or event (including an activity or event in which motorized recreational vehicles are used or in which outfitting and guiding services are used) that--

“(aa) is a structured or scheduled event or activity;

“(bb) is not competitive and is for fewer than 75 participants;

“(cc) may charge an entry or participation fee;

“(dd) involves fewer than 200 visitor-use days; and

“(ee) is undertaken or provided by the recreation service provider at the same site not more frequently than 3 times a year;

“(II) a single competitive event; or

“(III) at the discretion of the Secretary, a recurring organized group recreation activity (including an outfitting and guiding activity) that--

“(aa) is a structured or scheduled activity;

“(bb) is not competitive;

“(cc) may charge a participation fee;

“(dd) occurs in a group size of fewer than 7 participants;

“(ee) involves fewer than 40 visitor-use days; and

“(ff) is undertaken or provided by the recreation service provider for a term of not more than 180 days; or

“(iv) for--

“(I) a recurring outfitting, guiding, or, at the discretion of the Secretary, other recreation service, the authorization for which is for a term of not more than 10 years; or

“(II) a recurring outfitting, guiding, or, at the discretion of the Secretary, other recreation service, that occurs under a temporary special recreation permit authorized under section 316 of the EXPLORE Act.

“(B) Exclusions.-- The term ‘special recreation permit’ does not include--

“(i) a concession contract for the provision of accommodations, facilities, or services;

“(ii) a commercial use authorization issued under [section 101925 of title 54, United States Code](#); or

“(iii) any other type of permit, including a special use permit administered by the National Park Service.”; and

(11) by inserting at the end the following:

“(16) State.-- The term ‘State’ means each of the several States, the District of Columbia, and each territory of the United States.”.

(b) Special Recreation Permits and Fees.-- Section 803 of the Federal Lands Recreation Enhancement Act ([16 U.S.C. 6802](#)) is amended--

(1) by striking “this Act” each place it appears and inserting “this title”;

(2) in subsection (b)(5), by striking “section 4(d)” and inserting “section 804(d)”; and

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

“(h) Special Recreation Permits and Fees.--

“(1) Special recreation permits.--

“(A) Applications.-- The Secretary--

“(i) may develop and make available to the public an application to obtain a special recreation permit described in clause (i) of section 802(13)(A); and

“(ii) shall develop and make available to the public an application to obtain a special recreation permit described in each of clauses (ii) through (iv) of section 802(13)(A).

“(B) Issuance of permits.-- On review of a completed application developed under subparagraph (A), as applicable, and a determination by the Secretary that the applicant is eligible for the special recreation permit, the Secretary may issue to the applicant a special recreation permit, subject to any terms and conditions that are determined to be necessary by the Secretary.

“(C) Incidental sales.-- A special recreation permit issued under this paragraph may include an authorization for sales that are incidental in nature to the permitted use of the Federal recreational lands and waters, except where otherwise prohibited by law.

“(2) Special recreation permit fees.--

“(A) In general.-- The Secretary may charge a special recreation permit fee for the issuance of a special recreation permit in accordance with this paragraph.

“(B) Predetermined special recreation permit fees.--

“(i) In general.--For purposes of subparagraphs (D) and (E) of this paragraph, the Secretary shall establish and may charge a predetermined fee, described in clause (ii) of this subparagraph, for a special recreation permit described in clause (iii) or (iv) of section 802(13)(A) for a specific type of use on a unit of Federal recreational lands and waters, consistent with the criteria set forth in clause (iii) of this subparagraph.

“(ii) Type of fee.-- A predetermined fee described in clause (i) shall be--

“(I) a fixed fee that is assessed per special recreation permit, including a fee with an associated size limitation or other criteria as determined to be appropriate by the Secretary; or

“(II) an amount assessed per visitor-use day.

“(iii) Criteria.-- A predetermined fee under clause (i) shall--

“(I) have been established before the date of the enactment of the EXPLORE Act;

“(II) be established after the date of the enactment of the EXPLORE Act, in accordance with subsection (b);

“(III)(aa) be established after the date of the enactment of the EXPLORE Act; and

“(bb) be comparable to an amount described in subparagraph (D)(ii) or (E)(ii), as applicable; or

“(IV) beginning on the date that is 2 years after the date of the enactment of the EXPLORE Act, be \$6 per visitor-use day in instances in which the Secretary has not established a predetermined fee under subclause (I), (II), or (III).

“(C) Calculation of fees for specialized recreational uses and large-group activities or events.-- The Secretary may, at the discretion of the Secretary, establish and charge a fee for a special recreation permit described in clause (i) or (ii) of section 802(13)(A).

“(D) Calculation of fees for single organized group recreation activities or events, competitive events, and certain recurring organized group recreation activities.-- If the Secretary elects to charge a fee for a special recreation permit described in section 802(13)(A)(iii), the Secretary shall charge the recreation service provider, based on the election of the recreation service provider--

“(i) the applicable predetermined fee established under subparagraph (B); or

“(ii) an amount equal to a percentage of, to be determined by the Secretary, but not to exceed 5 percent of, adjusted gross receipts calculated under subparagraph (F).

“(E) Calculation of fees for temporary permits and long-term permits.-- Subject to subparagraph (G), if the Secretary elects to charge a fee for a special recreation permit described in section 802(13)(A)(iv), the Secretary shall charge the recreation service provider, based on the election of the recreation service provider--

“(i) the applicable predetermined fee established under subparagraph (B); or

“(ii) an amount equal to a percentage of, to be determined by the Secretary, but not to exceed 3 percent of, adjusted gross receipts calculated under subparagraph (F).

“(F) Adjusted gross receipts.-- For the purposes of subparagraphs (D)(ii) and (E)(ii), the Secretary shall calculate the adjusted gross receipts collected for each trip or event authorized under a special recreation permit, using either of the following calculations, based on the election of the recreation service provider:

“(i) The sum of--

“(I) the product obtained by multiplying--

“(aa) the general amount paid by participants of the trip or event to the recreation service provider for the applicable trip or event

(excluding amounts related to goods, souvenirs, merchandise, gear, and additional food provided or sold by the recreation service provider); and

“(bb) the quotient obtained by dividing--

“(AA) the number of days of the trip or event that occurred on Federal recreational lands and waters covered by the special recreation permit, rounded to the nearest whole day; by

“(BB) the total number of days of the trip or event; and

“(II) the amount of any additional revenue received by the recreation service provider for an add-on activity or an optional excursion that occurred on the Federal recreational lands and waters covered by the special recreation permit.

“(ii) The difference between--

“(I) the total cost paid by the participants of the trip or event for the trip or event to the recreation service provider, including any additional revenue received by the recreation service provider for an add-on activity or an optional excursion that occurred on the Federal recreational lands and waters covered by the special recreation permit; and

“(II) the sum of--

“(aa) the amount of any revenues from goods, souvenirs, merchandise, gear, and additional food provided or sold by the recreation service provider to the participants of the applicable trip or event;

“(bb) the amount of any costs or revenues from services and activities provided or sold by the recreation service provider to the participants of the trip or event that occurred in a location other than the Federal recreational lands and waters covered by the special recreation permit (including costs for travel and lodging outside the Federal recreational lands and waters covered by the special recreation permit); and

“(cc) the amount of any revenues from any service provided by a recreation service provider for an activity on Federal recreational lands and waters that is not covered by the special recreation permit.

“(G) Exception.-- Notwithstanding subparagraph (E), the Secretary may charge a recreation service provider a minimum annual fee for a special recreation permit described in section 802(13)(A)(iv).

“(H) Savings clauses.--

“(i) Effect.-- Nothing in this paragraph affects any fee for--

“(I) a concession contract administered by the National Park Service or the United States Fish and Wildlife Service for the provision of accommodations, facilities, or services; or

“(II) a commercial use authorization or special use permit for use of Federal recreational lands and waters managed by the National Park Service.

“(ii) Cost recovery.-- Nothing in this paragraph affects the ability of the Secretary to recover any administrative costs under section 320 of the EXPLORE Act.

“(iii) Special recreation permit fees and other recreation fees.--The collection of a special recreation permit fee under this paragraph shall not affect the authority of the Secretary to collect an entrance fee, a standard amenity recreation fee, or an expanded amenity recreation fee authorized under subsections (e), (f), and (g).

“(i) Disclosure of Recreation Fees and Use of Recreation Fees.--

“(1) Notice of entrance fees, standard amenity recreation fees, expanded amenity recreation fees, and available recreation passes.--

“(A) In general.-- The Secretary shall post clear notice of any entrance fee, standard amenity recreation fee, expanded amenity recreation fee, and available recreation passes--

“(i) at appropriate locations in each unit or area of Federal recreational land and waters at which an entrance fee, standard amenity recreation fee, or expanded amenity recreation fee is charged; and

“(ii) on the appropriate website for such unit or area.

“(B) Publications.-- The Secretary shall include in publications distributed at a unit or area or described in subparagraph (A) the notice described in that subparagraph.

“(2) Notice of uses of recreation fees.-- Beginning on January 1, 2026, the Secretary shall annually post, at the location at which a recreation fee described in paragraph (1)(A) is collected, clear notice of--

“(A) the total recreation fees collected during each of the 2 preceding fiscal years at the respective unit or area of the Federal land management agency; and

“(B) each use during the preceding fiscal year of the applicable recreation fee or recreation pass revenues collected under this section.

“(3) Notice of recreation fee projects.-- To the extent practicable, the Secretary shall post clear notice at the location at which work is performed using recreation fee and recreation pass revenues collected under this section.

“(4) Centralized reporting on agency websites.--

“(A) In general.-- Not later than January 1, 2025, and not later than 60 days after the beginning of each fiscal year thereafter, the Secretary shall post on the website of the applicable Federal land management agency a searchable list of each use during the preceding fiscal year of the recreation fee or recreation pass revenues collected under this section.

“(B) List components.-- The list required under subparagraph (A) shall include, with respect to each use described in that subparagraph--

“(i) a title and description of the overall project;

“(ii) a title and description for each component of the project;

“(iii) the location of the project; and

“(iv) the amount obligated for the project.

“(5) Notice to customers.-- A recreation service provider may inform a customer of the recreation service provider of any fee charged by the Secretary under this section.”.

(c) Conforming Amendment.-- Section 804 of the Federal Lands Recreation Enhancement Act ([16 U.S.C. 6803](#)) is amended by striking subsection (e).

(d) Use of Special Recreation Permit Revenue.-- Section 808 of the Federal Lands Recreation Enhancement Act ([16 U.S.C. 6807](#)) is amended--

(1) by striking “this Act” each place it appears and inserting “this title”;

(2) in subsection (a)(3)--

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

(B) in subparagraph (F), by striking “6(a) or a visitor reservation service.” and inserting “806(a) or a visitor reservation service.”; and

(C) by adding at the end the following:

“(G) the processing of special recreation permit applications and administration of special recreation permits; and

“(H) the improvement of the operation of the special recreation permit program under section 803(h).”; and

(3) in subsection (d)--

(A) in paragraph (1), by striking “section 5(a)(7)” and inserting “section 805(a)(7)”; and

(B) in paragraph (2), by striking “section 5(d)” and inserting “section 805(d)”.

(e) Reauthorization.-- Section 810 of the Federal Lands Recreation Enhancement Act ([16 U.S.C. 6809](#)) is amended by striking “2019” and inserting “2031”.

Sec 312. [Permitting Process Improvements.]

(a) In General.-- To simplify the process of the issuance and or reissuance of special recreation permits and reduce the cost of administering special recreation permits under section 803(h) of the Federal Lands Recreation Enhancement Act ([16 U.S.C. 6802](#)) (as amended by this title), the Secretaries shall each--

(1) during the period beginning on January 1, 2021, and ending on January 1, 2025--

(A) evaluate the process for issuing special recreation permits; and

(B) based on the evaluation under subparagraph (A), identify opportunities to--

(i) eliminate duplicative processes with respect to issuing special recreation permits;

(ii) reduce costs for the issuance of special recreation permits;

(iii) decrease processing times for special recreation permits; and

(iv) issue simplified special recreation permits, including special recreation permits for an organized group recreation activity or event under subsection (e); and

(2) not later than 1 year after the date on which the Secretaries complete their respective valuation and identification processes under paragraph (1), revise, as necessary, relevant agency regulations and guidance documents, including regulations and guidance documents relating to the environmental review process, for special recreation permits to implement the improvements identified under paragraph (1)(B).

(b) Environmental Reviews.--

- (1) In general.-- The Secretary concerned shall, to the maximum extent practicable, utilize available tools, including tiering to existing programmatic reviews, as appropriate, to facilitate an effective and efficient environmental review process for activities undertaken by the Secretary concerned relating to the issuance of special recreation permits.
- (2) Categorical exclusions.-- Not later than 2 years after the date of the enactment of this title, the Secretary concerned shall--
- (A) evaluate whether existing categorical exclusions available to the Secretary concerned on the date of the enactment of this title are consistent with the provisions of this title;
 - (B) evaluate whether a modification of an existing categorical exclusion or the establishment of 1 or more new categorical exclusions developed in compliance with the National Environmental Policy Act of 1969 ([42 U.S.C. 4321](#) et seq.) is necessary to undertake an activity described in paragraph (1) in a manner consistent with the authorities and requirements in this title; and
 - (C) revise relevant agency regulations and policy statements and guidance documents, as necessary, to modify existing categorical exclusions or incorporate new categorical exclusions based on evaluations conducted under this paragraph.
- (c) Needs Assessments.-- Except as required under subsection (c) or (d) of section 4 of the Wilderness Act ([16 U.S.C. 1133](#)), the Secretary concerned shall not conduct a needs assessment as a condition of issuing a special recreation permit under section 803(h) of the Federal Lands Recreation Enhancement Act ([16 U.S.C. 1133](#)) (as amended by this title).
- (d) Online Applications.-- Not later than 3 years after the date of the enactment of this title, the Secretaries shall make the application for a special recreation permit under section 803(h) of the Federal Lands Recreation Enhancement Act ([16 U.S.C. 6802](#)) (as amended by this title), including a reissuance of a special recreation permit under that section, available for completion and submission--
- (1) online;
 - (2) by mail or electronic mail; and
 - (3) in person at the field office for the applicable Federal recreational lands and waters.
- (e) Special Recreation Permits for an Organized Group Recreation Activity or Event.--
- (1) Definitions.-- In this subsection:
 - (A) Special recreation permit for an organized group recreation activity or event.-- The term “special recreation permit for an organized group recreation activity or event” means a special recreation permit described in subclause (I) or (III) of paragraph (13)(A)(iii) of section 802 of the Federal Lands Recreation Enhancement Act ([16 U.S.C. 6801](#)) (as amended by this title).
 - (B) Youth group.-- The term “youth group” means a recreation service provider that predominantly serves individuals not older than 25 years of age.
 - (2) Exemption from certain allocations of use.--If the Secretary concerned allocates visitor-use days available for an area or activity on Federal recreational lands and waters among recreation service providers that hold a permit described in paragraph (13)(A)(iv) of section 802 of the Federal Lands Recreation Enhancement Act ([16 U.S.C. 6801](#)) (as amended by this title), a special recreation permit for an organized group recreation activity or event shall not be subject to that allocation of visitor-use days.

(3) Issuance.-- In accordance with paragraphs (5) and (6), if use by the general public is not subject to a limited entry permit system and if capacity is available for the times or days in which the proposed activity or event would be undertaken, on request of a recreation service provider (including a youth group) to conduct an organized group recreation activity or event described in subclause (I) or (III) of paragraph (13)(A)(iii) of section 802 of the Federal Lands Recreation Enhancement Act ([16 U.S.C. 6801](#)) (as amended by this title), the Secretary concerned--

(A) shall make a nominal effects determination to determine whether the proposed activity or event would have more than nominal effects on Federal recreational lands and waters, resources, and programs; and

(B)(i) shall not require a recreation service provider (including a youth group) to obtain a special recreation permit for an organized group recreation activity or event if the Secretary concerned determines--

(I) the proposed activity or event to be undertaken would have only nominal effects on Federal recreational lands and waters, resources, and programs; and

(II) establishing additional terms and conditions for the proposed activity or event is not necessary to protect or avoid conflict on or with Federal recreational lands and waters, resources, and programs;

(ii) in the case of an organized group recreation activity or event described in section 802(13)(A)(iii)(I) of that Act, may issue to a recreation service provider (including a youth group) a special recreation permit for an organized group recreation activity or event, subject to any terms and conditions as are determined to be appropriate by the Secretary concerned, if the Secretary concerned determines--

(I) the proposed activity or event to be undertaken would have only nominal effects on Federal recreational lands and waters, resources, and programs; and

(II) establishing additional terms and conditions for the proposed activity or event is necessary to protect or avoid conflict on or with Federal recreational lands and waters, resources, and programs;

(iii) in the case of an organized group recreation activity or event described in section 802(13)(A)(iii)(III) of that Act, shall issue to a recreation service provider (including a youth group) a special recreation permit for an organized group recreation activity or event, subject to such terms and conditions determined to be appropriate by the Secretary concerned, if the Secretary concerned determines--

(I) the proposed activity or event to be undertaken would have only nominal effects on Federal recreational lands and waters, resources, and programs; and

(II) establishing additional terms and conditions for the proposed activity or event is necessary to protect or avoid conflict on or with Federal recreational lands and waters, resources, and programs; and

(iv) may issue to a recreation service provider (including a youth group) a special recreation permit for an organized group recreation activity or event, subject to any terms and conditions determined to be appropriate by the Secretary concerned, if the Secretary concerned determines--

(I) the proposed activity or event to be undertaken may have more than nominal effects on Federal recreational lands and waters, resources, and programs; and

(II) establishing additional terms and conditions for the proposed activity or event would be necessary to protect or avoid conflict on or with Federal recreational lands and waters, resources, and programs.

(4) Fees.-- The Secretary concerned may elect not to charge a fee to a recreation service provider (including a youth group) for a special recreation permit for an organized group recreation activity or event.

(5) Savings clause.-- Nothing in this subsection prevents the Secretary concerned from limiting or abating the allowance of a proposed activity or event under paragraph (3)(B)(i) or the issuance of a special recreation permit for an organized group recreation activity or event, based on resource conditions, administrative burdens, or safety issues.

(6) Qualifications.-- A special recreation permit for an organized group recreation activity or event issued under paragraph (3) shall be subject to the health and safety standards required by the Secretary concerned for a permit issued under paragraph (13)(A)(iv) of section 802 of the Federal Lands Recreation Enhancement Act ([16 U.S.C. 6801](#)) (as amended by this title).

Sec. 313. [Permit Flexibility.]

(a) In General.-- The Secretary concerned shall establish guidelines to allow a holder of a special recreation permit under subsection (h) of section 803 of the Federal Lands Recreation Enhancement Act ([16 U.S.C. 6802](#)) (as amended by this title), to engage in another recreational activity under the special recreation permit that is substantially similar to the specific activity authorized under the special recreation permit.

(b) Criteria.-- For the purposes of this section, a recreational activity shall be considered to be a substantially similar recreational activity if the recreational activity--

(1) is comparable in type, nature, scope, and ecological setting to the specific activity authorized under the special recreation permit;

(2) does not result in a greater impact on natural and cultural resources than the impact of the authorized activity;

(3) does not adversely affect--

(A) any other holder of a special recreation permit or other permit; or

(B) any other authorized use of the Federal recreational lands and waters; and

(4) is consistent with--

(A) any applicable laws (including regulations); and

(B) the land management plan, resource management plan, or equivalent plan applicable to the Federal recreational lands and waters.

(c) Surrender of Unused Visitor-Use Days.--

(1) In general.-- A recreation service provider holding a special recreation permit described in paragraph (13)(A)(iv) of section 802 of the Federal Lands Recreation Enhancement Act ([16 U.S.C. 6801](#)) (as amended by this title) may--

(A) notify the Secretary concerned of an inability to use visitor-use days annually allocated to the recreation service provider under the special recreation permit; and

(B) surrender to the Secretary concerned the unused visitor-use days for the applicable year for temporary reassignment under section 318(b).

(2) Determination.-- To ensure a recreation service provider described in paragraph (1) is able to make an informed decision before surrendering any unused visitor-use day under paragraph (1)(B), the Secretary concerned shall, on the request of the applicable recreation service provider, determine and notify the recreation service provider whether

the unused visitor-use day meets the requirement described in section 317(b)(3)(B) before the recreation service provider surrenders the unused visitor-use day.

(d) Effect.-- Nothing in this section affects any authority of, regulation issued by, or decision of the Secretary concerned relating to the use of electric bicycles on Federal recreational lands and waters under any other Federal law.

Sec. 314. [Permit Administration.]

(a) Permit Availability.--

(1) Notifications of permit availability.--

(A) In general.-- Except as provided in subparagraph (B), in an area of Federal recreational lands and waters in which use by recreation service providers is allocated, if the Secretary concerned determines that visitor-use days are available for allocation to recreation service providers or holders of a commercial use authorization for outfitting and guiding, the Secretary concerned shall publish that information on the website of the agency that administers the applicable area of Federal recreational lands and waters.

(B) Effect.-- Nothing in this paragraph--

(i) applies to--

(I) the reissuance of an existing special recreation permit or commercial use authorization for outfitting and guiding; or

(II) the issuance of a new special recreation permit or new commercial use authorization for outfitting and guiding issued to the purchaser of--

(aa) a recreation service provider that is the holder of an existing special recreation permit; or

(bb) a holder of an existing commercial use authorization for outfitting and guiding; or

(ii) creates a prerequisite to the issuance of a special recreation permit or commercial use authorization for outfitting and guiding or otherwise limits the authority of the Secretary concerned--

(I) to issue a new special recreation permit or new commercial use authorization for outfitting and guiding; or

(II) to add a new or additional use to an existing special recreation permit or an existing commercial use authorization for outfitting and guiding.

(2) Updates.-- The Secretary concerned shall ensure that information published on the website under this subsection is consistently updated to provide current and correct information to the public.

(3) Electronic mail notifications.-- The Secretary concerned shall establish a system by which potential applicants for special recreation permits or commercial use authorizations for outfitting and guiding may subscribe to receive notification by electronic mail of the availability of special recreation permits under section 803(h)(1) of the Federal Lands Recreation Enhancement Act ([16 U.S.C. 6802](#)) (as amended by this title) or commercial use authorizations for outfitting and guiding.

(b) Permit Application or Proposal Acknowledgment.-- Not later than 60 days after the date on which the Secretary concerned receives a completed application or a complete proposal for a special recreation permit under section 803(h)(1) of the Federal Lands Recreation Enhancement Act ([16 U.S.C. 6802](#)) (as amended by this title), the Secretary concerned shall--

(1) provide to the applicant notice acknowledging receipt of the application or proposal; and

(2)(A) issue a final decision with respect to the application or proposal; or

(B) provide to the applicant notice of a projected date for a final decision on the application or proposal.

(c) Effect.-- Nothing in this section applies to a concession contract issued by the National Park Service for the provision of accommodations, facilities, or services.

Sec. 315. [Service First Initiative; Permits for Multijurisdictional Trips.]

(a) Repeal.-- Section 330 of the Department of the Interior and Related Agencies Appropriations Act, 2001 ([43 U.S.C. 1703](#)), is repealed.

(b) Cooperative Action and Sharing of Resources by the Secretaries of the Interior and Agriculture.--

(1) In general.-- For fiscal year 2024, and each fiscal year thereafter, the Secretaries may carry out an initiative, to be known as the "Service First Initiative", under which the Secretaries, or Federal land management agencies within their departments, may--

(A) establish programs to conduct projects, planning, permitting, leasing, contracting, and other activities, either jointly or on behalf of one another;

(B) co-locate in Federal offices and facilities leased by an agency of the Department of the Interior or the Department of Agriculture; and

(C) issue rules to test the feasibility of issuing unified permits, applications, and leases, subject to the limitations in this section.

(2) Delegations of authority.-- The Secretaries may make reciprocal delegations of the respective authorities, duties, and responsibilities of the Secretaries in support of the Service First Initiative agency-wide to promote customer service and efficiency.

(3) Effect.-- Nothing in this section alters, expands, or limits the applicability of any law (including regulations) to land administered by the Bureau of Land Management, National Park Service, United States Fish and Wildlife Service, or the Forest Service or matters under the jurisdiction of any other bureaus or offices of the Department of the Interior or the Department of Agriculture, as applicable.

(4) Transfers of funding.--Subject to the availability of appropriations and to facilitate the sharing of resources under the Service First Initiative, the Secretaries are authorized to mutually transfer funds between, or reimburse amounts expended from, appropriate accounts of either Department on an annual basis, including transfers and reimbursements for multiyear projects, except that this authority may not be used in a manner that circumvents requirements or limitations imposed on the use of any of the funds so transferred or reimbursed.

(5) Report.-- The Secretaries shall submit an annual report to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate describing the activities undertaken as part of the Service First Initiative in the prior year.

(c) Pilot Program for Special Recreation Permits for Multijurisdictional Trips.--

(1) In general.--Not later than 2 years after the date of the enactment of this title, the Secretaries shall establish a pilot program to offer to a person seeking an authorization for a multijurisdictional trip a set of separate special recreation permits or commercial use authorizations that authorizes the use of each unit of Federal recreational lands and

waters on which the multijurisdictional trip occurs, subject to the authorities that apply to the applicable unit of Federal recreational lands and waters.

(2) Minimum number of permits.-- Not later than 4 years after the date of the enactment of this title, the Secretaries shall issue not fewer than 10 sets of separate special recreation permits described in paragraph (13)(A)(iv) of section 802 of the Federal Lands Recreation Enhancement Act ([16 U.S.C. 6801](#)) (as amended by this title) or commercial use authorizations under the pilot program established under paragraph (1).

(3) Lead agencies.-- In carrying out the pilot program established under paragraph (1), the Secretaries shall--

(A) designate a lead agency for issuing and administering a set of separate special recreation permits or commercial use authorizations; and

(B) select not fewer than 4 offices at which a person shall be able to apply for a set of separate special recreation permits or commercial use authorizations, of which--

(i) not fewer than 2 offices are managed by the Secretary; and

(ii) not fewer than 2 offices are managed by the Secretary of Agriculture, acting through the Chief of the Forest Service.

(4) Retention of authority by the applicable secretary.-- Each of the Secretaries shall retain the authority to enforce the terms, stipulations, conditions, and agreements in a set of separate special recreation permits or commercial use authorizations issued under the pilot program established under paragraph (1) that apply specifically to the use occurring on the Federal recreational lands and waters managed by the applicable Secretary, under the authorities that apply to the applicable Federal recreational lands and waters.

(5) Option to apply for separate special recreation permits or commercial use authorizations.-- A person seeking the appropriate permits or authorizations for a multijurisdictional trip may apply for--

(A) a separate special recreation permit or commercial use authorization for the use of each unit of Federal recreational lands and waters on which the multijurisdictional trip occurs; or

(B) a set of separate special recreational permits or commercial use authorizations made available under the pilot program established under paragraph (1).

(6) Effect.-- Nothing in this subsection applies to a concession contract issued by the National Park Service for the provision of accommodations, facilities, or services.

Sec. 316. [Forest Service and Bureau of Land Management Temporary Special Recreation Permits for Outfitting and Guiding.]

(a) In General.-- Not later than 180 days after the date of enactment of this title, the Secretary concerned shall establish and implement a program to authorize the issuance of temporary special recreation permits for new or additional recreational uses of Federal recreational land and water managed by the Forest Service and the Bureau of Land Management.

(b) Term of Temporary Permits.-- A temporary special recreation permit issued under paragraph (1) shall be issued for a period of not more than 2 years.

(c) Conversion to Long-term Permit.-- If the Secretary concerned determines that a permittee be converted, the Secretary may provide for the conversion of a temporary special recreation permit issued under paragraph (1) to a long-term special recreation permit.

(d) Effect.-- Nothing in this subsection alters or affects the authority of the Secretary to issue a special recreation permit under subsection (h)(1) of section 803 of the Federal Lands Recreation Enhancement Act ([16 U.S.C. 6802](#)) (as amended by this title).

Sec. 317. [Reviews for Long-Term Permits.]

(a) Monitoring.-- The Secretary concerned shall monitor each recreation service provider issued a special recreation permit for compliance with the terms of the permit--

(1) not less than annually or as frequently as needed (as determined by the Secretary concerned), in the case of a temporary special recreation permit for outfitting and guiding issued under section 316; and

(2) not less than once every 2 years or as frequently as needed (as determined by the Secretary concerned), in the case of a special recreation permit described in paragraph (13)(A)(iv)(I) of section 802 of the Federal Lands Recreation Enhancement Act ([16 U.S.C. 6801](#)) (as amended by this title) that is issued for a term of not more than 10 years.

(b) Use-of-Allocation Reviews.--

(1) In general.--If the Secretary of Agriculture, acting through the Chief of the Forest Service, or the Secretary, as applicable, allocates visitor-use days among special recreation permits for outfitting and guiding, the Secretary of Agriculture, acting through the Chief of the Forest Service, shall, and the Secretary may, review the use by the recreation service provider of the visitor-use days allocated under a long-term special recreation permit described in paragraph (13)(A)(iv)(I) of section 802 of the Federal Lands Recreation Enhancement Act ([16 U.S.C. 6801](#)) (as amended by this title), once every 5 years.

(2) Requirements of the review.-- In conducting a review under paragraph (1), the Secretary concerned shall determine--

(A) the number of visitor-use days that the recreation service provider used each year under the special recreation permit, in accordance with paragraph (3); and

(B) the year in which the recreation service provider used the most visitor-use days under the special recreation permit.

(3) Consideration of surrendered, unused visitor-use days.-- For the purposes of determining the number of visitor-use days a recreation service provider used in a specified year under paragraph (2)(A), the Secretary of Agriculture, acting through the Chief of the Forest Service, and the Secretary, as applicable, shall consider an unused visitor-use day that has been surrendered under section 313(c)(1)(B) as--

(A) 1/2 of a visitor-use day used; or

(B) 1 visitor-use day used, if the Secretary concerned determines the use of the allocated visitor-use day had been or will be prevented by a circumstance beyond the control of the recreation service provider.

Sec. 318. [Adjustment of Allocated Visitor-Use Days.]

(a) Adjustments Following Use of Allocation Reviews.-- On the completion of a use-of-allocation review conducted under section 317(b) for a special recreation permit described in paragraph (13)(A)(iv)(I) of section 802 of the Federal Lands Recreation Enhancement Act ([16 U.S.C. 6801](#)) (as amended by this title), the Secretary of Agriculture, acting through the Chief of the Forest Service, or the Secretary, as applicable, shall adjust the number of visitor-use days allocated to a recreation service provider under the special recreation permit as follows:

(1) If the Secretary concerned determines that the performance of the recreation service provider was satisfactory during the most recent review conducted under subsection (a) of section 317, the annual number of visitor-use days allocated for each remaining year of the permit shall be equal to 125 percent of the number of visitor-use days used, as determined under subsection (b)(2)(A) of that section, during the year identified under

subsection (b)(2)(B) of that section, not to exceed the level allocated to the recreation service provider on the date on which the special recreation permit was issued.

(2) If the Secretary concerned determines the performance of the recreation service provider is less than satisfactory during the most recent performance review conducted under subsection (a) of section 317, the annual number of visitor-use days allocated for each remaining year of the special recreation permit shall be equal to not more than 100 percent of the number of visitor-use days used, as determined under subsection (b)(2)(A) of that section during the year identified under subsection (b)(2)(B) of that section.

(b) Temporary Reassignment of Unused Visitor-Use Days.-- The Secretary concerned may temporarily assign unused visitor-use days, made available under section 313(c)(1)(B), to--

(1) any other existing or potential recreation service provider, notwithstanding the number of visitor-use days allocated to the special recreation permit holder under the special recreation permit held or to be held by the recreation service provider; or

(2) any existing or potential holder of a special recreation permit described in clause (i) or (iii) of paragraph (13)(A) of section 802 of the Federal Lands Recreation Enhancement Act ([16 U.S.C. 6801](#)) (as amended by this title), including the public.

(c) Additional Capacity.-- If unallocated visitor-use days are available, the Secretary concerned may, at any time, amend a special recreation permit to allocate additional visitor-use days to a qualified recreation service provider.

Sec. 319. [Liability.]

(a) Insurance Requirements.--

(1) In general.--Except as provided in paragraph (2), as a condition of issuing a special recreation permit under subsection (h)(1)(B) of section 803 of the Federal Lands Recreation Enhancement Act ([16 U.S.C. 6802](#)) (as amended by this title) or a commercial use authorization, the Secretary concerned may require the holder of the special recreation permit or commercial use authorization to have a commercial general liability insurance policy that--

(A) is commensurate with the level of risk of the activities to be conducted under the special recreation permit or commercial use authorization; and

(B) includes the United States as an additional insured in an endorsement to the applicable policy.

(2) Exception.--The Secretary concerned shall not require a holder of a special recreation permit or commercial use authorization for low-risk activities, as determined by the Secretary concerned, including commemorative ceremonies and participation by the public in a recreation activity or recreation use of a specific area of Federal recreational lands and waters in which use by the public is allocated, to comply with the requirements of paragraph (1).

(b) Indemnification by Governmental Entities.--The Secretary concerned shall not require a State, State agency, State institution, or political subdivision of a State to indemnify the United States for tort liability as a condition for issuing a special recreation permit or commercial use authorization to the extent the State, State agency, State institution, or political subdivision of a State is precluded by State law from providing indemnification to the United States for tort liability, if the State, State agency, State institution, or political subdivision of the State maintains the minimum amount of liability insurance coverage required by the Federal land management agency for the activities conducted under the special recreation permit or commercial use authorization in the form of--

- (1) a commercial general liability insurance policy, which includes the United States as an additional insured in an endorsement to the policy, if the State is authorized to obtain commercial general liability insurance by State law;
- (2) self-insurance, which covers the United States as an additional insured, if authorized by State law; or
- (3) a combination of the coverage described in paragraphs (1) and (2).

(c) Exculpatory Agreements.--

(1) In general.-- Except as provided in paragraph (2), a Federal land management agency shall not implement, administer, or enforce any regulation, guidance, or policy prohibiting the use of an exculpatory agreement between a recreation service provider or a holder of a commercial use authorization and a customer relating to services provided under a special recreation permit or a commercial use authorization.

(2) Requirements.-- Any exculpatory agreement used by a recreation service provider or holder of a commercial use authorization for an activity authorized under a special recreation permit or commercial use authorization--

(A) shall shield the United States from any liability, if otherwise allowable under Federal law; and

(B) shall not waive any liability of the recreation service provider or holder of the commercial use authorization that may not be waived under the laws (including common law) of the applicable State or for gross negligence, recklessness, or willful misconduct.

(3) Consistency.-- Not later than 2 years after the date of the enactment of this title, the Secretaries shall--

(A) review the policies of the Secretaries pertaining to the use of exculpatory agreements by recreation service providers and holders of commercial use authorizations; and

(B) revise any policy described in subparagraph (A) as necessary to make the policies of the Secretaries pertaining to the use of exculpatory agreements by recreation service providers and holders of commercial use authorizations consistent with this subsection and across all Federal recreational lands and waters.

(d) Effect.-- Nothing in this section applies to a concession contract issued by the National Park Service for the provision of accommodations, facilities, or services.

Sec. 320. [Cost Recovery Reform.]

(a) Cost Recovery for Special Recreation Permits.-- In addition to a fee collected under section 803 of the Federal Lands Recreation Enhancement Act ([16 U.S.C. 6802](#)) or any other authorized fee collected by the Secretary concerned, the Secretary concerned may assess and collect a reasonable fee from an applicant for, or holder of, a special recreation permit to recover administrative costs incurred by the Secretary concerned for--

(1) processing a proposal or application for the special recreation permit;

(2) issuing the special recreation permit; and

(3) monitoring the special recreation permit to ensure compliance with the terms and conditions of the special recreation permit.

(b) De Minimis Exemption From Cost Recovery.-- If the administrative costs described in subsection (a) are assessed on an hourly basis, the Secretary concerned shall--

- (1) establish an hourly de minimis threshold that exempts a specified number of hours from the assessment and collection of administrative costs described in subsection (a); and
- (2) charge an applicant only for any hours that exceed the de minimis threshold.
- (c) Multiple Applications.-- If the Secretary concerned collectively processes multiple applications for special recreation permits for the same or similar services in the same unit of Federal recreational lands and waters, the Secretary concerned shall, to the extent practicable--
 - (1) assess from the applicants the fee described in subsection (a) on a prorated basis; and
 - (2) apply the exemption described in subsection (b) to each applicant on an individual basis.
- (d) Limitation.-- The Secretary concerned shall not assess or collect administrative costs under this section for a programmatic environmental review.
- (e) Cost Reduction.-- To the maximum extent practicable, the agency processing an application for a special recreation permit shall use existing studies and analysis to reduce the quantity of work and costs necessary to process the application.

Sec. 321. [Availability of Federal, State, and Local Recreation Passes.]

(a) In General.-- The Federal Lands Recreation Enhancement Act is amended by inserting after section 805 ([16 U.S.C. 6804](#)) the following:

“SEC. 805A. AVAILABILITY OF FEDERAL, STATE, AND LOCAL RECREATION PASSES.

“(a) Establishment of Program.--

“(1) In general.-- To improve the availability of Federal, State, and local outdoor recreation passes, the Secretaries are encouraged to coordinate with States and counties regarding the availability of Federal, State, and local recreation passes to allow a purchaser to buy a Federal recreation pass, State recreation pass, and local recreation pass in a single transaction.

“(2) Included passes.-- Passes covered by the program established under paragraph (1) include--

“(A) an America the Beautiful--the National Parks and Federal Recreational Lands Pass under section 805; and

“(B) any pass covering any fees charged by participating States and counties for entrance and recreational use of parks and public land in the participating States.

“(b) Agreements With States and Counties.--

“(1) In general.-- The Secretaries, after consultation with the States and counties, may enter into agreements with States and counties to coordinate the availability of passes as described in subsection (a).

“(2) Revenue from pass sales.-- Agreements between the Secretaries, States, and counties entered into pursuant to this section shall ensure that--

“(A) funds from the sale of State or local passes are transferred to the appropriate State agency or county government;

“(B) funds from the sale of Federal passes are transferred to the appropriate Federal agency; and

“(C) fund transfers are completed by the end of a fiscal year for all pass sales occurring during the fiscal year.”.

(b) Clerical Amendment.-- The table of contents for the Federal Lands Recreation Enhancement Act is amended by inserting after the item relating to section 805 the following:

“Sec. 805A. Availability of Federal, State, and local recreation passes.”.

Sec. 322. [Online Purchases and Establishment of a Digital Version of America the Beautiful – The National Parks and Federal Recreational Lands Passes.]

(a) Online Purchases of America the Beautiful-The National Parks and Federal Recreational Lands Pass.--Section 805(a)(6) of the Federal Lands Recreation Enhancement Act ([16 U.S.C. 6804](#)(a)(6)) is amended by striking subparagraph (A) and inserting the following:

“(A) In general.-- The Secretaries shall sell or otherwise make available the National Parks and Federal Recreational Lands Pass--

“(i) at all Federal recreational lands and waters at which--

“(I) an entrance fee or a standard amenity recreation fee is charged; and

“(II) such sales or distribution of the Pass is feasible;

“(ii) at such other locations as the Secretaries consider appropriate and feasible; and

“(iii) through a prominent link to a centralized pass sale system on the website of each of the Federal land management agencies and the websites of the relevant units and subunits of those agencies, which shall include information about where and when a National Parks and Federal Recreational Lands Pass may be used.”.

(b) Digital Version of the America the Beautiful-- The National Parks and Federal Recreation Lands Pass.--Section 805(a) of the Federal Lands Recreation Enhancement Act ([16 U.S.C. 6804](#)(a)) is amended by adding at the end the following:

“(10) Digital recreation passes.-- Not later than January 1, 2026, the Secretaries shall--

“(A) establish a digital version of the National Parks and Federal Recreational Lands Pass that is able to be stored on a mobile device, including with respect to free and discounted passes; and

“(B) upon completion of a transaction for a National Parks and Federal Recreational Lands Pass, make immediately available to the passholder a digital version of the National Parks and Federal Recreational Lands Pass established under subparagraph (A).”.

(c) Entrance Pass and Amenity Fees.--Section 803 of the Federal Lands Recreation Enhancement Act ([16 U.S.C. 6802](#)) (as amended by this title) is amended by adding at the end the following:

“(j) Online Payments.--

“(1) In general.-- In addition to providing onsite payment methods, the Secretaries may collect payment online for--

“(A) entrance fees under subsection (e);

“(B) standard amenity recreation fees under subsection (f);

“(C) expanded amenity recreation fees under subsection (g); and

“(D) special recreation permit fees.

“(2) Distribution of online payments.-- An online payment collected under paragraph (1) that is associated with a specific unit or area of a Federal land management agency shall be distributed in accordance with section 805(c).”.

Sec. 323. [Savings Provision.]

Nothing in this subtitle, or in any amendment made by this subtitle, shall be construed as affecting the authority or responsibility of the Secretary of the Interior to award concessions contracts for the provision of accommodations, facilities, and services, or commercial use authorizations to provide services, to visitors to U.S. Fish and Wildlife Service refuges or units of the National Park System pursuant to subchapter II of [chapter 1019 of title 54](#), United States Code (formerly known as the “National Park Service Concessions Management Improvement

Act of 1998"), except that sections 314(a), 315, 319(a), 319(b), and 319(c) of this subtitle shall also apply to commercial use authorizations under that Act.

Subtitle B--Making Recreation a Priority

Sec. 331. [Extension of Seasonal Recreation Opportunities.]

(a) Definition of Seasonal Closure.-- In this section, the term "seasonal closure" means any period during which--

- (1) a unit, or portion of a unit, of Federal recreational lands and waters is closed to the public for a continuous period of 30 days or more, excluding temporary closures relating to wildlife conservation or public safety; and
- (2) permitted or allowable recreational activities, which provide an economic benefit, including off-season or winter-season tourism, do not take place at the unit, or portion of a unit, of Federal recreational lands and waters.

(b) Coordination.--

(1) In general.-- The Secretaries shall consult and coordinate with outdoor recreation-related businesses operating on, or adjacent to, a unit of Federal recreational lands and waters, State offices of outdoor recreation, local destination marketing organizations, applicable trade organizations, nonprofit organizations, Indian Tribes, local governments, and institutions of higher education--

(A) to better understand--

- (i) trends with respect to visitors to the unit of Federal recreational lands and waters;
- (ii) the effect of seasonal closures on areas of, or infrastructure on, units of Federal recreational lands and waters on outdoor recreation opportunities, adjacent businesses, and local tax revenue; and
- (iii) opportunities to extend the period of time during which areas of, or infrastructure on, units of Federal recreational lands and waters are open to the public to increase outdoor recreation opportunities and associated revenues for businesses and local governments; and

(B) to solicit input from, and provide information for, outdoor recreation marketing campaigns.

(2) Local coordination.-- As part of the consultation and coordination required under subparagraph (1), the Secretaries shall encourage relevant unit managers of Federal recreational lands and waters managed by the Forest Service, the Bureau of Land Management, and the National Park Service to consult and coordinate with local governments, Indian Tribes, outdoor recreation-related businesses, and other local stakeholders operating on or adjacent to the relevant unit of Federal recreational lands and waters.

(d) Extensions Beyond Seasonal Closures.--

(1) Extension of recreational season.-- In the case of a unit of Federal recreational lands and waters managed by the Forest Service, the Bureau of Land Management, or the National Park Service in which recreational use is highly seasonal, the Secretary concerned, acting through the relevant unit manager, may--

- (A) as appropriate, extend the recreation season or increase recreation use in a sustainable manner during the offseason; and
- (B) make information about extended season schedules and related recreational opportunities available to the public and local communities.

- (2) Determination.-- In determining whether to extend the recreation season under this subsection, the Secretary concerned, acting through the relevant unit manager, shall consider the benefits of extending the recreation season--
- (A) for the duration of income to gateway communities; and
 - (B) to provide more opportunities to visit resources on units of Federal recreational lands and waters to reduce crowding during peak visitation.
- (3) Clarification.-- Nothing in this subsection precludes the Secretary concerned, acting through the relevant unit manager, from providing for additional recreational opportunities and uses at times other than those described in this subsection.
- (4) Inclusions.-- An extension of a recreation season or an increase in recreation use during the offseason under paragraph (1) may include--
- (A) the addition of facilities that would increase recreation use during the offseason; and
 - (B) improvement of access to the relevant unit to extend the recreation season.
- (5) Requirement.-- An extension of a recreation season or increase in recreation use during the offseason under paragraph (1) shall be done in compliance with all applicable Federal laws, regulations, and policies, including land use plans.
- (6) Agreements.--
- (A) In general.-- The Secretary concerned may enter into agreements with businesses, local governments, or other entities to share the cost of additional expenses necessary to extend the period of time during which an area of, or infrastructure on, a unit of Federal recreational lands and waters is made open to the public.
 - (B) In-kind contributions.-- The Secretary concerned may accept in-kind contributions of goods and services provided by businesses, local governments, or other entities for purposes of paragraph (1).

Subtitle C--Maintenance of Public Land

Sec. 341. [Volunteers in the National Forests and Public Lands Act.]

The Volunteers in the National Forests Act of 1972 ([16 U.S.C. 558a](#) et seq.) is amended to read as follows:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Volunteers in the National Forests and Public Lands Act’.

“SEC. 2. PURPOSE.

“The purpose of this Act is to leverage volunteer engagement to supplement projects that are carried out by the Secretaries to fulfill the missions of the Forest Service and the Bureau of Land Management and are accomplished with appropriated funds.

“SEC. 3. DEFINITION OF SECRETARIES.

“In this Act, the term ‘Secretaries’ means each of--

“(1) the Secretary of Agriculture, acting through the Chief of the Forest Service; and

“(2) the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

“SEC. 4. AUTHORIZATION.

“The Secretaries are authorized to recruit, train, and accept without regard to the civil service and classification laws, rules, or regulations the services of individuals without compensation as volunteers for or in aid of recreation access, trail construction or

maintenance, facility construction or maintenance, educational uses (including outdoor classroom construction or maintenance), interpretive functions, visitor services, conservation measures and development, or other activities in and related to areas administered by the Secretaries. In carrying out this section, the Secretaries shall consider referrals of prospective volunteers made by the Corporation for National and Community Service.

“SEC. 5. INCIDENTAL EXPENSES.

“The Secretaries are authorized to provide for incidental expenses, such as transportation, uniforms, lodging, training, equipment, and subsistence.

“SEC. 6. CONSIDERATION AS FEDERAL EMPLOYEE.

“(a) Except as otherwise provided in this section, a volunteer shall not be deemed a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

“(b) For the purpose of the tort claim provisions of title 28, United States Code, a volunteer under this Act shall be considered a Federal employee.

“(c) For the purposes of subchapter I of [chapter 81 of title 5](#), United States Code, relating to compensation to Federal employees for work injuries, volunteers under this Act shall be deemed civil employees of the United States within the meaning of the term ‘employee’ as defined in [section 8101 of title 5](#), United States Code, and the provisions of that subchapter shall apply.

“(d) For the purposes of claims relating to damage to, or loss of, personal property of a volunteer incident to volunteer service, a volunteer under this Act shall be considered a Federal employee, and the provisions of [section 3721 of title 31](#), United States Code, shall apply.

“(e) For the purposes of subsections (b), (c), and (d), the term ‘volunteer’ includes a person providing volunteer services to either of the Secretaries who--

“(1) is recruited, trained, and supported by a cooperator under a mutual benefit agreement or cooperative agreement with either of the Secretaries; and

“(2) performs such volunteer services under the supervision of the cooperator as directed by either of the Secretaries in the mutual benefit agreement or cooperative agreement in the mutual benefit agreement, including direction that specifies--

“(A) the volunteer services, including the geographic boundaries of the work to be performed by the volunteers, and the supervision to be provided by the cooperator;

“(B) the applicable project safety standards and protocols to be adhered to by the volunteers and enforced by the cooperator;

“(C) the on-site visits to be made by either of the Secretaries, if feasible and only if necessary to verify that volunteers are performing the volunteer services and the cooperator is providing the supervision agreed upon;

“(D) the equipment the volunteers are authorized to use;

“(E) the training the volunteers are required to complete;

“(F) the actions the volunteers are authorized to take; and

“(G) any other terms and conditions that are determined to be necessary by the applicable Secretary.

“SEC. 7. PROMOTION OF VOLUNTEER OPPORTUNITIES.

“The Secretaries shall promote volunteer opportunities in areas administered by the Secretaries.

“SEC. 8. LIABILITY INSURANCE.

“The Secretaries shall not require a cooperator or volunteer (as those terms are used in section 6) to have liability insurance to provide the volunteer services authorized under this Act.”.

Sec. 342. [Reference.]

Any reference to the Volunteers in the National Forests Act of 1972 in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Volunteers in the National Forests and Public Land Act.

Subtitle D--Recreation Not Red Tape

Sec. 351. [Good Neighbor Authority for Recreation.]

(a) Definitions.-- In this section:

- (1) Authorized recreation services.-- The term “authorized recreation services” means similar and complementary recreation enhancement or improvement services carried out--
 - (A) on Federal land, non-Federal land, or land owned by an Indian Tribe; and
 - (B) by either the Secretary or a Governor, Indian Tribe, or county, as applicable, pursuant to a good neighbor agreement.
- (2) County.-- The term “county” means--
 - (A) the appropriate executive official of an affected county; or
 - (B) in any case in which multiple counties are affected, the appropriate executive official of a compact of the affected counties.
- (3) Federal land.-- The term “Federal land” means land that is--
 - (A) owned and administered by the United States as a part of--
 - (i) the National Forest System; or
 - (ii) the National Park System; or
 - (B) public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 ([43 U.S.C. 1702](#))).
- (4) Recreation enhancement or improvement services.-- The term “recreation enhancement or improvement services” means--
 - (A) establishing, repairing, restoring, improving, relocating, constructing, or reconstructing new or existing--
 - (i) trails or trailheads;
 - (ii) campgrounds and camping areas;
 - (iii) cabins;
 - (iv) picnic areas or other day use areas;
 - (v) shooting ranges;
 - (vi) restroom or shower facilities;
 - (vii) paved or permanent roads or parking areas that serve existing recreation facilities or areas;
 - (viii) fishing piers, wildlife viewing platforms, docks, or other constructed features at a recreation site;
 - (ix) boat landings;
 - (x) hunting or fishing sites;
 - (xi) infrastructure within ski areas; or

- (xii) visitor centers or other interpretative sites; and
 - (B) activities that create, improve, or restore access to existing recreation facilities or areas.
- (5) Good neighbor agreement.-- The term “good neighbor agreement” means a cooperative agreement or contract (including a sole source contract) entered into between the Secretary and a Governor, Indian Tribe, or county, as applicable, to carry out authorized recreation services under this title.
- (6) Governor.-- The term “Governor” means the Governor or any other appropriate executive official of an affected State or the Commonwealth of Puerto Rico.
- (7) Secretary concerned.-- The term “Secretary concerned” means--
 - (A) the Secretary of Agriculture, with respect to National Forest System land; and
 - (B) the Secretary of the Interior, with respect to National Park System land and public lands.
- (b) Good Neighbor Agreements for Recreation.--
 - (1) In general.-- The Secretary concerned may enter into a good neighbor agreement with a Governor, Indian Tribe, or county to carry out authorized recreation services in accordance with this title.
 - (2) Public availability.-- The Secretary concerned shall make each good neighbor agreement available to the public.
 - (3) Financial and technical assistance.--
 - (A) In general.-- The Secretary concerned may provide financial or technical assistance to a Governor, Indian Tribe, or county carrying out authorized recreation services.
 - (B) Additional treatments of revenue.-- Section 8206(b)(2)(C) of the Agricultural Act of 2014 ([16 U.S.C. 2113a](#)(b)(2)(C)) is amended to read as follows:
 - “(C) Treatment of revenue.--
 - “(i) In general.-- Funds received from the sale of timber by a Governor, Indian Tribe, or county under a good neighbor agreement shall be retained and used by the Governor, Indian Tribe, or county, as applicable--
 - “(I) to carry out authorized restoration services on under the good neighbor agreement; and
 - “(II) if there are funds remaining after carrying out clause (i), to carry out--
 - “(aa) authorized restoration services under other good neighbor agreements; or
 - “(bb) authorized recreation services under the Good Neighbor Authority for Recreation Act.
 - “(ii) Termination of effectiveness.— The authority provided under this subparagraph terminates effective October 1, 2028.”.
 - (4) Retention of nepa responsibilities.-- Any decision required to be made under the National Environmental Policy Act of 1969 ([42 U.S.C. 4321](#) et seq.) with respect to any authorized recreation services to be provided under this section on Federal land shall not be delegated to a Governor, Indian Tribe, or county.

Sec 352. [Permit Relief for Picnic Areas.]

- (a) In General.-- If the Secretary concerned does not require the public to obtain a permit or reservation to access a picnic area on Federal recreational lands and waters administered by the Forest Service or the Bureau of Land Management, the Secretary concerned shall not require a covered person to obtain a permit solely to access the picnic area.

(b) Covered Person Defined.-- In this section, the term “covered person” means a person (including an educational group) that provides outfitting and guiding services to fewer than 40 customers per year at a picnic area described in subsection (a).

Sec. 353. [Interagency Report on Special Recreation Permits for Underserved Communities.]

(a) Covered Community Defined.-- In this section, the term “covered community” means a rural or urban community, including an Indian Tribe, that is--

- (1) low-income or underserved; and
- (2) has been underrepresented in outdoor recreation opportunities on Federal recreational lands and waters.

(b) Report.--Not later than 3 years after the date of the enactment of this title, the Secretaries, acting jointly, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes--

- (1) the estimated use of special recreation permits serving covered communities;
- (2) examples of special recreation permits, partnerships, cooperative agreements, or other arrangements providing access to Federal recreational lands and waters for covered communities;
- (3) other ways covered communities are engaging on Federal recreational lands and waters, including through stewardship and conservation projects or activities;
- (4) any barriers for existing or prospective recreation service providers and holders of commercial use authorizations operating within or serving a covered community; and
- (5) any recommendations to facilitate and increase permitted access to Federal recreational lands and waters for covered communities.

Sec. 354. [Modernizing Access to our Public Land Act Amendments.]

The Modernizing Access to Our Public Land Act ([16 U.S.C. 6851](#) et seq.) is amended--

- (1) in section 3(1) ([16 U.S.C. 6852](#)(1)), by striking “public outdoor recreational use” and inserting “recreation sites”;
- (2) in section 5(a)(4) ([16 U.S.C. 6854](#)(a)(4)), by striking “permanently restricted or prohibited” and inserting “regulated or closed”; and
- (3) in section 6(b) ([16 U.S.C. 6855](#)(b))--
 - (A) by striking “may” and inserting “shall”; and
 - (B) by striking “the Secretary of the Interior” and inserting “the Secretaries”.

Sec. 355. [Savings Provision.]

No additional Federal funds are authorized to carry out the requirements of this Act and the activities authorized by this Act are subject to the availability of appropriations made in advance for such purposes.

Approved January 4, 2025.

Explanatory Remarks

LEGISLATIVE HISTORY--H.R. 6492:

House Report: No. [118-441](#), Pt. 1 (Comm. on Natural Resources).

CONGRESSIONAL RECORD, Vol. 170 (2024):

[Apr. 9](#), considered and passed House.

[Dec. 19](#), considered and passed Senate.

KLAMATH BASIN WATER AGREEMENT SUPPORT ACT OF 2024

An Act to amend the Klamath Basin Water Supply Enhancement Act of 2000 to provide the Secretary of the Interior with certain authorities with respect to projects affecting the Klamath Basin watershed, and for other purposes. (An Act of January 4, 2025, Public Law [118-246](#), 138 Stat. 2933.)

[Section 1. Short Title.]--

This Act may be cited as the “Klamath Basin Water Agreement Support Act of 2024”.

Sec. 2. [Klamath Project Water and Power.]

(a) Addressing Water, Power, and Facilities Management for Irrigation.-- Section 4 of the Klamath Basin Water Supply Enhancement Act of 2000 ([Public Law 106-498](#)) is amended by adding at the end the following:

“(d) Restoration Activities.-- The Secretary may--

“(1) plan, design, construct, operate, and maintain projects in the Klamath Basin watershed, including--

“(A) facilities to reduce fish entrainment;

“(B) projects that reduce or avoid impacts on aquatic resources of facilities involved in the storage or diversion of water for irrigation in the Klamath Project service area; and

“(C) projects that restore habitats in the Klamath Basin watershed, including Tribal fishery resources held in trust;

“(2) undertake studies, including feasibility studies, and improvements that the Secretary determines to be necessary to implement this subsection;

“(3) in implementing this subsection, enter into contracts, memoranda of understanding, financial assistance agreements, cost-sharing agreements, or other appropriate agreements with--

“(A) State, Tribal, and local governmental agencies; and

“(B) private parties; and

“(4) accept and expend non-Federal funds in order to facilitate implementation of this subsection.

“(e) Goals.-- The goals of activities under subsections (b) and (d) shall include, as applicable--

“(1) the short-term and long-term reduction and resolution of conflicts relating to water in the Klamath Basin watershed; and

“(2) compatibility and utility for protecting natural resources throughout the Klamath Basin watershed, including the protection, preservation, and restoration of Klamath River Tribal fishery resources, particularly through collaboratively developed agreements.

“(f) Pumping Plant D.-- The Secretary may enter into 1 or more agreements with the Tulalake Irrigation District to reimburse the Tulalake Irrigation District for not more than 69 percent of the cost incurred by the Tulalake Irrigation District for the operation and maintenance of Pumping Plant D, subject to the condition that the cost results in benefits to the United States.

“(g) Keno and Link River Dams.--The Secretary of the Interior shall comply with the terms of the agreement entitled ‘2016 Klamath Power and Facilities Agreement’ (‘Agreement’), including Attachment A to the Agreement.”.

(b) Administration; Effect.--

(1) Compliance.-- In implementing the amendments made by this section, the Secretary of the Interior shall comply with--

(A) the National Environmental Policy Act of 1969 ([42 U.S.C. 4321](#) et seq.);

(B) the Endangered Species Act of 1973 ([16 U.S.C. 1531](#) et seq.); and

(C) all other applicable laws.

(2) Effect.-- None of the amendments made by this section--

(A) modify any authority or obligation of the United States with respect to any Tribal trust or treaty obligation of the United States;

(B) create or determine any water right; or

(C) affect any water right or water right claim in existence on the date of the enactment of this Act.

Approved January 4, 2025.

Explanatory Remarks

LEGISLATIVE HISTORY--H.R. 7938:

House Report: No. [118-847](#) (Comm. on Natural Resources).

CONGRESSIONAL RECORD, Vol. 170 (2024):

[Dec. 17](#), considered and passed House.

[Dec. 19](#), considered and passed Senate.

Congressional Research Service: Klamath River Dam Removal and Restoration, [Sept. 11, 2024](#)

FULL YEAR CONTINUING APPROPRIATIONS AND EXTENSIONS ACT, 2025

[Extract from] an Act making further continuing appropriations and other extensions for the fiscal year ending September 30, 2025, and for other purposes. (An Act of March 15, 2025, 119-4, Stat. XXX).

[Section 1. Short Title.]--

This Act may be cited as the “Full-Year Continuing Appropriations and Extensions Act, 2025”

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Sec. 2. [Table of Contents]

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DIVISION A – FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2025

Title I – General Provisions

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Title V – Energy and Water Development and Related Agencies

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Sec. 1501. Notwithstanding section 1101 of this Act, the level for the following accounts shall be applied as follows:

- (1) \$1,710,806,000 for “Department of the Interior--Bureau of Reclamation--Water and Related Resources”: Provided, That the sixth proviso under such heading shall not apply to funds appropriated in this division.

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Sec. 1506. Section 10609(a) of the Northwestern New Mexico Rural Water Projects Act (subtitle B of title X of [Public Law 111–11](#)) shall be applied by substituting “\$1,640,000,000” for “\$870,000,000” and “2025” for “2024”.

Sec. 1507. (a) In accordance with section 4007 of [Public Law 114–322](#), and as recommended by the Secretary of the Interior in a letter dated May 22, 2024, funding provided for such purpose in fiscal year 2024 shall be made available to the Sites Reservoir Project.

(b) In accordance with section 4009(c) of [Public Law 114–322](#), and as recommended by the Secretary in a letter dated May 22, 2024, funding provided for such purpose in fiscal year 2023 and fiscal year 2024 shall be made available to the El Paso Aquifer Storage and Recovery Enhanced Arroyo Project, the Replenish Big Bear, the Purified Water Replenishment Project, the North San Diego Water Reuse Coalition Regional Recycled Water Program, the Coachella Valley Water District WRP–10 Non-Potable Water System Expansion, the Pure Water Oceanside Phase 1, and the Carpinteria Advanced Purification Project.

Approved, March 15, 2025.

Explanatory Remarks

LEGISLATIVE HISTORY--H.R. 7938:

CONGRESSIONAL BUDGET OFFICE, Cost Estimate, [March 8](#), 2025.

EXECUTIVE OFFICE OF THE PRESIDENT, Statement of Administration Policy, [March 11](#), 2025

CONGRESSIONAL RECORD, Vol. 171 (2025):

[March 11](#), considered and passed House.

[March 14](#), considered and passed Senate.