



MEMORANDUM

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

FROM: Scott Petersen, Water Policy Director

DATE: September 13, 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” on H.R. 3023 (Costa), Restore WIFIA Eligibility Act
- Adopt a position of “Support” on H.R. 4284 (Ruiz), Clean Drinking Water Equity Act
- Adopt a position of “Support” on H.R. 4915 (McClintock), Water Supply Permitting Coordination Act
- Adopt a position of “Support and amend” on S. 2334 (Cortez Masto), Large Scale Water Recycling Project and Drought Resiliency Investment Act

Summary

H.R. 3023 (Costa) – Restore WIFIA Eligibility Act

RECOMMENDATION: SUPPORT

OBJECTIVE: Improve Water Infrastructure Affecting Authority Member Agencies

Summary

This legislation would amend the Water Infrastructure Finance and Innovation Act (WIFIA) of 2014 to treat the loans on certain federally owned facilities as non-federal projects for the purposes of WIFIA funding, subject to certain requirements.

Specifically, if a project is federally owned, but the WIFIA applicant is a non-federal entity and the dedicated sources of repayment are non-federal revenue sources, then the WIFIA loan shall be treated as a non-federal loan pursuant to its treatment under the Federal Credit Reform Act of 1990.



Status

H.R. 3023 was introduced on May 7, 2021, and has been referred to the House Committee on Transportation and Infrastructure and the House Energy and Commerce Committee. The legislation has been cosponsored by Representatives Garamendi (D-CA-03) and Curtis (R-UT-03).

Importance to the Authority

This bill would make changes to the WIFIA program at the Environmental Protection Agency that would enable the Water Authority to access WIFIA loans. The current interpretation of the Federal Credit Reform Act of 1990 excludes the utilization of WIFIA funding for “federal” projects, which are defined by underlying title to facilities being owned by the federal government.

Pros:

- The bill would modify the WIFIA program to enable the Water Authority to access it for funding for facilities with underlying federal ownership, subject to certain provisions.

Cons:

- None identified.

Committee Options

Option 1

Recommend that the Board authorize the Executive Director and delegated staff to express support to H.R. 3023, Restoring WIFIA Eligibility Act.

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.

[H.R. 4284 \(Ruiz\) – Clean Drinking Water Equity Act](#)

RECOMMENDATION: SUPPORT

OBJECTIVE: Improve Water Infrastructure Affecting Authority Member Agencies

Summary

This legislation would amend the Safe Drinking Water Act to change the total amount of loan subsidy made by a state from 35 percent to 40 percent for disadvantaged communities for the State revolving loan funds.

Status

H.R. 4284 was introduced on May 7, 2021, and has been referred to the House Energy and Commerce Committee.



Importance to the Authority

This bill would increase the percentage of loan subsidies from the Drinking Water State Revolving Fund from the existing 35 percent to 40 percent.

Pros:

- The bill would increase the loan subsidy for the Drinking Water SRF from the existing 35 percent to 40 percent, increasing access to the program for disadvantaged communities in the Westside San Joaquin Integrated Regional Water Management Planning Area.

Cons:

- None identified.

Committee Options

Option 1

Recommend that the Board authorize the Executive Director and delegated staff to express support to H.R. 4284, Clean Drinking Water Equity Act.

Fiscal Impact: Unknown. Reduce costs associated with associated with IRWMP implementation and disadvantaged community needs coordination.

Business Analysis: Reduce costs associated with associated with IRWMP implementation and disadvantaged community needs coordination.

Option 2

Take no action.

Fiscal Impact: Unknown. SLDMWA may be subject to additional costs associated with IRWMP implementation and disadvantaged community needs coordination.

Business Analysis: SLDMWA and its member agencies could be subject to additional costs associated with IRWMP implementation and disadvantaged community needs coordination.

[H.R. 4915 \(McClintock\) – Water Supply Permitting Coordination Act](#)

RECOMMENDATION: SUPPORT

OBJECTIVE: Improve Water Infrastructure Affecting Authority Member Agencies

Summary

This legislation would authorize the Secretary of the Interior to coordinate Federal and State permitting processes related to the construction of new surface water storage projects on lands under the jurisdiction of the Secretary of the Interior and the Secretary of Agriculture and to designate the Bureau of Reclamation as the lead agency for permit processing, with detailed timelines for completion of environmental compliance documents.

Status

H.R. 4915 was introduced on August 3, 2021, and has been referred to the House Natural Resources Committee.



Importance to the Authority

This bill would establish Reclamation as the lead agency for permit processing for water storage projects on federal lands owned by the Departments of Interior or Agriculture.

Pros:

- The bill, if enacted, would establish a single lead federal agency responsible for coordination and permit processing for water storage projects, which is anticipated to expedite the permitting process for these projects.

Cons:

- None identified.

Committee Options

Option 1

Recommend that the Board authorize the Executive Director and delegated staff to express support to H.R. 4915, Water Supply Permitting Coordination Act.

Fiscal Impact: Unknown. Reduce costs associated with environmental permitting compliance for CVP projects advanced under Reclamation law or the WIIN Act.

Business Analysis: Reduce costs associated with environmental permitting compliance for CVP projects advanced under Reclamation law or the WIIN Act.

Option 2

Take no action.

Fiscal Impact: Unknown. SLDMWA may be subject to additional costs associated with environmental permitting compliance for CVP projects advanced under Reclamation law or the WIIN Act.

Business Analysis: SLDMWA and its member agencies could be subject to additional costs associated with environmental permitting compliance for CVP projects advanced under Reclamation law or the WIIN Act.

S. 2334 (Cortez Masto) – Large Scale Water Recycling Project and Drought Resiliency Investment Act

RECOMMENDATION: SUPPORT

OBJECTIVE: Improve Water Infrastructure Affecting Authority Member Agencies

Summary

This legislation would direct the Secretary of the Interior to establish a grant program to provide grants on a competitive basis to eligible entities for large-scale water recycling and reuse projects, to amend the Omnibus Public Land Management Act of 2009 to make certain modifications to the Cooperative Watershed Management Program, and provide emergency drought funding.

Section-by-Section Analysis

Section 1. Short Title

Section 2. Large-Scale Water Recycling Project Investment



This section establishes a \$750-million-dollar authorization from 2023-2027 to implement a competitive grant program for the planning, design, and construction of large-scale water recycling and reclamation projects (greater than \$500 million) in the Reclamation states. Eligible projects include reclaiming or recycling municipal, industrial, domestic or agricultural wastewater or impaired surface or groundwater with sufficient non-federal matching funds, provide federal benefits, and are technically and financially feasible as found by a feasibility study. Federal cost share shall not exceed 25 percent unless the project demonstrates a proportionate share of nonreimbursable benefits under reclamation law, in which case the federal cost share can be up to 75 percent. Congress may disapprove projects submitted by the Secretary for up to 60 days that exceed \$100,000,000 with a joint resolution of disapproval.

Section 3. Drought Resiliency

This section reauthorizes the Reclamation States Drought Relief Act of 1991 through 2031 and authorizes an additional \$50 million in funding from 2022-2026, of which \$20 million must be expended to benefit fish and wildlife. This section additionally expands the uses of available assistance from the emergency drought funding for a number of purposes, including pump and barrier installation for water diversion and fish protection, the installation of groundwater wells for Indian Tribes and wildlife refuges, agricultural and urban conservation and efficiency projects, and other purposes.

Status

S. 2334 was introduced on July 13, 2021, and has been referred to the Senate Energy and Natural Resources Committee. The legislation is cosponsored by Senators Feinstein, Padilla, and Rosen.

Importance to the Authority

This bill would provide significant amounts of funding for large scale recycled and reclaimed water systems that could provide alternative supplies and reduce reliance on delta exports for agencies implementing regional recycled water programs. Additionally, the legislation makes available additional funds for drought response projects in the Reclamation states.

Pros:

- This bill would provide significant amounts of funding for large scale recycled and reclaimed water systems that could provide alternative supplies and reduce reliance on delta exports for agencies implementing regional recycled water programs. Additionally, the legislation makes available additional funds for drought response projects in the Reclamation states.

Cons:

- Potential for reduced in stream flows that could impact project operations. Staff suggests proposing an amendment that would add a savings clause that would indicate that “nothing in this legislation would impact water rights.”

Committee Options

Option 1

Recommend that the Board authorize the Executive Director and delegated staff to express support to S. 2334, Large Scale Water Recycling Project and Drought Resiliency Investment Act, with an amendment to clarify that nothing in the legislation would impact water rights.



Fiscal Impact: Unknown. Reduce costs associated with drought response projects and deployment of large scale recycled water projects/programs being advanced by some member agencies.

Business Analysis: Reduce costs associated with drought response projects and deployment of large scale recycled water projects/programs being advanced by some member agencies.

Option 2

Take no action.

Fiscal Impact: Unknown. SLDMWA and/or its members may be subject to additional costs associated with drought response projects and deployment of large scale water recycling projects/programs.

Business Analysis: SLDMWA and/or its members may be subject to additional costs associated with drought response projects and deployment of large scale water recycling projects/programs.

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 delegee 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)



				<p>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.</p>		
H.R. 737	Valadao (R-CA-21)	RENEW WIIN Act		<p>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.</p>	Support	<p>Introduced and referred to the House Committee on Natural Resources (2/2/2021)</p>
H.R. 866	Calvert (R-CA-42)	FISH Act		<p>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.</p>	Support	<p>Introduced and referred to the House Subcommittee on Water, Oceans, and Wildlife (3/3/2021)</p>
H.R. 1563	Garcia (R-CA-25)	To extend the authorities under the WIIN Act of 2016.		<p>This bill extends the authority of certain federal agencies to provide support for western water infrastructure and extends consultation requirements concerning projects in California.</p> <p>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).</p>	Support	<p>Introduced and referred to the House Natural Resources and Science, Space and Technology Committees (3/3/2021)</p>



			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)
S. 2185	Barrasso (R-WY)	Western Water Infrastructure Act of 2021	This bill reauthorizes the Water Infrastructure Improvements for the Nation (WIIN) Act funding accounts; authorizes funding to eliminate Reclamation's maintenance backlog; and restores storage capacity at Reclamation and U.S. Army Corp of Engineers (USACOE) facilities through a sediment management program.	Support and amend	Introduced and referred to the Committee on Energy and Natural Resources (6/23/2021)

State Legislation

Bill Number(s)	Sponsor(s)	Bill Title	Summary	Position	Status
SB 559	Hurtado	Department of Water Resources: water conveyance systems:	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,	Support	Amended in Assembly Appropriations on 8/30/21. Moved to inactive file on 9/8/21.



		Canal Conveyance Capacity Restoration Fund.	<p>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 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 	Support	<p>Included in AB 170 (Resources Trailer bill) at \$50 million.</p> <p>Moved to Inactive file on 9/7/21.</p>



			<p>(DWR) as critically overdrafted, and is managed by one or more GSAs.</p> <p>d. Eligible applicants demonstrate local program matching funds of no less than 50%.</p> <p>3) Provides incentive payments must be awarded for the purposes of:</p> <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. <p>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.</p> <p>5) Sunsets MLCIP on January 1, 2032.</p>		
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	Amended in Senate Appropriations (8/26/21). Moved to Inactive File on 9/2/21.



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 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.	Oppose	Failed to meet house of origin requirements. Two-year bill.
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

H. R. 3023

To amend the Water Infrastructure Finance and Innovation Act of 2014 with respect to budgetary treatment of certain amounts of financial assistance, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 7, 2021

Mr. COSTA (for himself and Mr. CURTIS) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Water Infrastructure Finance and Innovation Act of 2014 with respect to budgetary treatment of certain amounts of financial assistance, 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 “Restoring WIFIA Eli-
5 gibility Act”.

1 **SEC. 2. BUDGETARY TREATMENT OF CERTAIN AMOUNTS**
2 **OF FINANCIAL ASSISTANCE.**

3 Subtitle C of title V of the Water Infrastructure Fi-
4 nance and Innovation Act of 2014 (33 U.S.C. 3901 et
5 seq.) is amended by adding at the end the following:

6 **“SEC. 5036. BUDGETARY TREATMENT OF CERTAIN**
7 **AMOUNTS OF FINANCIAL ASSISTANCE.**

8 “If the recipient of financial assistance for a project
9 under this subtitle is an eligible entity other than a Fed-
10 eral entity, agency, or instrumentality, and the dedicated
11 sources of repayment of that financial assistance are non-
12 Federal revenue sources, such financial assistance shall,
13 for purposes of budgetary treatment under the Federal
14 Credit Reform Act of 1990 (2 U.S.C. 661 et seq.)—

15 “(1) be deemed to be non-Federal; and

16 “(2) be treated as a direct loan or loan guar-
17 antee (as such terms are defined, respectively, in
18 such Act).”.

○

117TH CONGRESS
1ST SESSION

H. R. 4284

To amend the Safe Drinking Water Act with respect to assistance for disadvantaged communities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 2021

Mr. RUIZ introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Safe Drinking Water Act with respect to assistance for disadvantaged communities, 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 “Clean Drinking Water
5 Equity Act”.

6 **SEC. 2. ASSISTANCE FOR DISADVANTAGED COMMUNITIES.**

7 Section 1452(d)(2)(A) of the Safe Drinking Water
8 Act (42 U.S.C. 300j–12(d)(2)(A)) is amended by striking
9 “35 percent” and inserting “40 percent”.

117TH CONGRESS
1ST SESSION

H. R. 4915

To authorize the Secretary of the Interior to coordinate Federal and State permitting processes related to the construction of new surface water storage projects on lands under the jurisdiction of the Secretary of the Interior and the Secretary of Agriculture and to designate the Bureau of Reclamation as the lead agency for permit processing, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 3, 2021

Mr. McCLINTOCK introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To authorize the Secretary of the Interior to coordinate Federal and State permitting processes related to the construction of new surface water storage projects on lands under the jurisdiction of the Secretary of the Interior and the Secretary of Agriculture and to designate the Bureau of Reclamation as the lead agency for permit processing, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Water Supply Permit-
3 ting Coordination Act”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) BUREAU.—The term “Bureau” means the
7 Bureau of Reclamation.

8 (2) COOPERATING AGENCIES.—The term “co-
9 operating agency” means a Federal agency with ju-
10 risdiction over a review, analysis, opinion, statement,
11 permit, license, or other approval or decision re-
12 quired for a qualifying project under applicable Fed-
13 eral laws and regulations, or a State agency subject
14 to section 3(c).

15 (3) QUALIFYING PROJECTS.—The term “quali-
16 fying projects” means new surface water storage
17 projects in the States covered under the Act of June
18 17, 1902 (32 Stat. 388, chapter 1093), and Acts
19 supplemental to and amendatory of that Act (43
20 U.S.C. 371 et seq.) constructed on lands adminis-
21 tered by the Department of the Interior or the De-
22 partment of Agriculture, exclusive of any easement,
23 right-of-way, lease, or any private holding, unless the
24 project applicant elects not to participate in the
25 process authorized by this Act. Such term shall also
26 include State-led projects (as defined in section

1 4007(a)(2) of the WIIN Act) for new surface water
2 storage projects in the States covered under the Act
3 of June 17, 1902 (32 Stat. 388, chapter 1093), and
4 Acts supplemental to and amendatory of that Act
5 (43 U.S.C. 371 et seq.) constructed on lands admin-
6 istered by the Department of the Interior or the De-
7 partment of Agriculture, exclusive of any easement,
8 right-of-way, lease, or any private holding, unless the
9 project applicant elects not to participate in the
10 process authorized by this Act.

11 (4) SECRETARY.—The term “Secretary” means
12 the Secretary of the Interior.

13 **SEC. 3. ESTABLISHMENT OF LEAD AGENCY AND COOPER-**
14 **ATING AGENCIES.**

15 (a) ESTABLISHMENT OF LEAD AGENCY.—The Bu-
16 reau is established as the lead agency for purposes of co-
17 ordinating all reviews, analyses, opinions, statements, per-
18 mits, licenses, or other approvals or decisions required
19 under Federal law to construct qualifying projects.

20 (b) IDENTIFICATION AND ESTABLISHMENT OF CO-
21 OPERATING AGENCIES.—The Commissioner of the Bureau
22 shall—

23 (1) identify, as early as practicable upon receipt
24 of an application for a qualifying project, any Fed-
25 eral agency that may have jurisdiction over a review,

1 analysis, opinion, statement, permit, license, ap-
2 proval, or decision required for a qualifying project
3 under applicable Federal laws and regulations; and

4 (2) notify any such agency, within a reasonable
5 timeframe, that the agency has been designated as
6 a cooperating agency in regards to the qualifying
7 project unless that agency responds to the Bureau in
8 writing, within a timeframe set forth by the Bureau,
9 notifying the Bureau that the agency—

10 (A) has no jurisdiction or authority with
11 respect to the qualifying project;

12 (B) has no expertise or information rel-
13 evant to the qualifying project or any review,
14 analysis, opinion, statement, permit, license, or
15 other approval or decision associated therewith;

16 or

17 (C) does not intend to submit comments
18 on the qualifying project or conduct any review
19 of such a project or make any decision with re-
20 spect to such project in a manner other than in
21 cooperation with the Bureau.

22 (c) STATE AUTHORITY.—A State in which a quali-
23 fying project is being considered may choose, consistent
24 with State law—

25 (1) to participate as a cooperating agency; and

1 (2) to make subject to the processes of this Act
2 all State agencies that—

3 (A) have jurisdiction over the qualifying
4 project;

5 (B) are required to conduct or issue a re-
6 view, analysis, or opinion for the qualifying
7 project; or

8 (C) are required to make a determination
9 on issuing a permit, license, or approval for the
10 qualifying project.

11 **SEC. 4. BUREAU RESPONSIBILITIES.**

12 (a) IN GENERAL.—The principal responsibilities of
13 the Bureau under this Act are—

14 (1) to serve as the point of contact for appli-
15 cants, State agencies, Indian tribes, and others re-
16 garding proposed qualifying projects;

17 (2) to coordinate preparation of unified environ-
18 mental documentation that will serve as the basis for
19 all Federal decisions necessary to authorize the use
20 of Federal lands for qualifying projects; and

21 (3) to coordinate all Federal agency reviews
22 necessary for project development and construction
23 of qualifying projects.

24 (b) COORDINATION PROCESS.—The Bureau shall
25 have the following coordination responsibilities:

1 (1) PREAPPLICATION COORDINATION.—Notify
2 cooperating agencies of proposed qualifying projects
3 not later than 30 days after receipt of a proposal
4 and facilitate a preapplication meeting for prospec-
5 tive applicants, relevant Federal and State agencies,
6 and Indian tribes—

7 (A) to explain applicable processes, data
8 requirements, and applicant submissions nec-
9 essary to complete the required Federal agency
10 reviews within the timeframe established; and

11 (B) to establish the schedule for the quali-
12 fying project.

13 (2) CONSULTATION WITH COOPERATING AGEN-
14 CIES.—Consult with the cooperating agencies
15 throughout the Federal agency review process, iden-
16 tify and obtain relevant data in a timely manner,
17 and set necessary deadlines for cooperating agencies.

18 (3) SCHEDULE.—Work with the qualifying
19 project applicant and cooperating agencies to estab-
20 lish a project schedule. In establishing the schedule,
21 the Bureau shall consider, among other factors—

22 (A) the responsibilities of cooperating
23 agencies under applicable laws and regulations;

1 (B) the resources available to the cooper-
2 ating agencies and the non-Federal qualifying
3 project sponsor, as applicable;

4 (C) the overall size and complexity of the
5 qualifying project;

6 (D) the overall schedule for and cost of the
7 qualifying project; and

8 (E) the sensitivity of the natural and his-
9 toric resources that may be affected by the
10 qualifying project.

11 (4) ENVIRONMENTAL COMPLIANCE.—Prepare a
12 unified environmental review document for each
13 qualifying project application, incorporating a single
14 environmental record on which all cooperating agen-
15 cies with authority to issue approvals for a given
16 qualifying project shall base project approval deci-
17 sions. Help ensure that cooperating agencies make
18 necessary decisions, within their respective authori-
19 ties, regarding Federal approvals in accordance with
20 the following timelines:

21 (A) Not later than 1 year after acceptance
22 of a completed project application when an en-
23 vironmental assessment and finding of no sig-
24 nificant impact is determined to be the appro-
25 priate level of review under the National Envi-

1 ronmental Policy Act of 1969 (42 U.S.C. 4321
2 et seq.).

3 (B) Not later than 1 year and 30 days
4 after the close of the public comment period for
5 a draft environmental impact statement under
6 the National Environmental Policy Act of 1969
7 (42 U.S.C. 4321 et seq.), when an environ-
8 mental impact statement is required under the
9 same.

10 (5) CONSOLIDATED ADMINISTRATIVE
11 RECORD.—Maintain a consolidated administrative
12 record of the information assembled and used by the
13 cooperating agencies as the basis for agency deci-
14 sions.

15 (6) PROJECT DATA RECORDS.—To the extent
16 practicable and consistent with Federal law, ensure
17 that all project data is submitted and maintained in
18 generally accessible electronic format, compile, and
19 where authorized under existing law, make available
20 such project data to cooperating agencies, the quali-
21 fying project applicant, and to the public.

22 (7) PROJECT MANAGER.—Appoint a project
23 manager for each qualifying project. The project
24 manager shall have authority to oversee the project
25 and to facilitate the issuance of the relevant final

1 authorizing documents, and shall be responsible for
2 ensuring fulfillment of all Bureau responsibilities set
3 forth in this section and all cooperating agency re-
4 sponsibilities under section 5.

5 **SEC. 5. COOPERATING AGENCY RESPONSIBILITIES.**

6 (a) ADHERENCE TO BUREAU SCHEDULE.—

7 (1) TIMEFRAMES.—On notification of an appli-
8 cation for a qualifying project, the head of each co-
9 operating agency shall submit to the Bureau a time-
10 frame under which the cooperating agency reason-
11 ably will be able to complete the authorizing respon-
12 sibilities of the cooperating agency.

13 (2) SCHEDULE.—

14 (A) USE OF TIMEFRAMES.—The Bureau
15 shall use the timeframes submitted under this
16 subsection to establish the project schedule
17 under section 4.

18 (B) ADHERENCE.—Each cooperating agen-
19 cy shall adhere to the project schedule estab-
20 lished by the Bureau under subparagraph (A).

21 (b) ENVIRONMENTAL RECORD.—The head of each
22 cooperating agency shall submit to the Bureau all environ-
23 mental review material produced or compiled in the course
24 of carrying out activities required under Federal law, con-

1 sistent with the project schedule established by the Bureau
2 under subsection (a)(2).

3 (c) DATA SUBMISSION.—To the extent practicable
4 and consistent with Federal law, the head of each cooper-
5 ating agency shall submit all relevant project data to the
6 Bureau in a generally accessible electronic format, subject
7 to the project schedule established by the Bureau under
8 subsection (a)(2).

9 **SEC. 6. FUNDING TO PROCESS PERMITS.**

10 (a) IN GENERAL.—The Secretary, after public notice
11 in accordance with subchapter II of chapter 5, and chapter
12 7, of title 5, United States Code (commonly known as the
13 “Administrative Procedure Act”), may accept and expend
14 funds contributed by a non-Federal public entity to expe-
15 dite the evaluation of a permit of that entity related to
16 a qualifying project.

17 (b) EFFECT ON PERMITTING.—

18 (1) EVALUATION OF PERMITS.—In carrying out
19 this section, the Secretary shall ensure that the eval-
20 uation of permits carried out using funds accepted
21 under this section shall—

22 (A) be reviewed by the Regional Director
23 of the Bureau of the region in which the quali-
24 fying project or activity is located (or a des-
25 ignee); and

1 (B) use the same procedures for decisions
2 that would otherwise be required for the evalua-
3 tion of permits for similar projects or activities
4 not carried out using funds authorized under
5 this section.

6 (2) IMPARTIAL DECISIONMAKING.—In carrying
7 out this section, the Secretary and the head of each
8 cooperating agency receiving funds under this sec-
9 tion for a qualifying project shall ensure that the use
10 of the funds accepted under this section for the
11 qualifying project shall not—

12 (A) substantively or procedurally impact
13 impartial decision making with respect to the
14 issuance of permits; or

15 (B) diminish, modify, or otherwise affect
16 the statutory or regulatory authorities of the
17 cooperating agency.

18 (c) LIMITATION ON USE OF FUNDS.—None of the
19 funds accepted under this section shall be used to carry
20 out a review of the evaluation of permits required under
21 subsection (b)(1)(A).

22 (d) PUBLIC AVAILABILITY.—The Secretary shall en-
23 sure that all final permit decisions carried out using funds

1 authorized under this section are made available to the
2 public, including on the internet.

○

117TH CONGRESS
1ST SESSION

S. 2334

To direct the Secretary of the Interior to establish a grant program to provide grants on a competitive basis to eligible entities for large-scale water recycling and reuse projects, to amend the Omnibus Public Land Management Act of 2009 to make certain modifications to the Cooperative Watershed Management Program, to provide emergency drought funding, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 13, 2021

Ms. CORTEZ MASTO (for herself, Mr. PADILLA, and Ms. ROSEN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To direct the Secretary of the Interior to establish a grant program to provide grants on a competitive basis to eligible entities for large-scale water recycling and reuse projects, to amend the Omnibus Public Land Management Act of 2009 to make certain modifications to the Cooperative Watershed Management Program, to provide emergency drought funding, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Large Scale Water
3 Recycling Project and Drought Resiliency Investment
4 Act”.

5 **SEC. 2. LARGE-SCALE WATER RECYCLING PROJECT IN-**
6 **VESTMENT.**

7 (a) DEFINITIONS.—In this section:

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

10 (A) a State, Indian Tribe, municipality, ir-
11 rigation district, water district, wastewater dis-
12 trict, or other organization with water or power
13 delivery authority;

14 (B) a State, regional, or local authority,
15 the members of which include 1 or more organi-
16 zations with water or power delivery authority;
17 and

18 (C) an agency established under State law
19 for the joint exercise of powers or a combina-
20 tion of entities described in subparagraphs (A)
21 and (B).

22 (2) ELIGIBLE PROJECT.—The term “eligible
23 project” means a project described in subsection (c).

24 (3) INDIAN TRIBE.—The term “Indian Tribe”
25 has the meaning given the term in section 4 of the

1 Indian Self-Determination and Education Assistance
2 Act (25 U.S.C. 5304).

3 (4) PROGRAM.—The term “program” means
4 the grant program established under subsection (b).

5 (5) RECLAMATION STATE.—The term “Rec-
6 lamation State” means a State or territory described
7 in the first section of the Act of June 17, 1902 (43
8 U.S.C. 391; 32 Stat. 388, chapter 1093).

9 (6) SECRETARY.—The term “Secretary” means
10 the Secretary of the Interior.

11 (b) ESTABLISHMENT.—The Secretary shall establish
12 a program to provide grants to eligible entities on a com-
13 petitive basis for the planning, design, and construction
14 of large-scale water recycling and reclamation projects
15 that provide substantial water supply and other benefits
16 to drought-stricken regions in the Reclamation States.

17 (c) ELIGIBLE PROJECT.—A project shall be eligible
18 for a grant under the program if the project—

19 (1) reclaims and reuses—

20 (A) municipal, industrial, domestic, or ag-
21 ricultural wastewater; or

22 (B) impaired groundwater or surface
23 water;

24 (2) has a total estimated cost of \$500,000,000
25 or more;

1 (3) is located in a Reclamation State;

2 (4) is constructed, operated, and maintained by
3 an eligible entity; and

4 (5) provides a Federal benefit in accordance
5 with the reclamation laws.

6 (d) PROJECT EVALUATION.—The Secretary may pro-
7 vide a grant to an eligible entity for an eligible project
8 under the program if—

9 (1) the eligible entity determines through the
10 preparation of a feasibility study or equivalent
11 study, and the Secretary concurs, that the eligible
12 project—

13 (A) is technically and financially feasible;

14 (B) provides a Federal benefit in accord-
15 ance with the reclamation laws; and

16 (C) is consistent with applicable Federal
17 and State laws;

18 (2) the eligible entity has sufficient non-Federal
19 funding available to complete the eligible project, as
20 determined by the Secretary;

21 (3) the eligible entity is financially solvent, as
22 determined by the Secretary; and

23 (4) not later than 30 days after the date on
24 which the Secretary concurs with the determinations
25 under paragraph (1) with respect to the eligible

1 project, the Secretary submits to Congress written
2 notice of the determinations.

3 (e) PRIORITY.—In funding eligible projects under the
4 program, the Secretary shall give funding priority for eli-
5 gible projects that meet 1 or more of the following criteria:

6 (1) The eligible project provides multiple bene-
7 fits, including—

8 (A) water supply reliability benefits for
9 drought-stricken States and communities;

10 (B) fish and wildlife benefits; and

11 (C) water quality improvements.

12 (2) The eligible project is likely to reduce im-
13 pacts on environmental resources from water
14 projects owned or operated by Federal and State
15 agencies, including through measurable reductions in
16 water diversions from imperiled ecosystems.

17 (3) The eligible project would advance water
18 management plans across a multi-State area, such
19 as drought contingency plans in the Colorado River
20 Basin.

21 (4) The eligible project is regional in nature.

22 (5) The eligible project is collaboratively devel-
23 oped or supported by multiple stakeholders.

24 (f) FEDERAL ASSISTANCE.—

1 (1) FEDERAL COST SHARE.—Except as pro-
2 vided in paragraph (2), the Federal share of the cost
3 of any eligible project provided a grant under the
4 program shall not exceed 25 percent of the total cost
5 of the eligible project.

6 (2) INCREASED FEDERAL COST SHARE FOR ELI-
7 GIBLE PROJECTS WITH ADDITIONAL MEASURABLE
8 BENEFITS.—The Secretary may increase the Federal
9 share of the cost of an eligible project under para-
10 graph (1) to not more than 75 percent of the total
11 costs of the eligible project, if the eligible project ad-
12 vances at least a proportionate share of nonreim-
13 bursable benefits authorized under the reclamation
14 laws, including fish and wildlife benefits provided
15 through measurable reductions in water diversions
16 from imperiled ecosystems.

17 (3) TOTAL CAP.—The Secretary shall not im-
18 pose a total dollar cap on Federal contributions that
19 applies to all individual eligible projects provided a
20 grant under the program.

21 (4) NONREIMBURSABLE FUNDS.—Funds pro-
22 vided by the Secretary to an eligible entity under the
23 program shall be considered nonreimbursable.

24 (5) FUNDING ELIGIBILITY.—An eligible project
25 shall not be considered ineligible for assistance

1 under this section because the eligible project has re-
2 ceived assistance authorized under—

3 (A) the Reclamation Wastewater and
4 Groundwater Study and Facilities Act (43
5 U.S.C. 390h et seq.);

6 (B) section 4(a) of the Water Desalination
7 Act of 1996 (42 U.S.C. 10301 note; Public Law
8 104–298) for eligible desalination projects; or

9 (C) section 1602(e) of the Reclamation
10 Wastewater and Groundwater Study and Facili-
11 ties Act (43 U.S.C. 390h(e)).

12 (g) ENVIRONMENTAL LAWS.—In providing a grant
13 for an eligible project under the program, the Secretary
14 shall comply with all applicable environmental laws, in-
15 cluding the National Environmental Policy Act of 1969
16 (42 U.S.C. 4321 et seq.).

17 (h) GUIDANCE.—Not later than 1 year after the date
18 of enactment of this Act, the Secretary shall issue guid-
19 ance on the implementation of this section, including
20 guidelines for the preparation of feasibility studies or
21 equivalent studies by eligible entities.

22 (i) CONGRESSIONAL APPROVAL.—

23 (1) IN GENERAL.—Not later than 60 days be-
24 fore the date on which a grant is provided for an eli-
25 gible project under this section, the Secretary shall

1 notify the Committee on Energy and Natural Re-
2 sources of the Senate and the Committee on Natural
3 Resources of the House of Representatives, in writ-
4 ing, of the proposed grant.

5 (2) REQUIREMENTS.—A notification under
6 paragraph (1) shall include—

7 (A) an evaluation and justification for the
8 eligible project; and

9 (B) a description of the amount of the pro-
10 posed grant award.

11 (3) CONGRESSIONAL DISAPPROVAL.—The Sec-
12 retary shall not make a grant or any other obliga-
13 tion or commitment to fund an eligible project under
14 this section that exceeds \$100,000,000, if, by not
15 later than the end of the 60-day period described in
16 paragraph (1), a joint resolution is enacted dis-
17 approving the funding for the eligible project.

18 (j) REPORTS.—

19 (1) ANNUAL REPORT.—At the end of each fis-
20 cal year, the Secretary shall make available on the
21 website of the Department of the Interior an annual
22 report that lists each eligible project for which a
23 grant has been provided under this section during
24 the fiscal year.

25 (2) COMPTROLLER GENERAL.—

1 (A) ASSESSMENT.—The Comptroller Gen-
2 eral of the United States shall conduct an as-
3 sessment of the administrative establishment,
4 solicitation, selection, and justification process
5 with respect to the funding of grants under this
6 section.

7 (B) REPORT.—Not later than 1 year after
8 the date of the initial award of grants under the
9 program, the Comptroller General of the United
10 States shall submit to the Committee on En-
11 ergy and Natural Resources of the Senate and
12 the Committee on Natural Resources of the
13 House of Representatives a report that de-
14 scribes—

15 (i) the adequacy and effectiveness of
16 the process by which each eligible project
17 was selected, if applicable; and

18 (ii) the justification and criteria used
19 for the selection of each eligible project, if
20 applicable.

21 (k) TREATMENT OF CONVEYANCE.—The Secretary
22 shall consider the planning, design, and construction of
23 a conveyance system for an eligible project to be eligible
24 for grant funding under the program.

1 (l) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to carry out this section
3 \$750,000,000 for the period of fiscal years 2023 through
4 2027.

5 **SEC. 3. DROUGHT RESILIENCY.**

6 (a) COOPERATIVE WATERSHED MANAGEMENT PRO-
7 GRAM.—

8 (1) DEFINITIONS.—Section 6001(7) of the Om-
9 nibus Public Land Management Act of 2009 (16
10 U.S.C. 1015(7)) is amended—

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

13 (B) by redesignating subparagraph (E) as
14 subparagraph (F); and

15 (C) by inserting after subparagraph (D)
16 the following:

17 “(E) provides for the conduct of emergency
18 drought planning; or”.

19 (2) FUNDING PROCEDURE.—Section
20 6002(c)(2)(A) of the Omnibus Public Land Manage-
21 ment Act of 2009 (16 U.S.C. 1015a(c)(2)(A)) is
22 amended by inserting “or emergency drought plan”
23 after “restoration plan” each place it appears.

24 (b) EMERGENCY DROUGHT FUNDING.—

25 (1) FINANCIAL ASSISTANCE.—

1 (A) IN GENERAL.—Financial assistance
2 may be made available under the Reclamation
3 States Emergency Drought Relief Act of 1991
4 (43 U.S.C. 2201 et seq.) for eligible water
5 projects to assist Western States and Tribal
6 governments to address drought-related impacts
7 to water supplies or any other immediate water-
8 related crisis or conflict, including through vol-
9 untary, temporary, and compensated programs
10 to reduce water demands for the purpose of in-
11 creasing water available in a system or reducing
12 water supply-demand imbalances.

13 (B) ADDITIONAL AVAILABILITY.—Finan-
14 cial assistance may be made available under
15 this paragraph to organizations and entities
16 that are—

17 (i) engaged in collaborative processes
18 to restore the environment; or

19 (ii) part of a basin-wide solution for
20 restoration.

21 (C) TYPES OF ASSISTANCE.—Assistance
22 under subparagraph (A) may include a range of
23 projects, including—

- 1 (i) the installation of pumps, tem-
2 porary barriers, or operable gates for water
3 diversion and fish protection;
- 4 (ii) the installation of drought-relief
5 groundwater wells for Indian Tribes and in
6 wildlife refuges and other environmentally
7 sensitive areas requiring emergency surface
8 water flow augmentation;
- 9 (iii) the acquisition or assistance in
10 the acquisition of water from willing sell-
11 ers, including on a voluntary, temporary,
12 and compensated basis, to enhance stream
13 flow for the benefit of fish and wildlife (in-
14 cluding endangered species), water quality,
15 river ecosystem restoration, and other ben-
16 efcial purposes;
- 17 (iv) agricultural and urban conserva-
18 tion and efficiency projects;
- 19 (v) exchanges with any water district
20 willing to provide water to meet the emer-
21 gency water needs of other water districts
22 in return for the delivery of equivalent
23 quantities of water later that year or in fu-
24 ture years;

1 (vi) emergency pumping projects for
2 critical health and safety purposes;

3 (vii) activities to reduce water demand
4 consistent with a comprehensive program
5 for environmental restoration and settle-
6 ment of water rights claims; and

7 (viii) activities that protect, restore, or
8 enhance fish and wildlife habitat or other-
9 wise improve environmental conditions, in-
10 cluding water quantity or quality concerns
11 and improved fish passage.

12 (D) AUTHORIZATION OF APPROPRIA-
13 TIONS.—There is authorized to be appropriated
14 to provide financial assistance under this para-
15 graph not more than \$50,000,000 for the pe-
16 riod of fiscal years 2022 through 2026, of
17 which not more than \$20,000,000 shall be
18 made available during that period for the con-
19 duct of actions authorized under title I of the
20 Reclamation States Emergency Drought Relief
21 Act of 1991 (43 U.S.C. 2211 et seq.) to benefit
22 imperiled fish and wildlife.

23 (2) APPLICABLE PERIOD OF DROUGHT PRO-
24 GRAM.—Section 104 of the Reclamation States
25 Emergency Drought Relief Act of 1991 (43 U.S.C.

1 2214) is amended by striking subsection (a) and in-
2 serting the following:

3 “(a) IN GENERAL.—The programs and authorities
4 established under this title shall become operative in any
5 Reclamation State and in the State of Hawaii only—

6 “(1) after the Governor or Governors of the af-
7 fected State or States, or the governing body of an
8 affected Indian Tribe with respect to a reservation,
9 has made a request for temporary drought assist-
10 ance and the Secretary has determined that the tem-
11 porary assistance is merited;

12 “(2) after a drought emergency has been de-
13 clared by the Governor or Governors of the affected
14 State or States; or

15 “(3) on approval of a drought contingency plan
16 as provided in title II.”.

17 (3) REAUTHORIZATION.—Section 104(c) of the
18 Reclamation States Emergency Drought Relief Act
19 of 1991 (43 U.S.C. 2214(c)) is amended by striking
20 “2021” and inserting “2031”.

○