

118TH CONGRESS
2D SESSION

S. _____

To provide for the establishment of a Water Project Navigators Program,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

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

A BILL

To provide for the establishment of a Water Project
Navigators Program, 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 “Water Project Naviga-
5 tors Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **DISADVANTAGED COMMUNITY.**—Except as
9 otherwise defined by the Secretary based on current
10 methodologies, the term “disadvantaged community”

1 means a community (including a city, town, county,
2 or reasonably isolated and divisible segment of a
3 larger municipality) with an annual median income
4 that is less than the statewide annual median in-
5 come for the State in which the community is lo-
6 cated, according to the most recent decennial census.

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

9 (A) a State, Indian Tribe, acequia, land
10 grant-merced, local government, water supplier,
11 or municipal water district located in an eligible
12 State;

13 (B) any State, regional, or local authority
14 located in an eligible State, the members of
15 which include 1 or more organizations with
16 water or power delivery authority;

17 (C) a nonprofit conservation organization
18 located in an eligible State;

19 (D) an agency located in an eligible State
20 that is established under State or Tribal law for
21 the joint exercise of powers; or

22 (E) a combination of entities described in
23 subparagraphs (A) through (D).

24 (3) ELIGIBLE STATE.—The term “eligible
25 State” means—

1 (A) a State or territory described in the
2 first section of the Act of June 17, 1902 (43
3 U.S.C. 391; 32 Stat. 388, chapter 1093);

4 (B) the State of Alaska;

5 (C) the State of Hawaii; and

6 (D) the Commonwealth of Puerto Rico.

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

11 (5) MULTI-BENEFIT WATER PROJECT.—The
12 term “multi-benefit water project” means any
13 project in an eligible State that—

14 (A) enhances the overall resilience of water
15 supplies to climate-related impacts, including
16 through activities—

17 (i) to increase water use efficiency;

18 (ii) to reduce consumptive use of
19 water;

20 (iii) to promote system conservation;

21 (iv) to reduce water supply-demand
22 imbalances;

23 (v) to promote water recycling and
24 other advanced water treatments to aug-
25 ment water supplies;

1 (vi) to improve management or deliv-
2 ery of water resources; or

3 (vii) to encourage sustainable surface
4 water or groundwater management; and

5 (B) provides benefits to communities and
6 ecosystems, including through activities—

7 (i) to conserve or enhance fish and
8 wildlife habitat;

9 (ii) to improve water quality;

10 (iii) to improve watershed health and
11 function;

12 (iv) to enhance recreational opportuni-
13 ties;

14 (v) to promote rural economic develop-
15 ment; or

16 (vi) to address risks to communities
17 and infrastructure from climate change.

18 (6) NATURAL FEATURE.—The term “natural
19 feature” means a feature that is created through the
20 action of physical, geological, biological, and chem-
21 ical processes over time.

22 (7) NATURE-BASED FEATURE.—The term “na-
23 ture-based feature” means a feature that is created
24 by human design, engineering, and construction to
25 provide a means to reduce water supply and demand

1 imbalances or drought or flood risk by acting in con-
2 cert with natural processes.

3 (8) PROGRAM.—The term “Program” means
4 the Water Project Navigators Program established
5 under section 3(a).

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

8 **SEC. 3. WATER PROJECT NAVIGATORS PROGRAM.**

9 (a) ESTABLISHMENT.—Not later than 180 days after
10 the date of enactment of this Act, the Secretary shall es-
11 tablish a program to support the development and imple-
12 mentation of multi-benefit water projects within eligible
13 States, to be known as the “Water Project Navigators
14 Program”.

15 (b) AUTHORITY.—In carrying out the Program, the
16 Secretary may award grants or cooperative agreements to
17 eligible entities to support the creation or continuation of
18 multi-benefit water project navigator positions.

19 (c) CRITERIA AND GUIDELINES.—

20 (1) IN GENERAL.—The Secretary shall develop
21 criteria and guidelines for awarding grants and co-
22 operative agreements under the Program that con-
23 sider—

1 (A) the potential of the eligible entity to
2 accelerate development and implementation of
3 multi-benefit water projects within—

4 (i) the jurisdiction or service area of
5 the eligible entity; or

6 (ii) in the case of an eligible entity
7 that is a nongovernmental applicant, an
8 area in which the eligible entity has a dem-
9 onstrated history of productive engagement
10 with the community and stakeholders;

11 (B) any history of development of multi-
12 benefit water projects by the eligible entity; and

13 (C) any potential multi-benefit water
14 projects the eligible entity has not yet imple-
15 mented due to lack of capacity.

16 (2) PRIORITIZATION.—The criteria and guide-
17 lines developed under paragraph (1) shall include
18 prioritization criteria for awarding grants or cooper-
19 ative agreements, which shall include prioritizing ap-
20 plications from eligible entities—

21 (A) that would provide benefits for Indian
22 Tribes, disadvantaged communities, and other
23 eligible entities with limited project development
24 resources and capacity;

1 (B) that would provide support for local
2 job creation and retention;

3 (C) with a demonstrated intent and ability
4 to incorporate improvements to the condition of
5 a natural feature or nature-based feature in
6 multi-benefit water projects designed under the
7 Program;

8 (D) with demonstrated support from mul-
9 tiple stakeholders, including Indian Tribes, rep-
10 resentatives of irrigated agricultural production,
11 hydroelectric production, municipal and indus-
12 trial water users, local governments, commu-
13 nity-based organizations, and nonprofit con-
14 servation organizations;

15 (E) that would provide benefits for areas
16 experiencing severe long-term drought; and

17 (F) with the capability to work in coordi-
18 nation with other projects that have been fund-
19 ed under, or help advance the objectives of,
20 other Department of Interior programs, includ-
21 ing a program authorized under—

22 (i) section 9504 of the Omnibus Pub-
23 lic Land Management Act of 2009 (42
24 U.S.C. 10364);

1 (ii) section 6002 of the Omnibus Pub-
2 lic Land Management Act of 2009 (16
3 U.S.C. 1015a);

4 (iii) section 1109 of the Consolidated
5 Appropriations Act, 2021 (33 U.S.C.
6 2330c);

7 (iv) title IX of division D of the Infra-
8 structure Investment and Jobs Act (43
9 U.S.C. 3201 et seq.); or

10 (v) section 50233 of Public Law 117–
11 169 (commonly known as the “Inflation
12 Reduction Act of 2022”) (136 Stat. 2053).

13 (3) PUBLIC COMMENT.—Before finalizing the
14 criteria and guidelines developed under paragraph
15 (1), the Secretary shall make the criteria and guide-
16 lines available for public comment.

17 (4) PROHIBITION.—The Secretary may not
18 award a grant or cooperative agreement under the
19 Program that would fund activities to meet existing
20 environmental mitigation or compliance obligations
21 under Federal or State law.

22 (d) DUTIES OF NAVIGATORS.—A multi-benefit water
23 project navigator funded under the Program shall assist
24 the eligible entity in planning, developing, and imple-
25 menting multi-benefit water projects, including—

1 (1) grant writing;

2 (2) project management;

3 (3) technical assistance, such as feasibility, de-
4 sign, preliminary environmental review, and engi-
5 neering; and

6 (4) any other necessary activities.

7 (e) DURATION OF GRANTS AND COOPERATIVE
8 AGREEMENTS.—

9 (1) LIMITATION.—Subject to paragraph (2), a
10 grant or cooperative agreement under the Program
11 shall be limited to a period of not more than 3
12 years.

13 (2) CONTINUATION AND EXTENSION.—At the
14 discretion of the Secretary, the Secretary may issue
15 a continuation grant or extend a cooperative agree-
16 ment awarded under the Program for not more than
17 2 additional years, with additional funding to be
18 awarded, as determined to be appropriate by the
19 Secretary, if the recipient of the grant or cooperative
20 agreement has demonstrated satisfactory perform-
21 ance with implementation of the proposal under the
22 initial grant or cooperative agreement, as determined
23 by the Secretary.

24 (f) CONTINUOUS ENROLLMENT.—The Secretary
25 shall—

1 (1) make funding opportunities for the Pro-
2 gram available on a regular basis; and

3 (2) allow applications for grants or cooperative
4 agreements under the Program to be submitted and
5 evaluated multiple times per year.

6 (g) COST SHARE.—

7 (1) IN GENERAL.—Except as provided in para-
8 graph (3), the Federal share of the cost of any activ-
9 ity awarded a grant or cooperative agreement under
10 the Program shall not exceed 75 percent of the cost
11 of the activity carried out under the grant or cooper-
12 ative agreement.

13 (2) FORM OF NON-FEDERAL COST SHARE.—The
14 non-Federal share of the cost of an activity awarded
15 a grant or cooperative agreement under the Program
16 may—

17 (A) be in the form of cash or in-kind con-
18 tributions; and

19 (B) include funds provided to the eligible
20 entity under the American Rescue Plan Act of
21 2021 (Public Law 117–2; 135 Stat. 4).

22 (3) REDUCTION; WAIVER.—With respect to a
23 grant or cooperative agreement awarded to an In-
24 dian Tribe, acequia, land grant-merced, disadvan-
25 tagged community, or any other eligible entity work-

1 ing in partnership with or on behalf of those entities,
2 the Secretary may reduce or waive the non-Federal
3 share of the cost of any activity that is the subject
4 of the grant or cooperative agreement if the reduc-
5 tion or waiver would further a compelling Federal
6 interest, as determined by the Secretary.

7 (h) COORDINATION.—In administering the Program,
8 the Secretary shall coordinate with other Federal, Tribal,
9 State, and local government technical assistance programs
10 to enhance multi-benefit water project development.

11 (i) COMPLIANCE.—A multi-benefit water project nav-
12 igator funded under the Program shall comply with all ap-
13 plicable Federal and State laws in carrying out the duties
14 of the multi-benefit water project navigator under the Pro-
15 gram.

16 (j) REPORT TO CONGRESS.—Not later than 5 years
17 after the date of enactment of this Act, the Secretary shall
18 submit to the Committee on Energy and Natural Re-
19 sources of the Senate and the Committee on Natural Re-
20 sources of the House of Representatives a report that de-
21 scribes—

22 (1) the ways in which the Program assists the
23 Secretary in—

24 (A) reducing basin-wide water supply-de-
25 mand imbalances; and

1 (B) enhancing drought and ecosystem re-
2 silience; and

3 (2) the benefits that the Program provides, in-
4 cluding, to the maximum extent practicable, a quan-
5 titative analysis of the multiple benefits advanced
6 under the Program.

7 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

8 There is authorized to be appropriated to carry out
9 this Act \$15,000,000 for each of fiscal years 2024 through
10 2029, to remain available until expended.