



MEMORANDUM

TO: Water Resources Committee and Alternates, Board of Directors and Alternates

FROM: Scott Petersen, Water Policy Director

DATE: July 12, 2021

RE: Water Resources Committee to Consider Recommendations on Legislation /
Board of Directors to Consider Same

Recommendation

Recommend to the Board of Directors to adopt the following positions on legislation:

- Adopt a position of “Support and amend” on S. 2185 (Barrasso), Western Water Infrastructure Act of 2021

Summary

S. 2185 (Barrasso) – Western Water Infrastructure Act of 2021

RECOMMENDATION: SUPPORT AND AMEND

OBJECTIVE: Improve Water Infrastructure Affecting Authority Member Agencies

Summary

The main goals of this legislation are to: 1. Reauthorize the Water Infrastructure Improvements for the Nation (WIIN) Act funding accounts; 2. Authorize funding to eliminate Reclamation’s maintenance backlog; 3. Restore storage capacity at Reclamation and U.S. Army Corp of Engineers (USACOE) facilities through a sediment management program.

Section by Section Analysis of Relevant Provisions:

Section 2 – Definitions: Section 2 most notably coins and defines the term “grandfathered project” to be WIIN Act projects under sections 4007 and 4009 that have been included in a feasibility study before January 1, 2021.

Section 3 – Reauthorization of Certain Reclamation Programs: Section 3 reauthorizes specific WIIN Act provisions (sections 4006, 4009, 4011) for five years. It also authorizes \$1.6 billion in new spending for surface and groundwater storage projects under section 4007 of the WIIN Act and \$500 million in new spending for desalination and water recycling projects under section 4009 of the WIIN Act.



This section imposes new requirements for the new authorized spending for section 4007 and 4009 projects – most notably being the requirement that projects be transmitted to Congress and approved by the Authorizing Committees prior to being funded by the Appropriations Committees. Currently, under the WIIN Act, once Reclamation transmits projects to Congress, only the Appropriations Committees are required to act by including specific named projects in appropriations legislation in order to fund the recommended projects. This new process is designed to directly mirror the USACOE process for project authorization for Reclamation projects. Projects that fall under the definition of “grandfathered project” under Section 2 of the legislation would not have to adhere to these new requirements.

Section 4 – Increased Funding for Water Management Improvement: Section 4 authorizes \$300 million in funds for WaterSMART. This funding would remain until expended.

Section 5 – Annual Report to Congress on Future Western Water Storage Projects: Section 5 defines the new WIIN Act process for storage projects under sections 4007 and 4009 (as referenced in Section 3). The new process would still require Reclamation to transmit potential projects to Congress, however, the new process would essentially require both the authorizing and appropriations committees to approve transmitted projects before receiving federal funding. As stated above, this is meant to directly mirror the USACOE’s current Water Resources Development Act (WRDA) project authorization process for Reclamation projects. Any project with a feasibility report finished before January 1, 2021 would be exempt from this new process.

Section 6 – Contracts for Enhanced Inspection: Section 6 authorizes \$50 million for inspections of aging infrastructure within the Reclamation states to be conducted at the request of the owner or operator of an eligible facility. Eligible facilities are defined as any facility constructed by Reclamation more than 50 years prior to enactment of S. 2185. Importantly, this section states that any funds expended for such inspections are deemed nonreimbursable, and facility owners or operators would not be bound to action as a result of any such inspections.

Section 7 – Reservoir Sediment Management: Section 7 creates a new program where Reclamation, in partnership with the USACOE, would develop and implement sediment management plans at the request of project beneficiaries – with the intent of restoring storage capacity at surface storage facilities. Since these plans would be done at the request of project beneficiaries, those beneficiaries would bear some of the cost of implementing the plan. Reclamation can accept funds from non-Federal entities as well as other Federal agencies (i.e. USACOE) to help finance a sediment management plan. This section authorizes \$100 million in funds – until expended - to carry out this program.

Section 8 – Elimination of Bureau of Reclamation Maintenance Backlog: Section 8 authorizes \$5 billion to address the maintenance backlog within Reclamation states. These funds would be used to address major rehabilitation and replacement needs as identified in an Asset Management Report; or to support the rehabilitation, reconstruction or replacement of any dam in which construction began on or after January 1, 1905, that was developed pursuant to the Carey Act, or a dam in which the applicable Governor has determined has reached its lifespan or poses significant health and safety concerns. In addition, for a dam to be eligible for these funds, the estimated costs (to include engineering and permitting costs) would have to exceed \$50 million.



Status

S. 2185 was introduced on June 23, 2021, and has been referred to the Senate Energy and Natural Resources Committee. On June 26, Senate ENR Committee Ranking Member John Barrasso introduced a western water bill titled the *Western Water Infrastructure Act of 2021*. This is the first comprehensive Bureau of Reclamation legislative proposal introduced by the Ranking Member since taking the reins of the committee with jurisdiction over Reclamation so it's likely that this legislation serves as a vision of the Ranking Member's western water priorities. This legislation is also likely to serve as the framework for Senate Republican negotiations on current infrastructure package negotiations related to Reclamation law.

Importance to the Authority

This bill would reauthorize funding accounts and add an additional \$1.6 billion for new surface and groundwater storage projects and \$500 million created by the WIIN Act, authorize \$5 billion in funds to eliminate the maintenance backlog at Reclamation facilities, authorize \$300 million in additional funding for the WaterSMART program, authorize \$50 million in nonreimbursable funds for Reclamation aging infrastructure inspections, streamline the Reclamation project approval processes, and create a new program to develop and implement sediment management plans at the request of project beneficiaries.

Pros:

- The bill would authorize significant funding that could benefit the Authority or member agency projects to increase water resilience.

Cons:

- Does not include reauthorization of the operations provisions of the WIIN Act.

Committee Options

Option 1

Recommend that the Board authorize the Executive Director and delegated staff to express support to S. 2185, Western Water Infrastructure Act of 2021.

Fiscal Impact: Unknown. Reduce costs associated with infrastructure finance.

Business Analysis: Reduce costs associated with infrastructure finance.

Option 2

Take no action.

Fiscal Impact: Unknown. SLDMWA may be subject to additional costs associated with infrastructure development/repair.

Business Analysis: SLDMWA and its member agencies could be subject to additional costs resulting from infrastructure construction/repair.

Guidelines for Taking Positions on Legislation

A number of controversial bills are introduced each year in the Congress and in the California Legislature. It is important to understand how the Authority takes positions on legislation.



Policy

By Agenda Item 8, dated December 10, 2020, the Board adopted the Fiscal Year 2022 Objectives.

Water Authority's Positions on Legislation

The Water Authority takes positions on legislation that, if enacted, would impact Water Authority members, consistent with Water Authority Board adopted Goals and Objectives. The Water Authority may take the following positions on legislation: Oppose, Support, Oppose Unless Amended, Support if Amended, Not Favor, Favor, Not Favor Unless Amended, Favor if Amended, and Watch (neutral). The Water Authority's staff testifies and advocates with legislators and staff through meetings and member agency contacts on all positions except Watch, Favor and Not Favor. For Favor and Not Favor positions, written communication of the Water Authority's position is provided to the legislator. Nothing in this section should be read to preclude the Executive Director or his or her delegatee from taking an informal support or informal oppose position on behalf of the Water Authority that is consistent with adopted legislative or policy objectives, or to preclude the Executive Director from communicating a position on emergency legislation after obtaining the concurrence of the Chair, or the Chair's designee, provided that the Executive Director informs the Board regarding such positions on emergency legislation no later than the next regularly scheduled Board meeting.

Amendment Development Process

If the Water Authority takes an Oppose Unless Amended or Support if Amended position, the Water Authority will typically discuss the concepts for the amendments at the meeting. Then Water Authority staff, in consultation with Committee and/or Board Members as needed, will develop the amendments after the meeting.

Information Sharing

To provide adequate information to the entire Water Authority membership, the Water Authority provides legislative updates, posts positions and other information on our website, and sends out advisories and alerts on key legislation.

The Water Authority's legislative department is available to provide specific information on bills on request and Board Members are encouraged to communicate Water Authority positions on priority legislation in meetings with legislative staff, consistent with Water Authority policy. The Water Authority's Water Policy Director appreciates being informed by Water Authority members of positions taken by Water Authority members on legislation.



Tracked Legislation

Federal Legislation

Bill Number(s)	Sponsor(s)	Bill Title	Summary	Position	Status
H.R. 2552/S. 1179	Costa (D-CA-16)/Feinstein (D-CA)	Canal Conveyance Capacity Restoration Act	This bill authorizes the Bureau of Reclamation to provide financial assistance for various projects in California to mitigate the sinking or settling of the ground (i.e., subsidence mitigation), specifically for projects related to the Friant-Kern Canal, the Delta-Mendota Canal, and certain parts of the San Luis Canal/California Aqueduct.	Support	Introduced and referred to the House Committee on Natural Resources and Senate Committee on Energy and Natural Resources (4/15/2021)
H.R. 644	Calvert (R-CA-42)	REBUILD Act	<p>This bill authorizes (1) the assignment to states of federal environmental review responsibilities under relevant federal environmental laws for projects funded by, carried out by, or subject to approval by federal agencies; and (2) states to assume all or part of those responsibilities.</p> <p>Each responsible federal official who is authorized to assign such responsibility must promulgate regulations that establish requirements relating to information required to be contained in state applications to assume those responsibilities.</p> <p>An official may approve an application only if (1) public notice requirements have been met, (2) the state has the capability to assume the responsibilities, and (3) the head of the state agency having primary jurisdiction over the projects enters into a written agreement with an official to assume the responsibilities and to maintain the financial resources necessary to carry them out.</p>	Support	Introduced and referred to the House Committee on Natural Resources (2/1/2021)



				The officials must audit state compliance with federal laws for which responsibilities are assumed. The officials may terminate the responsibilities assigned to states after providing notice to states of any noncompliance and an opportunity to take corrective action.		
H.R. 737	Valadao (R-CA-21)	RENEW Act	WIIN	The bill would extend the authorities under the Water Infrastructure Improvements for the Nation Act of 2016 for 10 years, providing operational flexibility, drought relief, and other benefits to the State of California.	Support	Introduced and referred to the House Committee on Natural Resources (2/2/2021)
H.R. 866	Calvert (R-CA-42)	FISH Act		This bill gives the Fish and Wildlife Service (FWS) the sole authority to protect endangered or threatened species that are anadromous species (species of fish that spawn in fresh or estuarine waters and that migrate to ocean waters) or catadromous species (species of fish that spawn in ocean waters and migrate to fresh waters). Currently, the FWS shares this authority with the National Marine Fisheries Service.	Support	Introduced and referred to the House Subcommittee on Water, Oceans, and Wildlife (3/3/2021)
H.R. 1563	Garcia (R-CA-25)	To extend the authorities under the WIIN Act of 2016.		This bill extends the authority of certain federal agencies to provide support for western water infrastructure and extends consultation requirements concerning projects in California. Specifically, the bill extends through 2028 the authority of the Bureau of Reclamation to provide support for projects in certain western states related to federal or state-led water storage, water desalination, and water recycling and reuse. It also extends provisions specific to California, including drought relief and the operations of the Central Valley Project (a hydropower and water management project in California that is operated by Reclamation).	Support	Introduced and referred to the House Natural Resources and Science, Space and Technology Committees (3/3/2021)



			Further, the bill extends through 2033 consultation requirements concerning biological assessments and the coordinated operations of the Central Valley Project and the State Water Project in California.			
S. 29	Klobuchar (D-MN)	Local Water Protection Act	This bill reauthorizes through FY2025 programs within the Environmental Protection Agency that award grants to states for managing nonpoint source water pollution or protecting groundwater quality. Water pollution from nonpoint sources is caused by precipitation picking up pollution as it moves over or through the ground.	Support	Introduced and referred to the Committee on Environment and Public Works. (1/22/2021)	
S. 914	Duckworth (D-IL)	Drinking Water and Wastewater Infrastructure Act of 2021	This bill reauthorizes through FY2026 or establishes a variety of programs for water infrastructure. Specifically, it supports programs to provide safe drinking water or treat wastewater, such as sewer overflows or stormwater. For example, the bill reauthorizes and revises the clean water state revolving fund (SRF) and the drinking water SRF.	Support	Passed Senate 89-2 (4/29/2021)	

State Legislation

Bill Number(s)	Sponsor(s)	Bill Title	Summary	Position	Status
SB 559	Hurtado	Department of Water Resources: water conveyance systems: Canal Conveyance Capacity Restoration Fund.	This bill would establish the Canal Conveyance Capacity Restoration Fund in the State Treasury to be administered by the department. The bill would require all moneys deposited in the fund to be expended, upon appropriation by the Legislature, in support of subsidence repair costs, including environmental planning, permitting, design, and construction and necessary road and bridge upgrades required to accommodate capacity improvements. The bill would require the department to expend from the fund, upon appropriation by the Legislature, specified monetary amounts to restore the capacity of 4 specified water conveyance systems, as	Support	Passed Senate 34-1-5. Passed Assembly Water, Parks and Wildlife 11-0-4 (7/



<p>prescribed, with 2 of those 4 expenditures being in the form of a grant to the Friant Water Authority and to the San Luis and Delta-Mendota Water Authority. The bill would make these provisions inoperative on July 1, 2030, and would repeal the provisions as of January 1, 2031.</p>					
AB 252	Rivas	Multibenefit Land Repurposing Incentive Program: administration.	<p>Establishes the Multibenefit Land Conversion Incentive Program (MLCIP) at the Department of Conservation (DOC).</p> <p>Major Provisions</p> <ol style="list-style-type: none"> 1) Requires DOC to develop guidelines to implement the program and exercise its expertise and discretion when awarding program funds to eligible applicants. 2) Specifies compliance and eligibility criteria with the Sustainable Groundwater Management Act (SGMA). <ol style="list-style-type: none"> a. Permits the DOC to award funds to eligible local program agencies. b. Eligible agencies include a groundwater sustainability agency (GSA), county, NGO, as well as a local agency or mutual water company designated by a GSA or county. c. Funds are awarded to local agencies regarding a basin/basins designated by the Department of Water Resources (DWR) as critically overdrafted, and is managed by one or more GSAs. d. Eligible applicants demonstrate local program matching funds of no less than 50%. 	Support	Passed Assembly 78-0. Hearing scheduled for Senate Natural Resources and Water (7/13/2021)



			<ul style="list-style-type: none"> 3) Provides incentive payments must be awarded for the purposes of: <ul style="list-style-type: none"> a. Habitat restoration or maintenance. b. Conversion of rangelands. c. Multibenefit groundwater recharge facility construction. d. Floodplain restoration e. Cover crop planting f. Dust control measures. g. Community recreation or park areas. 4) Prioritizes funding for land with severely poor soil quality, high habitat value, or the best aquifer recharge, community recreational, local water supply enhancement, flood prevention, or wildlife connectivity potential. 5) Sunsets MLCIP on January 1, 2032. 		
AB 350	Villapudua	Cannella Environmental Farming Act of 1995: technical assistance grant program: groundwater conservation planning.	This bill would require, upon appropriation of funds, the California Department of Food and Agriculture (CDFA) to establish and administer a 3-year grant program to fund technical assistance to support landowners located in a critically overdrafted basin, as defined, in reaching water use reduction goals established pursuant to the Sustainable Groundwater Management Act.	Support	Passed Assembly. Passed Senate Agriculture Committee (5-0), referred to Appropriations Committee.
AB 377	Rivas	Water quality: impaired waters.	This bill requires the State Water Resources Control Board (State Water Board) and regional boards, by January 1, 2025, to evaluate impaired state surface waters and report to the Legislature a plan to bring all water segments into attainment by January 1, 2050. This bill requires the plan to include total maximum daily load (tmdl) compliance	Oppose	Failed to meet house of origin requirements. Two-year bill.



			schedules as they existed on January 1, 2021, and prohibits the report from extending the existing compliance schedules. The report is required to be updated with progress summaries every five years until January 1, 2050.		
AB 979	Frazier	Sacramento-San Joaquin Delta: projects: sea level rise analysis report	<p>This bill requires any individual or entity undertaking a project in the Sacramento-San Joaquin Delta (Delta) to complete a report(Report)analyzing the impact of current sea-level rise projections on the project. Specifically, this bill:</p> <ol style="list-style-type: none"> 1) Requires the Report to analyze different scenarios contained in the Ocean Protection Council’s (OPC) Sea-Level Rise Guidance 2018 Update document (Guidance Document). Allows more probable or more severe sea level rise scenarios to be included in the Report. 2) Requires the Report to be submitted to the Delta Stewardship Council (DSC), Delta Protection Commission (DPC) and the Legislature. Requires DSC and DPC to post the report on their internet websites. 3) Specifies the definition of “project” is the same as used in the California Environmental Quality Act (CEQA) as well as that nothing in the bill abridges any law, including the Delta Protection Act. 	Oppose	Failed to meet house of origin requirements. Two-year bill.

BILL TEXT

117TH CONGRESS
1ST SESSION

S. _____

To reauthorize certain Bureau of Reclamation programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. BARRASSO introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To reauthorize certain Bureau of Reclamation programs, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Western Water Infra-
5 structure Act of 2021”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **GRANDFATHERED PROJECT.**—The term
9 “grandfathered project” means a project that has
10 been included in a feasibility level study by the Sec-

1 (B) by striking paragraph (2) and insert-
2 ing the following:

3 “(2) REQUIREMENT.—

4 “(A) IN GENERAL.—Subject to subpara-
5 graph (B), a project may only receive funding
6 under this section if the project has been in-
7 cluded in an Act of Congress that specifically
8 approves a project recommendation in an an-
9 nual report issued in accordance with section 5
10 of the Western Water Infrastructure Act of
11 2021.

12 “(B) LIMITATION.—Subparagraph (A)
13 shall not apply to a grandfathered project (as
14 defined in section 2 of the Western Water In-
15 frastructure Act of 2021).”;

16 (2) by striking subsection (i); and

17 (3) by redesignating subsections (j) and (k) as
18 subsections (i) and (j), respectively.

19 (b) ELIGIBLE DESALINATION PROJECTS.—Section
20 4(a) of the Water Desalination Act of 1996 (42 U.S.C.
21 10301 note; Public Law 104–298) is amended—

22 (1) by redesignating the second paragraph (1)
23 (relating to eligible desalination projects) as para-
24 graph (2); and

1 Western Water Infrastructure Act of
2 2021).”.

3 (c) RECLAMATION AND REUSE OF WASTEWATER AND
4 GROUNDWATER.—Section 1602(g) of the Reclamation
5 Wastewater and Groundwater Study and Facilities Act
6 (43 U.S.C. 390h(g)) is amended—

7 (1) in paragraph (1)—

8 (A) by striking the paragraph designation
9 and all that follows through “There is” and in-
10 sserting the following:

11 “(A) IN GENERAL.—There is”; and

12 (B) by striking “\$50,000,000” and insert-
13 ing “\$375,000,000”; and

14 (2) by striking paragraph (2) and inserting the
15 following:

16 “(2) REQUIREMENT.—

17 “(A) IN GENERAL.—Subject to subpara-
18 graph (B), a project may only receive funding
19 under this section if the project has been in-
20 cluded in an Act of Congress that specifically
21 approves a project recommendation in an an-
22 nual report issued in accordance with section 5
23 of the Western Water Infrastructure Act of
24 2021.

1 “(B) LIMITATION.—Subparagraph (A)
2 shall not apply to a grandfathered project (as
3 defined in section 2 of the Western Water In-
4 frastructure Act of 2021).”.

5 (d) DURATION OF CERTAIN RECLAMATION
6 PROJECTS.—Section 4013 of the WIIN Act (43 U.S.C.
7 390b note; Public Law 114–322) is amended—

8 (1) in paragraph (1), by striking “; and” at the
9 end;

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

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

13 “(2) sections 4006, 4007 (other than a project
14 under construction under that section that is covered
15 by paragraph (2)), 4008, 4009 (other than a project
16 under construction under the amendment made by
17 subsection (a) or (c) of section 4009 that is covered
18 by paragraph (2)), and 4011 (including any amend-
19 ments made by those sections), which shall expire 5
20 years after the date of enactment of the Western
21 Water Infrastructure Act of 2021.”.

22 (e) APPLICABLE LAW.—A grandfathered project
23 shall continue to be subject to the applicable requirements
24 of the following:

1 (1) Section 4007 of the WIIN Act (43 U.S.C.
2 390b note; Public Law 114–322).

3 (2) Section 4(a)(2) of the Water Desalination
4 Act of 1996 (42 U.S.C. 10301 note; Public Law
5 104–298).

6 (3) Section 1602(e) of the Reclamation Waste-
7 water and Groundwater Study and Facilities Act (43
8 U.S.C. 390h(e)).

9 **SEC. 4. INCREASED FUNDING FOR WATER MANAGEMENT**
10 **IMPROVEMENT.**

11 Section 9504(e) of the Omnibus Public Land Man-
12 agement Act of 2009 (42 U.S.C. 10364(e)) is amended
13 by striking “\$700,000,000” and inserting
14 “\$1,000,000,000”.

15 **SEC. 5. ANNUAL REPORT TO CONGRESS ON FUTURE WEST-**
16 **ERN WATER STORAGE PROJECTS.**

17 (a) DEFINITIONS.—In this section:

18 (1) ANNUAL REPORT.—The term “annual re-
19 port” means a report required under subsection
20 (b)(1).

21 (2) AUTHORIZED RECLAMATION PROJECT.—

22 (A) IN GENERAL.—The term “authorized
23 Reclamation project” means a project author-
24 ized under—

1 (i) section 4007 of the WIIN Act (43
2 U.S.C. 390b note; Public Law 114–322);

3 (ii) section 4(a)(2) of the Water De-
4 salination Act of 1996 (42 U.S.C. 10301
5 note; Public Law 104–298); or

6 (iii) section 1602(e) of the Reclama-
7 tion Wastewater and Groundwater Study
8 and Facilities Act (43 U.S.C. 390h(e)).

9 (B) EXCLUSION.—The term “authorized
10 Reclamation project” does not include a grand-
11 fathered project.

12 (3) AUTHORIZING COMMITTEES OF CON-
13 GRESS.—The term “authorizing committees of Con-
14 gress” means—

15 (A) the Committee on Energy and Natural
16 Resources of the Senate; and

17 (B) the Committee on Natural Resources
18 of the House of Representatives.

19 (b) ANNUAL REPORT.—

20 (1) IN GENERAL.—Not later than February 1
21 of each year, the Secretary shall develop and submit
22 to the authorizing committees of Congress a report,
23 to be entitled “Report to Congress on Future Water
24 Storage Projects”, that identifies each authorized
25 Reclamation project that the Secretary has deter-

1 mined meets the criteria and eligibility requirements
2 under subsection (a) or (b) of section 4007 of the
3 WIIN Act (43 U.S.C. 390b note; Public Law 114–
4 322), section 4(a)(2) of the Water Desalination Act
5 of 1996 (42 U.S.C. 10301 note; Public Law 104–
6 298), or section 1602(e) of the Reclamation Waste-
7 water and Groundwater Study and Facilities Act (43
8 U.S.C. 390h(e)), as applicable.

9 (2) TRANSPARENCY.—For each authorized Rec-
10 lamation project included in the annual report under
11 paragraph (1), the Secretary shall include—

12 (A) the name of the associated non-Fed-
13 eral entity, including the name of any non-Fed-
14 eral entity that has contributed, or is expected
15 to contribute, a non-Federal share of the cost
16 of the authorized Reclamation project;

17 (B) a letter or statement of support from
18 each associated non-Federal entity; and

19 (C) a summary of the basis for the deter-
20 mination of the Secretary that the authorized
21 Reclamation project meets the eligibility re-
22 quirements referred to in paragraph (1), includ-
23 ing an estimate, to the maximum extent prac-
24 ticable, of the monetary and nonmonetary bene-
25 fits of the authorized Reclamation project.

1 **SEC. 6. CONTRACTS FOR ENHANCED INSPECTION.**

2 (a) DEFINITIONS.—In this section:

3 (1) AGING INFRASTRUCTURE.—The term
4 “aging infrastructure” means any infrastructure
5 subject to an enhanced inspection under this section
6 that is associated with a facility that—

7 (A) was constructed by the Bureau of Rec-
8 lamation (or a precursor to the Bureau of Rec-
9 lamation), in accordance with the reclamation
10 laws; and

11 (B) is greater than 50 years old as of the
12 date of the enhanced inspection.

13 (2) ENHANCED INSPECTION.—The term “en-
14 hanced inspection” means an inspection that uses
15 current or innovative technology, including Light
16 Detection and Ranging (commonly known as
17 “LiDAR”), ground penetrating radar, subsurface
18 imaging, or subsurface geophysical techniques, to de-
19 tect whether the features of aging infrastructure—

20 (A)(i) are structurally sound; and

21 (ii) can operate as intended; or

22 (B) are at risk of failure.

23 (3) RECLAMATION LAWS.—The term “reclama-
24 tion laws” means Federal reclamation law (the Act
25 of June 17, 1902 (32 Stat. 388, chapter 1093), and

1 Acts supplemental to and amendatory of that Act
2 (43 U.S.C. 371 et seq.)).

3 (b) ENHANCED INSPECTION.—

4 (1) IN GENERAL.—The Secretary may carry out
5 enhanced inspections of aging infrastructure, pursu-
6 ant to a contract with the owner or operator of the
7 aging infrastructure.

8 (2) CERTAIN CIRCUMSTANCES.—Subject to the
9 availability of appropriations or funds otherwise
10 available pursuant to subsection (d), the Secretary
11 shall enter into a contract described in paragraph
12 (1), if the owner or operator of the aging infrastruc-
13 ture requests that the Secretary carry out the en-
14 hanced inspections.

15 (3) REIMBURSABILITY.—Any Federal funds
16 used to carry out the enhanced inspections under
17 this section are nonreimbursable.

18 (c) LIMITATION.—The Secretary shall not require an
19 owner or operator of a project under the jurisdiction of
20 another Federal agency to carry out corrective or remedial
21 actions in response to an enhanced inspection carried out
22 under this section.

23 (d) FUNDING.—

24 (1) AUTHORIZATION OF APPROPRIATIONS.—
25 There is authorized to be appropriated to carry out

1 this section \$50,000,000, to remain available until
2 expended.

3 (2) ACCEPTANCE OF FUNDS.—The Secretary
4 may—

5 (A) accept funds from an owner or oper-
6 ator of aging infrastructure to carry out an en-
7 hanced inspection of the aging infrastructure
8 under this section; and

9 (B) use the funds accepted under subpara-
10 graph (A) to carry out an enhanced inspection
11 of the aging infrastructure pursuant to a con-
12 tract entered into with the owner or operator
13 under this section.

14 **SEC. 7. RESERVOIR SEDIMENT MANAGEMENT.**

15 (a) DEFINITION OF SEDIMENT MANAGEMENT
16 PLAN.—In this section, the term “sediment management
17 plan” means a plan for—

18 (1) preventing sediment from reducing water
19 storage capacity at a reservoir; and

20 (2) increasing water storage capacity through
21 sediment removal at a reservoir.

22 (b) SEDIMENT MANAGEMENT PROGRAM.—The Sec-
23 retary shall carry out a program for the development and
24 implementation of sediment management plans for res-

1 ervoires owned by the Secretary, on request by project
2 beneficiaries.

3 (c) PLAN ELEMENTS.—A sediment management plan
4 under subsection (b) shall—

5 (1) provide opportunities for States, project
6 beneficiaries, and other stakeholders to participate
7 in sediment management decisions;

8 (2) evaluate the volume of sediment in a res-
9 ervoir and impacts on project purposes, including
10 storage capacity;

11 (3) identify sediment management options, in-
12 cluding sediment dikes and dredging;

13 (4) identify constraints;

14 (5) assess technical feasibility, economic jus-
15 tification, and environmental impacts;

16 (6) identify beneficial uses for sediment; and

17 (7) to the maximum extent practicable, use, de-
18 velop, and demonstrate innovative, cost-saving tech-
19 nologies, including structural and nonstructural
20 technologies and designs, to manage sediment.

21 (d) JUSTIFICATION.—In determining the economic
22 justification of a sediment management plan under sub-
23 section (b), the Secretary shall—

24 (1) measure and include flooding, erosion, and
25 accretion damages upstream and downstream of the

1 reservoir that are likely to occur as a result of sedi-
2 ment management within the reservoir compared to
3 the damages that are likely to occur if the sediment
4 management plan is not implemented; and

5 (2) include—

6 (A) lifecycle costs; and

7 (B) a 100-year period of analysis.

8 (e) PRIORITIZATION OF SEDIMENT MANAGEMENT

9 PLANS.—In carrying out the program under this section,
10 the Secretary shall give priority to developing and imple-
11 menting sediment management plans that affect reservoirs
12 that cross State lines.

13 (f) COST SHARE.—

14 (1) IN GENERAL.—The beneficiaries requesting
15 a sediment management plan shall share in the cost
16 of development and implementation of the sediment
17 management plan.

18 (2) ALLOCATION.—There shall be allocated—

19 (A) among the beneficiaries described in
20 paragraph (1) the reimbursable costs of devel-
21 oping and implementing the sediment manage-
22 ment plan; and

23 (B) to the Secretary the nonreimbursable
24 costs of any other public benefits identified in
25 the sediment management plan.

1 (g) CONTRIBUTED FUNDS.—The Secretary may ac-
2 cept funds from non-Federal entities and other Federal
3 agencies to develop and implement a sediment manage-
4 ment plan under this section.

5 (h) GUIDANCE.—The Secretary shall use the knowl-
6 edge gained through the development and implementation
7 of sediment management plans under subsection (b) to de-
8 velop guidance for sediment management at other res-
9 ervoirs.

10 (i) PARTNERSHIP WITH THE CHIEF OF ENGI-
11 NEERS.—

12 (1) IN GENERAL.—The Secretary shall carry
13 out the program established under this section in
14 partnership with the Secretary of the Army, acting
15 through the Chief of Engineers, which shall apply to
16 reservoirs managed or owned by the Corps of Engi-
17 neers.

18 (2) MEMORANDUM OF AGREEMENT.—For sedi-
19 ment management plans that apply to a reservoir
20 managed or owned by the Corps of Engineers under
21 paragraph (1), the Secretary and the Secretary of
22 the Army shall execute a memorandum of agreement
23 establishing—

24 (A) the framework for a partnership; and

1 (B) the terms and conditions for sharing
2 expertise and resources.

3 (3) PAYMENTS.—The Secretary may accept and
4 expend funds from the Secretary of the Army any
5 work under this subsection at a reservoir managed
6 or owned by Corps of Engineers.

7 (4) LEAD AGENCY.—The Secretary or the Sec-
8 retary of the Army, as applicable, based on who has
9 primary jurisdiction over a reservoir, shall take the
10 lead in developing and implementing a sediment
11 management plan for the reservoir.

12 (j) OTHER AUTHORITIES NOT AFFECTED.—Nothing
13 in this section affects—

14 (1) sediment management; or

15 (2) the share of costs paid by Federal and non-
16 Federal entities relating to sediment management
17 under any other provision of law (including regula-
18 tions).

19 (k) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated to carry out this section
21 \$100,000,000, to remain available until expended.

22 **SEC. 8. ELIMINATION OF BUREAU OF RECLAMATION MAIN-**
23 **TENANCE BACKLOG.**

24 (a) IN GENERAL.—The Secretary shall use amounts
25 made available under subsection (b)—

1 (1) to carry out activities to reduce or eliminate
2 all major rehabilitation and replacement needs of the
3 Bureau of Reclamation, as identified in an Asset
4 Management Report (as defined in section 8601 of
5 the John D. Dingell, Jr. Conservation, Management,
6 and Recreation Act (43 U.S.C. 505a)); or

7 (2) to support the rehabilitation, reconstruction,
8 or replacement of any dam—

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

11 (B) that was developed pursuant to section
12 4 of the Act of August 18, 1894 (commonly
13 known as the “Carey Act”) (28 Stat. 422,
14 chapter 301; 43 U.S.C. 641);

15 (C) that the Governor of the State in
16 which the dam is located has—

17 (i) determined reached the useful life
18 of the dam;

19 (ii) determined poses significant
20 health and safety concerns; and

21 (iii) requested Federal support; and

22 (D) for which the estimated rehabilitation,
23 reconstruction, or replacement, engineering, and
24 permitting costs would exceed \$50,000,000.

25 (b) AUTHORIZATION OF APPROPRIATIONS.—

1 (1) IN GENERAL.—There is authorized to be
2 appropriated to the Secretary to carry out this sec-
3 tion \$5,000,000,000 for the period of fiscal years
4 2022 through 2026.

5 (2) REIMBURSEMENT OF COSTS.—Amounts
6 made available to the Secretary under paragraph (1)
7 for maintenance activities at reserved works and
8 transferred works identified in the report described
9 in subsection (a)(1) that are considered to be reim-
10 bursable costs under existing contracts shall be af-
11 forded the repayment terms provided under section
12 9603 of the Omnibus Public Land Management Act
13 of 2009 (43 U.S.C. 510b).