

115TH CONGRESS
2D SESSION

S. _____

To improve the water supply and drought resilience of the United States,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

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

A BILL

To improve the water supply and drought resilience of the
United States, 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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Water Supply Infrastructure and Drought Resilience Act
6 of 2018”.

7 (b) **TABLE OF CONTENTS.**—The table of contents for
8 this Act is as follows:

- Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—WATER SUPPLY INFRASTRUCTURE

2

Subtitle A—Water Supply Permitting Coordination

- Sec. 101. Definitions.
- Sec. 102. Establishment of lead coordinating agency and participating agencies.
- Sec. 103. Bureau responsibilities.
- Sec. 104. Participating agency responsibilities.
- Sec. 105. Funding to process permits.

Subtitle B—Modifications of Existing Programs

- Sec. 111. WaterSMART.
- Sec. 112. Grants and cooperative agreements with Indian tribes and organizations.
- Sec. 113. Cooperative watershed management program.

Subtitle C—Bureau of Reclamation Transparency

- Sec. 121. Definitions.
- Sec. 122. Asset management report enhancements for reserved works.
- Sec. 123. Asset management report enhancements for transferred works.

TITLE II—WATER MANAGEMENT IMPROVEMENT

Subtitle A—Review of Flood Control Rule Curves Pilot Project

- Sec. 201. Definitions.
- Sec. 202. Establishment of pilot project.
- Sec. 203. Selection of eligible works.
- Sec. 204. Adjustment of flood control rule.
- Sec. 205. Consultation.
- Sec. 206. Funding.
- Sec. 207. Effect.
- Sec. 208. Termination.

Subtitle B—Aquifer Recharge Augmentation

- Sec. 211. Definitions.
- Sec. 212. Rescheduling of water for aquifer recharge.
- Sec. 213. Flexibility to allow greater aquifer recharge.
- Sec. 214. Use of public land for aquifer recharge.

TITLE III—WATER SUPPLY CERTAINTY

Subtitle A—Water Rights Protection

- Sec. 301. Definitions.
- Sec. 302. Treatment of water rights.
- Sec. 303. Policy development.
- Sec. 304. Effect.

Subtitle B—Permits for Water Transfers

- Sec. 311. Permits for water transfers.

Subtitle C—Endangered Fish Recovery Programs

Sec. 321. Extension of authorization to use Upper Colorado River Basin Fund revenues for annual base funding of fish recovery programs; removal of certain reporting requirement.

Sec. 322. Report on Recovery Implementation Programs.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) BUREAU.—The term “Bureau” means the
4 Bureau of Reclamation.

5 (2) COMMISSIONER.—The term “Commis-
6 sioner” means the Commissioner of the Bureau.

7 (3) RECLAMATION FACILITY.—The term “Rec-
8 lamation facility” means each of the infrastructure
9 assets that are owned by the Bureau at a Reclama-
10 tion project.

11 (4) RECLAMATION PROJECT.—The term “Rec-
12 lamation project” means any reclamation or irriga-
13 tion project, including incidental features thereof,
14 authorized by Federal reclamation law, or con-
15 structed by the United States pursuant to such law,
16 or in connection with which there is a repayment or
17 water service contract executed by the United States
18 pursuant to such law, or any project constructed by
19 the Secretary through the Bureau of Reclamation
20 for the reclamation of lands.

21 (5) RESERVED WORKS.—The term “reserved
22 works” means any building, structure, facility, or
23 equipment—

1 (A) that is owned by the Bureau; and

2 (B) for which operations and maintenance
3 are performed, regardless of the source of fund-
4 ing—

5 (i) by an employee of the Bureau; or

6 (ii) through a contract entered into by
7 the Commissioner.

8 (6) RESPONSIBLE PARTY.—The term “respon-
9 sible party” means—

10 (A) with respect to a reserved works—

11 (i) a non-Federal water user or power
12 contractor that has an active repayment,
13 water service, or power service contract
14 with the Bureau;

15 (ii) a power contractor that has an ac-
16 tive contract with a Federal power mar-
17 keting administration for energy, capacity,
18 or both from a hydropower facility owned
19 by the Bureau; or

20 (iii) a non-Federal operating entity,
21 such as a joint powers authority or Board
22 of Control, that has assumed responsibility
23 on behalf of multiple water users, through
24 a contract with the Bureau, for the oper-

1 ation and maintenance of the reserved
2 works; and

3 (B) with respect to a transferred works,
4 the operating entity of the transferred works.

5 (7) SECRETARY.—The term “Secretary” means
6 the Secretary of the Interior.

7 (8) TRANSFERRED WORKS.—The term “trans-
8 ferred works” means a Reclamation facility at which
9 operations and maintenance of the facility is carried
10 out by a non-Federal entity under the provisions of
11 a formal operations and maintenance transfer con-
12 tract or other legal agreement with the Bureau.

13 **TITLE I—WATER SUPPLY**
14 **INFRASTRUCTURE**
15 **Subtitle A—Water Supply**
16 **Permitting Coordination**

17 **SEC. 101. DEFINITIONS.**

18 In this subtitle:

19 (1) COOPERATING AGENCY.—The term “cooper-
20 ating agency” has the meaning given the term in
21 section 1508.5 of title 40, Code of Federal Regula-
22 tions (or successor regulations).

23 (2) PARTICIPATING AGENCY.—The term “par-
24 ticipating agency” means—

1 (A) a Federal agency with jurisdiction over
2 a review, analysis, opinion, statement, permit,
3 license, or other approval or decision required
4 for a qualifying project under applicable Fed-
5 eral law; or

6 (B) a State agency or an Indian Tribe sub-
7 ject to section 102(c).

8 (3) PROJECT SPONSOR.—The term “project
9 sponsor” means an entity (including any private,
10 public, or public-private entity) seeking an author-
11 ization for a qualifying project.

12 (4) QUALIFYING PROJECT.—

13 (A) IN GENERAL.—Except as provided in
14 subparagraph (B), the term “qualifying
15 project” means a new surface water storage
16 project in the United States covered under the
17 Act of June 17, 1902 (32 Stat. 388, chapter
18 1093), and Acts supplemental to and amend-
19 atory of that Act (43 U.S.C. 371 et seq.) con-
20 structed on land administered by the Depart-
21 ment of the Interior or the Department of Agri-
22 culture, exclusive of any easement, right-of-way,
23 lease, or private holding that does not otherwise
24 qualify or is not otherwise selected as a covered
25 project under—

1 (i) title XLI of the Fixing America’s
2 Surface Transportation Act (42 U.S.C.
3 4370m–1 et seq.); or

4 (ii) section 2045 of the Water Re-
5 sources Development Act of 2007 (33
6 U.S.C. 2348).

7 (B) EXCLUSION.—The term “qualifying
8 project” does not include a project described in
9 subparagraph (A) for which the project sponsor
10 elects not to submit a substantially complete
11 proposal under this subtitle.

12 (5) SUBSTANTIALLY COMPLETE PROPOSAL.—

13 (A) IN GENERAL.—The term “substan-
14 tially complete proposal” means a proposal sub-
15 mitted by or on behalf of a project sponsor that
16 includes information describing a proposed
17 qualifying project and all components of the
18 qualifying project in sufficient detail to under-
19 stand jurisdictional boundaries to determine in-
20 volvement of participating agencies and re-
21 sources that may be affected by the qualifying
22 project.

23 (B) INCLUSIONS.—A substantially com-
24 plete proposal shall include, at a minimum, the
25 following:

1 (i) A statement of the purposes and
2 objectives of the proposed qualifying
3 project.

4 (ii) A concise description, including
5 the location, of the proposed qualifying
6 project.

7 (iii) A summary of geospatial informa-
8 tion, if available, illustrating the qualifying
9 project area.

10 (iv) Geospatial information with loca-
11 tions, if any, of environmental, cultural,
12 and historical resources (such as habitat
13 types, species present or known to occur in
14 the area, surface water, groundwater, wet-
15 land, and land ownership).

16 (v) A statement regarding the tech-
17 nical and financial ability of the project
18 sponsor.

19 (vi) A statement of any Federal,
20 State, and local agency and Tribal financ-
21 ing, environmental reviews, permits, and
22 authorizations anticipated to be required to
23 complete the proposed qualifying project.

24 (6) UNIFIED ENVIRONMENTAL RECORD.—The
25 term “unified environmental record” means a com-

1 pilation of environmental compliance documents
2 (such as those required under applicable Federal
3 law, including the National Environmental Policy
4 Act of 1969 (42 U.S.C. 4321 et seq.), the Endan-
5 gered Species Act of 1973 (16 U.S.C. 1531 et seq.),
6 the Federal Water Pollution Control Act (33 U.S.C.
7 1251 et seq.), and division A of subtitle III of title
8 54, United States Code) on which all agencies with
9 authority to issue approvals for a particular quali-
10 fying project shall base approval decisions.

11 **SEC. 102. ESTABLISHMENT OF LEAD COORDINATING AGEN-**
12 **CY AND PARTICIPATING AGENCIES.**

13 (a) **ESTABLISHMENT OF LEAD AGENCY.**—The Bu-
14 reau is established as the lead coordinating agency for
15 purposes of coordinating all reviews, analyses, opinions,
16 statements, permits, licenses, or other approvals or deci-
17 sions required under Federal law to construct qualifying
18 projects.

19 (b) **IDENTIFICATION AND ESTABLISHMENT OF PAR-**
20 **TICIPATING AGENCIES.**—The Commissioner, on receipt of
21 a substantially complete proposal, shall—

22 (1) identify, as early as practicable, any Federal
23 agency that may have jurisdiction over a review,
24 analysis, opinion, statement, permit, license, ap-

1 proval, or decision required for a qualifying project
2 under applicable Federal law; and

3 (2) notify any Federal agency identified under
4 paragraph (1), within a reasonable timeframe, that
5 the agency has been designated as a participating
6 agency with regard to the qualifying project unless
7 that agency responds to the Commissioner in writ-
8 ing, within a timeframe established by the Commis-
9 sioner, notifying the Commissioner that the agen-
10 cy—

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

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

18 (C) does not intend to submit comments
19 on the qualifying project or conduct any review
20 of the qualifying project or make any decision
21 with respect to the project in a manner other
22 than in cooperation with the Commissioner.

23 (c) STATE OR TRIBAL AUTHORITY.—A State or an
24 Indian Tribe (in the case of Tribal land) on which a quali-

1 fying project is being considered may choose, consistent
2 with State or Tribal law—

3 (1) to participate as a participating agency; and

4 (2) to make subject to this Act all State or
5 Tribal agencies that—

6 (A) have jurisdiction over the qualifying
7 project;

8 (B) are required to conduct or issue a re-
9 view, analysis, or opinion for the qualifying
10 project; or

11 (C) are required to make a determination
12 on issuing a permit, license, or approval for the
13 qualifying project.

14 (d) COOPERATING AGENCIES.—The Commissioner,
15 as the head of the lead coordinating agency, shall identify
16 cooperating agencies pursuant to the National Environ-
17 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

18 **SEC. 103. BUREAU RESPONSIBILITIES.**

19 (a) IN GENERAL.—The principal responsibilities of
20 the Commissioner under this subtitle are—

21 (1) to serve as the point of contact for any
22 project sponsors, State agencies, Indian Tribes, and
23 other entities regarding proposed qualifying projects;

24 (2) to coordinate preparation of a unified envi-
25 ronmental record that will serve as the basis for all

1 Federal decisions necessary to authorize the use of
2 Federal land for qualifying projects; and

3 (3) to coordinate all Federal agency reviews
4 necessary for qualifying project development and
5 construction of qualifying projects.

6 (b) COORDINATION PROCESS.—The Commissioner
7 shall have the following coordination responsibilities:

8 (1) EARLY COORDINATION.—Lead early coordi-
9 nation, prior to the application of the National Envi-
10 ronmental Policy Act of 1969 (42 U.S.C. 4321 et
11 seq.), as follows:

12 (A) On request from a project sponsor, ad-
13 vise the project sponsor in developing a sub-
14 stantially complete proposal for the qualifying
15 project, including explaining applicable proc-
16 esses, data requirements, and applicant submis-
17 sions necessary to complete the required Fed-
18 eral agency reviews within the timeframe estab-
19 lished.

20 (B) Review a final proposal submitted by
21 a project sponsor and, not later than 30 days
22 after receipt of the final proposal, make a de-
23 termination whether—

24 (i) the final proposal is a substantially
25 complete proposal; and

1 (ii) the final proposal describes a
2 qualifying project.

3 (C) Establish a preliminary schedule for
4 the qualifying project.

5 (2) COORDINATE WITH PARTICIPATING AND CO-
6 OPERATING AGENCIES.—

7 (A) Coordinate notification of participating
8 agencies and invitation to cooperating agencies
9 with respect to each proposed qualifying project
10 by not later than 30 days after the date on
11 which the Commissioner makes a positive deter-
12 mination under clauses (i) and (ii) of paragraph
13 (1)(B).

14 (B)(i) Coordinate with the participating
15 agencies and cooperating agencies throughout
16 the Federal agency review process.

17 (ii) Identify and obtain relevant data in a
18 timely manner.

19 (iii) Verify and, if necessary, revise the
20 project schedule described in paragraph (3).

21 (iv) In consultation with the project spon-
22 sor, set necessary deadlines for participating
23 agencies and cooperating agencies.

24 (3) SCHEDULE.—

1 (A) IN GENERAL.—Work with the project
2 sponsor and participating agencies to establish
3 a project schedule.

4 (B) FACTORS.—In establishing the project
5 schedule under subparagraph (A), the Commis-
6 sioner shall consider, among other factors—

7 (i) the responsibilities of participating
8 agencies under applicable law;

9 (ii) the resources available to the co-
10 operating agencies and the project sponsor,
11 as applicable;

12 (iii) the overall size and complexity of
13 the qualifying project;

14 (iv) the overall schedule for and cost
15 of the qualifying project; and

16 (v) the sensitivity of the natural and
17 historic resources that may be affected by
18 the qualifying project.

19 (4) COORDINATED REVIEWS.—At the discretion
20 of the Commissioner, ensure that all reviews, anal-
21 yses, opinions, permits, licenses, and approvals re-
22 quired to be issued or made by a Federal, State, or
23 local government agency or Indian Tribe for the de-
24 velopment of a qualifying project shall be conducted,
25 to the maximum extent practicable, concurrently and

1 completed within a time period established by the
2 Secretary in cooperation with the participating agen-
3 cies.

4 (5) ENVIRONMENTAL COMPLIANCE.—

5 (A) IN GENERAL.—Coordinate a unified
6 environmental record for each substantially
7 complete proposal, incorporating a single envi-
8 ronmental record on which all participating
9 agencies with authority to issue approvals for a
10 particular qualifying project shall base project
11 approval decisions.

12 (B) TIMELINES.—Help ensure that partici-
13 pating agencies make necessary decisions de-
14 scribed in subparagraph (A), within the respec-
15 tive authorities of the participating agencies, re-
16 garding Federal approvals in accordance with
17 the following timelines:

18 (i) Not later than 1 year after accept-
19 ance of a substantially complete proposal,
20 when an environmental assessment and
21 finding of no significant impact is deter-
22 mined to be the appropriate level of review
23 under the National Environmental Policy
24 Act of 1969 (42 U.S.C. 4321 et seq.).

1 (ii) Not later than 1 year and 30 days
2 after the close of the public comment pe-
3 riod for a draft environmental impact
4 statement under the National Environ-
5 mental Policy Act of 1969 (42 U.S.C.
6 4321 et seq.), when an environmental im-
7 pact statement is required under that Act.

8 (6) CONSOLIDATED ADMINISTRATIVE
9 RECORD.—Maintain a consolidated administrative
10 record of the information assembled and used by the
11 participating agencies as the basis for agency deci-
12 sions.

13 (7) PROJECT DATA RECORDS.—

14 (A) SUBMISSION; MAINTENANCE.—To the
15 maximum extent practicable and consistent with
16 Federal law, ensure that all qualifying project
17 data is submitted and maintained in a generally
18 accessible electronic format.

19 (B) COMPILATION; AVAILABILITY.—Com-
20 pile, and where authorized under existing law,
21 make available that project data to partici-
22 pating agencies, the project sponsors, and the
23 public.

24 (8) PROJECT MANAGER.—

1 (A) IN GENERAL.—Appoint a project man-
2 ager for each qualifying project.

3 (B) AUTHORITY; RESPONSIBILITIES.—The
4 project manager shall—

5 (i) have authority to oversee the quali-
6 fying project and to facilitate the issuance
7 of the relevant final authorizing documents
8 by responsible officials; and

9 (ii) be responsible for facilitating ful-
10 fillment of all Commissioner responsibil-
11 ities under this section and coordinating all
12 participating agency responsibilities under
13 section 104.

14 **SEC. 104. PARTICIPATING AGENCY RESPONSIBILITIES.**

15 (a) ADHERENCE TO BUREAU SCHEDULE.—

16 (1) TIMEFRAMES.—On notification from the
17 Commissioner that the Commissioner has received a
18 substantially complete proposal relating to a quali-
19 fying project, the head of each participating agency
20 shall submit to the Commissioner a timeframe under
21 which the participating agency reasonably will be
22 able to complete the authorizing responsibilities of
23 the participating agency relating to the qualifying
24 project.

25 (2) SCHEDULE.—

1 (A) USE OF TIMEFRAMES.—The Commis-
2 sioner shall use the timeframes submitted under
3 this subsection to establish the project schedule
4 under section 103(b)(3).

5 (B) ADHERENCE.—Each participating
6 agency shall adhere to the project schedule es-
7 tablished by the Commissioner under section
8 103(b)(3).

9 (b) ENVIRONMENTAL RECORD.—The head of each
10 participating agency shall submit to the Commissioner all
11 environmental review material produced or compiled in the
12 course of carrying out activities required under Federal
13 law, consistent with the project schedule established by the
14 Commissioner under section 103(b)(3).

15 (c) DATA SUBMISSION.—To the maximum extent
16 practicable and consistent with Federal law, the head of
17 each participating agency shall submit all relevant project
18 data to the Commissioner in a generally accessible elec-
19 tronic format, subject to the project schedule established
20 by the Commissioner under section 103(b)(3).

21 **SEC. 105. FUNDING TO PROCESS PERMITS.**

22 (a) IN GENERAL.—The Secretary, after public notice
23 in accordance with subchapter II of chapter 5, and chapter
24 7, of title 5, United States Code (commonly known as the
25 “Administrative Procedure Act”), may accept and expend

1 funds for the development of a qualifying project under
2 this subtitle, including the transfer to a participating
3 agency for the purposes of this subtitle of funds contrib-
4 uted by a non-Federal public entity to expedite the evalua-
5 tion of a permit of that entity relating to a qualifying
6 project.

7 (b) EFFECT ON PERMITTING.—

8 (1) IN GENERAL.—In carrying out this section,
9 the Secretary shall ensure that the use of funds ac-
10 cepted under subsection (a) shall not procedurally
11 impact impartial decisionmaking with respect to per-
12 mits.

13 (2) EVALUATION OF PERMITS.—In carrying out
14 this section, the Secretary shall ensure that the eval-
15 uation of permits carried out using funds accepted
16 under this section shall—

17 (A) be reviewed by the Regional Director
18 of the Bureau of the region in which the quali-
19 fying project is located (or a designee); and

20 (B) use the same procedures for decisions
21 that would otherwise be required for the evalua-
22 tion of permits for similar projects or activities
23 not carried out using funds authorized under
24 this section.

1 (3) IMPARTIAL DECISIONMAKING.—In carrying
2 out this section, the Secretary and the head of each
3 participating agency receiving funds under this sec-
4 tion for a qualifying project shall ensure that the use
5 of the funds accepted under this section for the
6 qualifying project shall not—

7 (A) substantively or procedurally impact
8 impartial decisionmaking with respect to the
9 issuance of permits; or

10 (B) diminish, modify, or otherwise affect
11 the statutory or regulatory authorities of the
12 participating agency.

13 (c) LIMITATION ON USE OF FUNDS.—None of the
14 funds accepted under this section shall be used to carry
15 out a review of the evaluation of permits required under
16 subsection (b)(2)(A) after the Regional Director of the
17 Bureau completes the evaluation of permits.

18 (d) PUBLIC AVAILABILITY.—The Secretary shall en-
19 sure that all final permit decisions carried out using funds
20 accepted under this section are made available to the pub-
21 lic, including on the internet.

1 **Subtitle B—Modifications of**
2 **Existing Programs**

3 **SEC. 111. WATERSMART.**

4 (a) DEFINITION OF ELIGIBLE APPLICANT.—Section
5 9502 of the Omnibus Public Land Management Act of
6 2009 (42 U.S.C. 10362) is amended—

7 (1) in the matter preceding paragraph (1), by
8 striking “section” and inserting “subtitle”; and

9 (2) in paragraph (7), by inserting “State, re-
10 gional, or local authority the members of which in-
11 clude 1 or more organizations with water or power
12 delivery authority,” after “water district,”.

13 (b) WATER MANAGEMENT IMPROVEMENT.—Section
14 9504(a) of the Omnibus Public Land Management Act of
15 2009 (42 U.S.C. 10364(a)) is amended—

16 (1) in paragraph (2)(A)—

17 (A) by striking “within the States” and in-
18 serting the following: “within—

19 “(i) the States”;

20 (B) in clause (i) (as so designated), by
21 striking “and” at the end and inserting “or”;
22 and

23 (C) by adding at the end the following:

24 “(ii) the State of Alaska; and”.

25 (2) in paragraph (3)(B)—

1 (A) by redesignating clauses (i) and (ii) as
2 subclauses (I) and (II), respectively, and in-
3 denting appropriately;

4 (B) in the matter preceding subclause (I)
5 (as so redesignated), by striking “In carrying”
6 and inserting the following:

7 “(i) IN GENERAL.—Except as pro-
8 vided in clause (ii), in carrying”; and

9 (C) by adding at the end the following:

10 “(ii) INDIAN TRIBES.—In the case of
11 an eligible applicant that is an Indian
12 tribe, in carrying out paragraph (1), the
13 Secretary shall not provide a grant, or
14 enter into an agreement, for an improve-
15 ment to conserve irrigation water unless
16 the Indian tribe agrees not—

17 “(I) to use any associated water
18 savings to increase the total irrigated
19 acreage more than the water right of
20 that Indian tribe, as determined by—

21 “(aa) a court decree;

22 “(bb) a settlement;

23 “(cc) a law; or

1 “(F) may be sponsored by a State or a
2 conservation district.”.

3 **Subtitle C—Bureau of Reclamation**
4 **Transparency**

5 **SEC. 121. DEFINITIONS.**

6 In this subtitle:

7 (1) ASSET.—

8 (A) IN GENERAL.—The term “asset”
9 means any of the following assets that are used
10 to achieve the mission of the Bureau to man-
11 age, develop, and protect water and related re-
12 sources in an environmentally and economically
13 sound manner in the interest of the people of
14 the United States:

15 (i) Capitalized facilities, buildings,
16 structures, project features, power produc-
17 tion equipment, recreation facilities, or
18 quarters.

19 (ii) Capitalized and noncapitalized
20 heavy equipment and other installed equip-
21 ment.

22 (B) INCLUSIONS.—The term “asset” in-
23 cludes assets described in subparagraph (A)
24 that are considered to be mission critical.

1 (2) ASSET MANAGEMENT REPORT.—The term
2 “Asset Management Report” means—

3 (A) the annual plan prepared by the Bu-
4 reau known as the “Asset Management Plan”;
5 and

6 (B) any publicly available information re-
7 lating to the plan described in subparagraph
8 (A) that summarizes the efforts of the Bureau
9 to evaluate and manage infrastructure assets of
10 the Bureau.

11 (3) MAJOR REPAIR AND REHABILITATION
12 NEED.—The term “major repair and rehabilitation
13 need” means major nonrecurring maintenance at a
14 Reclamation facility, including maintenance related
15 to the safety of dams, extraordinary maintenance of
16 dams, deferred major maintenance activities, and all
17 other significant repairs and extraordinary mainte-
18 nance.

19 **SEC. 122. ASSET MANAGEMENT REPORT ENHANCEMENTS**
20 **FOR RESERVED WORKS.**

21 (a) IN GENERAL.—Not later than 2 years after the
22 date of enactment of this Act, the Secretary shall submit
23 to Congress an Asset Management Report that—

24 (1) describes the efforts of the Bureau—

1 (A) to maintain in a reliable manner all re-
2 served works at Reclamation facilities; and

3 (B) to standardize and streamline data re-
4 porting and processes across regions and areas
5 for the purpose of maintaining reserved works
6 at Reclamation facilities; and

7 (2) expands on the information otherwise pro-
8 vided in an Asset Management Report, in accord-
9 ance with subsection (b).

10 (b) INFRASTRUCTURE MAINTENANCE NEEDS AS-
11 SESSMENT.—

12 (1) IN GENERAL.—The Asset Management Re-
13 port submitted under subsection (a) shall include—

14 (A) a detailed assessment of major repair
15 and rehabilitation needs for all reserved works
16 at all Reclamation projects; and

17 (B) to the maximum extent practicable, an
18 itemized list of major repair and rehabilitation
19 needs of individual Reclamation facilities at
20 each Reclamation project.

21 (2) INCLUSIONS.—To the maximum extent
22 practicable, the itemized list of major repair and re-
23 habilitation needs under paragraph (1)(B) shall in-
24 clude—

1 (A) a budget level cost estimate of the ap-
2 propriations needed to complete each item; and

3 (B) an assignment of a categorical rating
4 for each item, consistent with paragraph (3).

5 (3) RATING REQUIREMENTS.—

6 (A) IN GENERAL.—The system for assign-
7 ing ratings under paragraph (2)(B) shall be—

8 (i) consistent with existing uniform
9 categorization systems to inform the an-
10 nual budget process and agency require-
11 ments; and

12 (ii) subject to the guidance and in-
13 structions issued under subparagraph (B).

14 (B) GUIDANCE.—As soon as practicable
15 after the date of enactment of this Act, the Sec-
16 retary shall issue guidance that describes the
17 applicability of the rating system applicable
18 under paragraph (2)(B) to Reclamation facili-
19 ties.

20 (4) PUBLIC AVAILABILITY.—Except as provided
21 in paragraph (5), the Secretary shall make publicly
22 available, including on the internet, the Asset Man-
23 agement Report required under subsection (a).

24 (5) CONFIDENTIALITY.—The Secretary may ex-
25 clude from the public version of the Asset Manage-

1 ment Report made available under paragraph (4)
2 any information that the Secretary identifies as sen-
3 sitive or classified, but shall make available to the
4 Committee on Energy and Natural Resources of the
5 Senate and the Committee on Natural Resources of
6 the House of Representatives a version of the report
7 containing the sensitive or classified information.

8 (c) UPDATES.—Not later than 2 years after the date
9 on which the Asset Management Report is submitted
10 under subsection (a) and biennially thereafter, the Sec-
11 retary shall update the Asset Management Report, subject
12 to the requirements of section 123(b)(2).

13 (d) CONSULTATION.—To the extent that such con-
14 sultation would assist the Secretary in preparing the Asset
15 Management Report under subsection (a) and updates to
16 the Asset Management Report under subsection (c), the
17 Secretary shall consult with—

18 (1) the Secretary of the Army (acting through
19 the Chief of Engineers); and

20 (2) water and power contractors.

21 **SEC. 123. ASSET MANAGEMENT REPORT ENHANCEMENTS**

22 **FOR TRANSFERRED WORKS.**

23 (a) IN GENERAL.—The Secretary shall coordinate
24 with the non-Federal entities responsible for the operation
25 and maintenance of transferred works in developing re-

1 porting requirements for Asset Management Reports with
2 respect to major repair and rehabilitation needs for trans-
3 ferred works that are similar to the reporting require-
4 ments described in section 122(b).

5 (b) GUIDANCE.—

6 (1) IN GENERAL.—After considering input from
7 water and power contractors of the Bureau, the Sec-
8 retary shall develop and implement a rating system
9 for transferred works that incorporates, to the max-
10 imum extent practicable, the rating system for major
11 repair and rehabilitation needs for reserved works
12 developed under section 122(b)(3).

13 (2) UPDATES.—The ratings system developed
14 under paragraph (1) shall be included in the up-
15 dated Asset Management Reports under section
16 122(c).

17 **TITLE II—WATER MANAGEMENT**
18 **IMPROVEMENT**

19 **Subtitle A—Review of Flood**
20 **Control Rule Curves Pilot Project**

21 **SEC. 201. DEFINITIONS.**

22 In this subtitle:

23 (1) ELIGIBLE WORKS.—

1 (A) IN GENERAL.—The term “eligible
2 works” means a reserved works, or a trans-
3 ferred works for which—

4 (i) the flood control rule curve has not
5 been substantially adjusted during the 10-
6 year period ending on the date of enact-
7 ment of this Act; and

8 (ii) the Secretary receives a request in
9 accordance with section 203(a).

10 (B) EXCLUSIONS.—The term “eligible
11 works” does not include—

12 (i) any project authorized by the
13 Boulder Canyon Project Act (43 U.S.C.
14 617 et seq.);

15 (ii) any project authorized by the Act
16 of April 11, 1956 (commonly known as the
17 “Colorado River Storage Project Act”) (43
18 U.S.C. 620 et seq.) ; or

19 (iii) any project of the Pick-Sloan
20 Missouri River Basin Program (authorized
21 by section 9 of the Act of December 22,
22 1944 (commonly known as the “Flood
23 Control Act of 1944”) (58 Stat. 891, chap-
24 ter 665)).

1 (2) PILOT PROJECT.—The term “pilot project”
2 means the pilot project established under section
3 202.

4 **SEC. 202. ESTABLISHMENT OF PILOT PROJECT.**

5 The Secretary shall establish within the Bureau a
6 pilot project to adjust flood control rule curves in accord-
7 ance with section 204.

8 **SEC. 203. SELECTION OF ELIGIBLE WORKS.**

9 (a) REQUEST.—

10 (1) IN GENERAL.—In order for an eligible
11 works to be selected for inclusion in the pilot project,
12 a responsible party shall submit a written request to
13 the Secretary.

14 (2) NOTICE.—Not later than 30 days after the
15 date on which the Secretary receives a request under
16 paragraph (1), the Secretary shall notify—

17 (A) each responsible party of that request,
18 using lists maintained by the Bureau; and

19 (B) if applicable, the appropriate Federal
20 power marketing administration.

21 (b) SELECTION.—Each year, the Secretary shall—

22 (1) select 1 or more eligible works for inclusion
23 in the pilot project; and

24 (2) submit a list of those eligible works to—

25 (A) the Secretary of the Army;

1 (B) the Committee on Natural Resources
2 of the House of Representatives; and

3 (C) the Committee on Energy and Natural
4 Resources of the Senate.

5 (c) EXCLUSION.—The Secretary shall not select an
6 eligible works for inclusion in the pilot project under sub-
7 section (b)(1) if, not later than 60 days after the date on
8 which the notice is provided to each responsible party
9 under subsection (a)(2)(A), a majority of the responsible
10 parties submit to the Secretary an objection to the inclu-
11 sion of the eligible works in the pilot project.

12 **SEC. 204. ADJUSTMENT OF FLOOD CONTROL RULE.**

13 (a) IN GENERAL.—The flood control rule curve of an
14 eligible works shall be adjusted pursuant to section 7 of
15 the Act of December 22, 1944 (33 U.S.C. 709), if the
16 Secretary of the Army determines that the adjustment
17 would enhance the authorized purposes of the eligible
18 works.

19 (b) CONSIDERATIONS.—In the adjustment of a flood
20 control rule curve under subsection (a), the following fac-
21 tors shall be considered:

22 (1) Forecast-informed reservoir operations.

23 (2) Improved hydrologic forecasting for—

24 (A) precipitation;

25 (B) snowpack;

1 (C) runoff; and

2 (D) soil moisture conditions.

3 (3) Any new watershed data, including data
4 provided by a responsible party for the eligible
5 works.

6 (c) CONSULTATION.—In the adjustment of a flood
7 control rule curve under subsection (a), the following enti-
8 ties shall be consulted:

9 (1) Each responsible party for the eligible
10 works.

11 (2) In the case of an eligible works that pro-
12 duces power marketed by the Federal Government,
13 the Federal power marketing administration that
14 markets the power.

15 **SEC. 205. CONSULTATION.**

16 The Secretary shall consult with the Secretary of the
17 Army with respect to any action taken by the Secretary
18 of the Army—

19 (1) pursuant to section 7 of the Act of Decem-
20 ber 22, 1944 (33 U.S.C. 709); and

21 (2) that relates to the pilot project.

22 **SEC. 206. FUNDING.**

23 (a) IN GENERAL.—The Secretary may accept
24 amounts from responsible parties to fund all or a portion

1 of the cost of carrying out an adjustment under section
2 204.

3 (b) TRANSFER TO SECRETARY OF THE ARMY.—The
4 Secretary shall transfer to the Secretary of the Army any
5 amounts received under subsection (a) that are to be used
6 for an adjustment under section 204.

7 (c) NON-FEDERAL RESERVOIR OPERATIONS.—Sec-
8 tion 5 of the Act of June 22, 1936 (33 U.S.C. 701h),
9 is amended by inserting after “authorized purposes of the
10 project:” the following: “*Provided further*, That the Sec-
11 retary is authorized to receive and expend funds from an
12 owner of a non-Federal reservoir to formulate, review, or
13 revise operational documents for any non-Federal res-
14 ervoir for which the Secretary is authorized to prescribe
15 regulations for the use of storage allocated for flood risk
16 management or navigation pursuant to section 7 of the
17 Act of December 22, 1944 (33 U.S.C. 709):”.

18 **SEC. 207. EFFECT.**

19 Nothing in this subtitle—

20 (a) affects or modifies any existing authority to re-
21 view or modify—

22 (1) reservoir operations, including any existing
23 forecast-informed reservoir operations at a facility of
24 the Corps of Engineers, such as Coyote Dam; and

25 (2) flood control operations; or

1 (b) affects or modifies any authorized purpose of any
2 project carried out by the Secretary.

3 **SEC. 208. TERMINATION.**

4 The pilot project shall terminate on the date that is
5 15 years after the date of enactment of this Act.

6 **Subtitle B—Aquifer Recharge**
7 **Augmentation**

8 **SEC. 211. DEFINITIONS.**

9 In this subtitle:

10 (1) **ELIGIBLE LAND.**—The term “eligible land”,
11 with respect to a Reclamation project, means land
12 that—

13 (A) is authorized to receive water under
14 State law; and

15 (B) shares a groundwater source with land
16 located in the service area of the Reclamation
17 project.

18 (2) **IN-LIEU RECHARGE.**—The term “in-lieu re-
19 charge” means the use of surface water instead of
20 pumped groundwater if that use of surface water
21 will cause the direct reduction or elimination of
22 groundwater withdrawals.

23 (3) **NET WATER STORAGE BENEFIT.**—The term
24 “net water storage benefit” means an increase in the
25 volume of water that is—

1 (A) stored in 1 or more reservoirs or
2 aquifers; and

3 (B) available for use within the area served
4 by a Reclamation project.

5 **SEC. 212. RESCHEDULING OF WATER FOR AQUIFER RE-**
6 **CHARGE.**

7 (a) IDENTIFYING OPERATIONS.—On the request of a
8 responsible party of a Reclamation project, the Secretary
9 may identify operations—

10 (1) to allow for the rescheduling of water that
11 is allocated in a water service or repayment contract
12 with the Bureau with respect to the Reclamation
13 project—

14 (A) to increase the ability to regulate the
15 timing of releases that may increase the quan-
16 tity of water available for aquifer recharge; and

17 (B) that occurs not earlier than 90 days
18 before, and not later than 90 days after, the
19 dates required for the release of water under
20 the Reclamation project contract; and

21 (2) that—

22 (A) comply with State law; and

23 (B) the Secretary determines result in a
24 net water storage benefit.

25 (b) CARRYING OUT OPERATIONS.—

1 (1) IN GENERAL.—The Secretary may carry out
2 operations identified under subsection (a) in accord-
3 ance with this subsection.

4 (2) REQUEST.—

5 (A) IN GENERAL.—Before the Secretary
6 may carry out operations under paragraph (1),
7 the responsible party shall submit to the Sec-
8 retary a request for the operations.

9 (B) NOTICE.—Not later than 30 days
10 after the date on which the Secretary receives
11 a request under subparagraph (A), the Sec-
12 retary shall notify—

13 (i) each responsible party of that re-
14 quest, using lists maintained by the Bu-
15 reau; and

16 (ii) if applicable, the appropriate Fed-
17 eral power marketing administration.

18 **SEC. 213. FLEXIBILITY TO ALLOW GREATER AQUIFER RE-**
19 **CHARGE.**

20 (a) CONTRACTS FOR AQUIFER RECHARGE.—

21 (1) IN GENERAL.—The Secretary may enter
22 into a contract for the purpose of aquifer recharge
23 using water—

1 (A) released from any Reclamation facility
2 or body of water as a result of flood control op-
3 erations; and

4 (B) that is surplus to the needs of a Rec-
5 lamation project.

6 (2) REQUIREMENTS.—A contract under para-
7 graph (1) shall—

8 (A) give priority to recharge of a ground-
9 water basin that is fully or partially underlying
10 land authorized to be served by a Reclamation
11 project;

12 (B) be under such terms and conditions as
13 the Secretary determines are appropriate;

14 (C) provide that the intended use of water
15 is aquifer recharge;

16 (D) comply with State law; and

17 (E) not be implemented in a manner that
18 is detrimental to—

19 (i) an existing water contract or
20 power service contract under the Reclama-
21 tion project; or

22 (ii) rights of prior appropriators
23 under State law.

24 (b) AQUIFER RECHARGE ON ELIGIBLE LAND.—

1 (1) IN GENERAL.—Subject to paragraphs (3)
2 and (4), a holder of a water service or repayment
3 contract for a Reclamation project may—

4 (A) directly use water available under the
5 contract for aquifer recharge on eligible land; or

6 (B) enter into an agreement with an indi-
7 vidual or entity to transfer water available
8 under the contract for aquifer recharge on eligi-
9 ble land.

10 (2) AUTHORIZED PROJECT PURPOSE.—The use
11 of water for aquifer recharge under paragraph (1)
12 shall be considered an authorized purpose for the
13 Reclamation project under the reclamation laws.

14 (3) MODIFICATIONS TO CONTRACTS.—The Sec-
15 retary may modify an existing water contract de-
16 scribed in paragraph (1) if the Secretary determines
17 that the modification is—

18 (A) necessary to allow for the use of water
19 available under the contract for aquifer re-
20 charge under this subsection;

21 (B) in the best interest of the Reclamation
22 project and the United States; and

23 (C) approved by the association of water
24 users that is responsible for repaying the cost
25 of construction, operations, and maintenance of

1 the facility that delivers the water under the
2 contract.

3 (4) REQUIREMENTS.—The use or transfer of
4 water for aquifer recharge under this subsection
5 shall be subject to the requirements that—

6 (A) the use or transfer shall not be imple-
7 mented in a manner that is detrimental to any
8 water or power service for the Reclamation
9 project; and

10 (B) before the use or transfer, the Sec-
11 retary shall determine that the use or trans-
12 fer—

13 (i)(I) results in a net water storage
14 benefit for the Reclamation project; or

15 (II) contributes to the recharge of a
16 depleted aquifer on eligible land; and

17 (ii) complies with State law.

18 (5) RELATION TO CENTRAL VALLEY PROJECT
19 IMPROVEMENT ACT.—Section 3405 of the Central
20 Valley Project Improvement Act (Public Law 102–
21 575; 106 Stat. 4709) shall not apply to the use or
22 transfer of water for aquifer recharge under a con-
23 tract described in subsection (a) or this subsection.

24 (c) USE OF BUREAU FACILITIES.—

1 (1) IN GENERAL.—The Commissioner may
2 allow the use of excess capacity in Bureau convey-
3 ance facilities for carriage of non-Reclamation
4 project water for aquifer recharge, on the condition
5 that—

6 (A) the use—

7 (i) shall not be implemented in a man-
8 ner that is detrimental to any water or
9 power service for the Reclamation project;

10 (ii) shall be consistent with existing
11 water quality guidelines for the Reclama-
12 tion project; and

13 (iii) shall comply with State law; and

14 (B) the non-Federal party to an existing
15 contract for water or water capacity in a Rec-
16 lamation facility shall consent to the use of the
17 Reclamation facility under this subsection.

18 (2) EFFECT ON EXISTING CONTRACTS.—Noth-
19 ing in this subsection affects a contract—

20 (A) in effect on the date of enactment of
21 this Act; and

22 (B) under which the use of excess capacity
23 in a Bureau conveyance facility for carriage of
24 non-Reclamation project water for aquifer re-
25 charge is allowed.

1 (d) ADMINISTRATION.—

2 (1) DEPOSIT OF FUNDS.—Amounts derived
3 under this section by the Secretary shall be—

4 (A) deposited in the reclamation fund es-
5 tablished by the first section of the Act of June
6 17, 1902 (32 Stat. 388, chapter 1093); and

7 (B) credited to the Reclamation project
8 from which the water is supplied.

9 (2) IN LIEU RECHARGE.—To the extent con-
10 sistent with State law, in-lieu recharge may be car-
11 ried out under this section.

12 (3) RECLAMATION LAW.—This section supple-
13 ments and amends the Act of June 17, 1902 (32
14 Stat. 388, chapter 1093), and Acts supplemental to
15 and amendatory of that Act (43 U.S.C. 371 et seq.).

16 **SEC. 214. USE OF PUBLIC LAND FOR AQUIFER RECHARGE.**

17 (a) SENSE OF CONGRESS.—It is the sense of Con-
18 gress that—

19 (1) the Secretary should give priority to the use
20 of Bureau of Land Management land for aquifer re-
21 charge, to the extent that the use is consistent with
22 the management of the multiple resource values of
23 the land; and

1 (2)(A) areas of critical environmental concern
2 may be compatible with, and in some cases benefit
3 from, aquifer recharge activities; and

4 (B) the designation of an area of critical envi-
5 ronmental concern should not disqualify that area
6 from consideration for aquifer recharge if the land
7 being protected by the designation could benefit in
8 value from the application of a water supply.

9 (b) CONVEYANCE OF WATER.—The conveyance of
10 water through a project facility that crosses Bureau of
11 Land Management land for the purpose of aquifer re-
12 charge shall not require a new or additional permit or au-
13 thorization if—

14 (1) the existing project facility has a valid right
15 of way, easement, or other agreement that allows
16 conveyance of water for a purpose other than aquifer
17 recharge;

18 (2) that conveyance of water does not result in
19 a substantial change to the operation of the project
20 facility; and

21 (3) the entity operating the project facility con-
22 sents to that conveyance of water.

1 **TITLE III—WATER SUPPLY**
2 **CERTAINTY**
3 **Subtitle A—Water Rights**
4 **Protection**

5 **SEC. 301. DEFINITIONS.**

6 In this subtitle:

7 (1) **SECRETARY.**—The term “Secretary”
8 means, as applicable—

9 (A) the Secretary of Agriculture; or

10 (B) the Secretary of the Interior.

11 (2) **WATER RIGHT.**—The term “water right”
12 means any surface water, groundwater, or water
13 storage right filed, permitted, certificated, con-
14 firmed, decreed, adjudicated, or otherwise recognized
15 by a judicial proceeding or by the State, in which
16 the user acquires the right to put the water to bene-
17 ficial use, including water rights for federally recog-
18 nized Indian Tribes.

19 **SEC. 302. TREATMENT OF WATER RIGHTS.**

20 The Secretary shall not—

21 (1) condition the issuance, renewal, amendment,
22 or extension of any permit, approval, license, lease,
23 allotment, easement, right-of-way, or other land use
24 or occupancy agreement on the transfer of any water
25 right (including joint and sole ownership) directly to

1 the United States, or on any impairment of title, in
2 whole or in part, granted or otherwise recognized
3 under State law, by Federal or State adjudication,
4 decree, or other judgment, or pursuant to any inter-
5 state water compact;

6 (2) require any water user (including any feder-
7 ally recognized Indian Tribe) to apply for or acquire
8 a water right in the name of the United States
9 under State law as a condition of the issuance, re-
10 newal, amendment, or extension of any permit, ap-
11 proval, license, lease, allotment, easement, right-of-
12 way, or other land use or occupancy agreement; or

13 (3) condition or withhold the issuance, renewal,
14 amendment, or extension of any permit, approval, li-
15 cense, lease, allotment, easement, right-of-way, or
16 other land use or occupancy agreement, in whole or
17 in part, on—

18 (A) limiting the date, time, quantity, loca-
19 tion of diversion or pumping, or place of use of
20 a State water right beyond any applicable limi-
21 tations under State water law; or

22 (B) the modification of the terms and con-
23 ditions of groundwater withdrawal, guidance
24 and reporting procedures, or conservation and

1 source protection measures established by a
2 State.

3 **SEC. 303. POLICY DEVELOPMENT.**

4 In developing any rule, policy, directive, management
5 plan, or similar Federal action relating to the issuance,
6 renewal, amendment, or extension of any permit, approval,
7 license, lease, allotment, easement, right-of-way, or other
8 land use or occupancy agreement, the Secretary—

9 (1) shall—

10 (A) recognize the longstanding authority of
11 the States relating to evaluating, protecting, al-
12 locating, regulating, permitting, and adjudi-
13 cating water use; and

14 (B) coordinate with the States to ensure
15 that any rule, policy, directive, management
16 plan, or similar Federal action is consistent
17 with, and imposes no greater restriction or reg-
18 ulatory requirement, than applicable State
19 water law; and

20 (2) shall not—

21 (A) adversely affect—

22 (i) the authority of a State in—

23 (I) permitting the beneficial use
24 of water; or

25 (II) adjudicating water rights;

1 (ii) any definition established by a
2 State with respect to the term “beneficial
3 use”, “priority of water rights”, or “terms
4 of use”; or

5 (iii) any other right or obligation of a
6 State established under State law; or

7 (B) assert any connection between surface
8 and groundwater that is inconsistent with such
9 a connection recognized by State water laws.

10 **SEC. 304. EFFECT.**

11 (a) **EXISTING AUTHORITY.**—Except as provided in
12 section 302, nothing in this subtitle limits or expands any
13 existing legally recognized authority of the Secretary to
14 issue, grant, or condition any permit, approval, license,
15 lease, allotment, easement, right-of-way, or other land use
16 or occupancy agreement on Federal land that is subject
17 to the jurisdiction of the Secretary.

18 (b) **RECLAMATION CONTRACTS.**—Nothing in this
19 subtitle interferes with any existing or future Bureau con-
20 tract entered into pursuant to Federal reclamation law
21 (the Act of June 17, 1902 (32 Stat. 388, chapter 1093),
22 and Acts supplemental to and amendatory of that Act).

23 (c) **ENDANGERED SPECIES ACT.**—Nothing in this
24 subtitle affects the implementation of the Endangered
25 Species Act of 1973 (16 U.S.C. 1531 et seq.).

1 (d) FEDERAL RESERVED WATER RIGHTS.—Nothing
2 in this subtitle limits or expands any existing reserved
3 water rights of the Federal Government on land adminis-
4 tered by the Secretary.

5 (e) FEDERAL POWER ACT.—Nothing in this subtitle
6 limits or expands authorities pursuant to sections 4(e),
7 10(j), or 18 of the Federal Power Act (16 U.S.C. 797(e),
8 803(j), 811).

9 (f) INDIAN WATER RIGHTS.—Nothing in this subtitle
10 limits or expands any existing reserved water right or trea-
11 ty right of any federally recognized Indian Tribe.

12 (g) FEDERALLY HELD STATE WATER RIGHTS.—
13 Nothing in this subtitle limits the ability of the Secretary,
14 through applicable State procedures, to acquire, use, en-
15 force, or protect a State water right owned by the United
16 States.

17 **Subtitle B—Permits for Water**
18 **Transfers**

19 **SEC. 311. PERMITS FOR WATER TRANSFERS.**

20 Section 122.3(i) of title 40, Code of Federal Regula-
21 tions, is enacted into law.

1 **Subtitle C—Endangered Fish**
2 **Recovery Programs**

3 **SEC. 321. EXTENSION OF AUTHORIZATION TO USE UPPER**
4 **COLORADO RIVER BASIN FUND REVENUES**
5 **FOR ANNUAL BASE FUNDING OF FISH RECOV-**
6 **ERY PROGRAMS; REMOVAL OF CERTAIN RE-**
7 **PORTING REQUIREMENT.**

8 Section 3(d)(2) of Public Law 106–392 (114 Stat.
9 1604; 126 Stat. 2444) is amended—

10 (1) in the fourth sentence—

11 (A) by striking “2019” and inserting
12 “2023”; and

13 (B) by striking “; except that” and all that
14 follows through “capital projects and moni-
15 toring”; and

16 (2) by striking the fifth, sixth, and seventh sen-
17 tences.

18 **SEC. 322. REPORT ON RECOVERY IMPLEMENTATION PRO-**
19 **GRAMS.**

20 Section 3 of Public Law 106–392 (114 Stat. 1603;
21 126 Stat. 2444) is amended by adding at the end the fol-
22 lowing:

23 “(j) REPORT.—

1 the period beginning on October 1, 2021,
2 and ending on September 30, 2023; and

3 “(ii) for purposes of the expenditures iden-
4 tified under clause (i), includes a description
5 of—

6 “(I) any expenditures of appropriated
7 funds;

8 “(II) any power revenues;

9 “(III) any contributions by the States,
10 power customers, Tribes, water users, and
11 environmental organizations; and

12 “(IV) any other sources of funds for
13 the Recovery Implementation Programs;
14 and

15 “(D) describes—

16 “(i) any activities to be carried out
17 under the Recovery Implementation Pro-
18 gram after September 30, 2023; and

19 “(ii) the projected cost of the activi-
20 ties described under clause (i).

21 “(2) CONSULTATION REQUIRED.—The Sec-
22 retary shall consult with the participants in the Re-
23 covery Implementation Programs in preparing the
24 report under paragraph (1).”.